

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1983

FIFTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 20, 1983

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

Prayer was offered by Father Roman J. Schaefer, Church of St. Adalbert, St. Paul, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Hoberg was excused.

McKasy was excused until 12:15 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Clawson moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 533, 242, 796 and 1169 and S. F. Nos. 751 and 428 have been placed in the members' files.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

DenOuden introduced:

H. F. No. 1330, A bill for an act relating to drainage; reducing the bond required for appeal of benefits or damages in a drainage assessment proceeding; amending Minnesota Statutes 1982, section 106.631, subdivision 2.

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

Kelly, Eliooff, Solberg and Beard introduced:

H. F. No. 1331, A bill for an act relating to education; providing for hearings before an arbitrator in certain cases and for a school board to furnish a teacher with certain transcripts; eliminating certain hearings before a school board; requiring that probationary teachers be placed on unnegotiated, unrequested leave in the inverse order of their employment; amending Minnesota Statutes 1982, section 125.12, subdivisions 2, 3, 4, 6a, 6b, 8, 9, 10, and 11.

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

Eliooff, Battaglia, Solberg and Fjoslien introduced:

H. F. No. 1332, A bill for an act relating to game and fish; authorizing free fishing licenses for totally and permanently disabled public employees; amending Minnesota Statutes 1982, section 98.47, by adding a subdivision.

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

Kelly, Eken and Himle introduced:

H. F. No. 1333, A bill for an act relating to taxation; providing an income tax deduction or credit to corporations having increased export sales; providing that certain persons residing and working in a foreign country are not Minnesota residents for income tax purposes; amending Minnesota Statutes 1982, sections 290.01, subdivisions 7 and 22; 290.06, subdivision 1, as amended; 290.095, subdivision 2; and 290.32; proposing new law coded in Minnesota Statutes, chapter 290.

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

Jennings introduced:

H. F. No. 1334, A bill for an act proposing an amendment to the Minnesota Constitution, adding a section to article VIII; providing for the recall of elected officials.

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

Vellenga and Otis introduced:

H. F. No. 1335, A bill for an act relating to housing; authorizing the Minnesota housing finance agency to establish and maintain an assisted rental program for residential housing; appropriating money; amending Minnesota Statutes 1982, sections 462A.05, by adding a subdivision; 462A.21, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 462A.

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

Jacobs and O'Connor introduced:

H. F. No. 1336, A bill for an act relating to taxation; income; imposing the tax upon federal adjusted gross income for individuals and federal taxable income for estates and trusts, with modifications; amending Minnesota Statutes 1982, sections 290.01, subdivisions 19, 20a, as amended, 20b, as amended, and 22; 290.06, subdivisions 2c, 3f, and 11; 290.068, subdivision 1; 290.09, subdivisions 1, 2, 3, as amended, 4, 5, and 6; 290.091; 290.10; 290.18, subdivisions 1 and 2; 290.21, subdivisions 1 and 3; 290.23, subdivision 5; 290.31, subdivisions 2 and 3; 290.39,

subdivisions 1a and 2; 290.56, subdivision 2; 290.92, subdivisions 2a and 5; repealing Minnesota Statutes 1982, sections 290.01, subdivision 23; 290.06, subdivisions 2d, 2e, and 3g; 290.077; 290.09, subdivisions 10, 15, 22, and 27; 290.18, subdivisions 2 and 4; 290.21, subdivision 3a; and 290A.16.

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

Cohen introduced:

H. F. No. 1337, A bill for an act relating to cable communications; establishing the metropolitan channel 6 board; appropriating money; amending Minnesota Statutes 1982, sections 238.05, subdivision 2; and 473.121, by adding a subdivision.

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

Osthoff and Kostohryz introduced:

H. F. No. 1338, A bill for an act relating to elections; clarifying certain provisions relating to voting machines; amending Minnesota Statutes 1982, sections 123.32, subdivision 7; 204C.24, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 206; repealing Minnesota Statutes 1982, sections 206.01 to 206.23.

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

HOUSE ADVISORIES

The following House Advisories were introduced:

Dimler and Wenzel introduced:

H. A. No. 30, A proposal for a study to determine appropriate state agricultural program funding priorities for the eighties.

The advisory was referred to the Committee on Agriculture.

Dimler and Wenzel introduced:

H. A. No. 31, A proposal to study how to expand Minnesota's agricultural opportunities in the areas of agri-products processing and international marketing.

The advisory was referred to the Committee on Agriculture.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 657, A bill for an act relating to transportation; authorizing the commissioner to expend money for railroad acquisition by a regional railroad authority; modifying requirements for compliance with standards for zoning ordinances for municipal airports; modifying the regional railroad authority act to allow municipalities to form regional railroad authorities; allowing the expenditure of certain state funds for railroad improvement and acquisition; providing an aircraft base price for taxation purposes; amending Minnesota Statutes 1982, sections 222.50, subdivision 7; 360.063, subdivisions 3, 4, and 6; 360.065, subdivision 2; 360.066, subdivision 1; 360.067, subdivision 1; 360.531, subdivision 4; 398A.02; 398A.03; 398A.04, subdivisions 8 and 9; 398A.07, subdivision 2; and Laws 1980, chapter 610, section 1, as amended.

PATRICK E. FLAHAVEN, Secretary of the Senate

Anderson, G., moved that the House refuse to concur in the Senate amendments to H. F. No. 657, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 1308, A bill for an act relating to appropriations; reducing appropriations for the fiscal year ending June 30, 1983; appropriating money; amending Minnesota Statutes 1982, section 41.61, subdivision 1; 270.18; repealing Minnesota Statutes 1982, section 41.61, subdivisions 2 and 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Carlson, L., moved that the House concur in the Senate amendments to H. F. No. 1308 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1308, A bill for an act relating to appropriations; reducing appropriations for the fiscal year ending June 30, 1983; providing for delay and reduction of certain payments to prevent a deficit; appropriating money; amending Minnesota Statutes 1982, section 41.61, subdivision 1; 270.18; repealing Minnesota Statutes 1982, section 41.61, subdivisions 2 and 3.

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

The question was taken on the repassage of the bill and the roll was called. There were 99 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Larsen	Pauly	Shea
Anderson, G.	Findlay	Long	Peterson	Sherman
Anderson, R.	Forsythe	Ludeman	Piepho	Simoneau
Beard	Greenfield	Mann	Piper	Skoglund
Bennett	Gruenes	Marsh	Price	Stadum
Bergstrom	Gustafson	McDonald	Quinn	Staten
Berkelman	Halberg	McEachern	Redalen	Sviggum
Blatz	Haukoos	Metzen	Reif	Swanson
Brandl	Himle	Minne	Rice	Tunheim
Brinkman	Hoffman	Munger	Riveness	Valento
Carlson, D.	Jacobs	Murphy	Rodosovich	Vanasek
Carlson, L.	Jennings	Nelson, K.	Rodriguez, C.	Vellenga
Clark, J.	Jensen	Neuenschwander	Rodriguez, F.	Voss
Clawson	Johnson	Norton	Rose	Waltman
Cohen	Kahn	Ogren	St. Onge	Welch
Coleman	Kalis	Olsen	Sarna	Welle
Dimaler	Knickerbocker	Omann	Scheid	Wenzel
Eken	Knuth	Onnen	Schoenfeld	Wigley
Elioff	Kostohryz	Osthoft	Schreiber	Speaker Sieben
Ellingson	Krueger	Otis	Segal	

Those who voted in the negative were:

Burger	Fjoslien	Levi	Seaberg	Walker
DenOuden	Heinitz	Quist	Thiede	
Erickson	Hokr	Schafer		

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

Mr. Speaker:

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

H. F. No. 1106, A bill for an act relating to insurance; correcting certain errors; removing certain deficiencies and ambiguities; correcting certain omissions; expanding certain insurers' investment authority; providing standards for application or reporting requirements; authorizing the commissioner to adopt rules; providing for miscellaneous changes and clarifications; amending Minnesota Statutes 1922, sections 60A.11, subdivisions 9, 10, 14, 18, 20, 21, 23, and 24; 60A.111, subdivision 2, and by adding subdivisions; 61A.28, subdivisions 3, 6, and 12; 61A.29, subdivision 2; 61A.31, subdivision 3; repealing Minnesota Statutes 1922, section 60A.111, subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Brinkman moved that the House concur in the Senate amendments to H. F. No. 1106 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1106, A bill for an act relating to insurance; correcting certain errors; removing certain deficiencies and ambiguities; correcting certain omissions; expanding certain insurers' investment authority; providing standards for application or reporting requirements; authorizing the commissioner to adopt rules; providing for miscellaneous changes and clarifications; amending Minnesota Statutes 1922, sections 60A.11, subdivisions 9, 10, 14, 18, 20, 21, 23, and 24; 60A.111, subdivision 2, and by adding subdivisions; 61A.28, subdivisions 3, 6, and 12; 61A.29, subdivision 2; 61A.31, subdivision 3; 62A.32; repealing Minnesota Statutes 1922, section 60A.111, subdivision 4.

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

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

Those who voted in the affirmative were:

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

Reif	Sarna	Shea	Thiede	Voss
Rice	Schafer	Sherman	Tomlinson	Waltman
Riveness	Scheid	Simoneau	Tunheim	Welch
Rodosovich	Schoenfeld	Skoglund	Uphus	Welker
Rodriguez, C.	Schreiber	Solberg	Valan	Welle
Rodriguez, F.	Seaberg	Stadum	Valento	Wenzel
Rose	Segal	Staten	Vanasek	Wynia
St. Onge	Shaver	Sviggum	Vellenga	Speaker Sieben

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

Mr. Speaker:

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

S. F. No. 338, A bill for an act relating to motor vehicles; maintaining the maximum interest rate on certain loans under the Motor Vehicle Retail Installment Sales Act at the current rate; amending Minnesota Statutes 1982, section 168.72, subdivision 2.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Dahl, Petty and Isackson.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Osthoff moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 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. 338. The motion prevailed.

Mr. Speaker:

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

S. F. No. 628.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1097.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 628, A bill for an act relating to agriculture; providing for the prevention of economic waste in the marketing of certain agricultural crops produced in Minnesota by establishing minimum prices; providing for supply management and orderly marketing, administration, and enforcement; imposing a penalty; proposing new law coded in Minnesota Statutes, chapter 17.

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

S. F. No. 1097, A bill for an act relating to agriculture; making certain changes in the grain buyers act; changing the place of filing of farm product liens; imposing a penalty; amending Minnesota Statutes 1982, sections 223.16, subdivisions 1, 7, 8, 11, and by adding subdivisions; 223.17; 223.18; 223.19; and 336.9-401; Laws 1982, chapter 635, section 9; proposing new law coded in Minnesota Statutes, chapter 223.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Shea moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1097 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Shea moved that the rules of the House be so far suspended that S. F. No. 1097 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1097 was read for the second time.

Shea moved to amend S. F. No. 1097, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 223.16, is amended by adding a subdivision to read:

Subd. 2a. [CASH SALE.] "Cash sale" means a sale for which cash or a check has been received by the seller, and includes a sale for which a scale ticket, clearly marked "CASH" has been received by the seller prior to the completion of the grain shipment; provided that cash or a check is tendered for the ticket within ten days after the sale.

Sec. 2. Minnesota Statutes, section 223.16, subdivision 7, is amended to read:

Subd. 7. [(ITINERANT) *INDEPENDENT GRAIN BUYER.*] “(ITINERANT) *Independent grain buyer*” means a person (WHO TRAVELS FROM PLACE TO PLACE TO PURCHASE GRAIN FOR RESALE USING A TRUCK, SEMITRAILER OR TRAILER OWNED OR OPERATED BY THAT PERSON) *without a private or public grain warehouse license who is licensed to engage in the business of purchasing grain for resale.*

Sec. 3. Minnesota Statutes 1982, section 223.16, subdivision 11, is amended to read:

Subd. 11. [PRODUCER.] “Producer” means a person who (OWNS OR MANAGES A GRAIN PRODUCING OR GROWING OPERATION AND HOLDS OR SHARES THE RESPONSIBILITY FOR MARKETING THE GRAIN PRODUCED) *grows an agricultural commodity on land that he or she owns or leases.*

Sec. 4. Minnesota Statutes 1982, section 223.16, is amended by adding a subdivision to read:

Subd. 12a. [SCALE TICKET.] “Scale ticket” means a memorandum issued by a grain elevator or warehouse operator to a depositor at the time grain is delivered, showing the weight and kind of grain.

Sec. 5. Minnesota Statutes 1982, section 223.16, is amended by adding a subdivision to read:

Subd. 16. [VOLUNTARY EXTENSION OF CREDIT CONTRACT.] “Voluntary extension of credit contract” means a contract for the purchase of a specific amount of grain in which the title to the grain passes to the grain buyer upon delivery, but the price is to be determined or payment for the grain is to be made at a date later than the date of delivery of the grain to the grain buyer. Voluntary extension of credit contracts include deferred or delayed payment contracts, unpriced sales, no price established contracts, average pricing contracts, and all other contractual arrangements with the exception of cash sales and grain storage agreements evidenced by a grain warehouse receipt.

Sec. 6. Minnesota Statutes 1982, section 223.17, is amended to read:

223.17 [LICENSES; BONDING; CLAIMS; DISBURSEMENTS.]

Subdivision 1. [LICENSES.] An application for a grain buyer's license must be filed with the commissioner and the

license issued before any grain may be purchased. The types of grain buyers' licenses are:

- (a) private grain warehouse operator's license;
- (b) public grain warehouse operator's license; and
- (c) (NONWAREHOUSE GRAIN BUYER'S LICENSE; AND)
- ((D) ITINERANT) independent grain buyer's license.

(PUBLIC GRAIN WAREHOUSE OPERATORS' LICENSES COVER BOTH GRAIN BUYING AND GRAIN STORAGE.) The applicant for a grain buyer's license shall identify all grain buying locations owned or controlled by the grain buyer and all vehicles owned or controlled by the grain buyer used to transport purchased grain. *Every applicant for a grain buyer's license shall have a permanent established place of business at each licensed location. An "established place of business" means a permanent enclosed building, including a house or a farm, either owned by the applicant or leased by the applicant for a period of at least one year, and where the books, records, and files necessary to conduct the business are kept and maintained.*

Subd. 2. [LICENSE RENEWAL.] A license must be renewed annually. *The commissioner may stagger the renewal dates of licenses issued under this chapter, subject to the policy expressed in section 116J.69, subdivision 2, paragraph (d).* If a person receives more than one license from the commissioner, the licenses shall be issued at the same time, but only after all conditions for each license are met. Multiple licenses should be combined into one license if possible.

Subd. 3. [GRAIN BUYERS AND STORAGE FUND; FEES.] The commissioner shall set the fees for inspections (AND LICENSES) under sections 223.15 to 223.19 at levels necessary to pay the expenses of administering and enforcing sections 223.15 to 223.19. *These fees may be adjusted pursuant to the provisions of section 16A.128. The fee adjustments are not subject to the provisions of chapter 14.*

The fee for any license issued or renewed prior to June 30, 1984, is \$100. The fee for any license issued or renewed after June 30, 1984, shall be set according to the following schedule:

(a) \$100 plus \$50 per location for grain buyers whose gross annual purchases are less than \$1,500,000;

(b) \$200 plus \$50 per location for grain buyers whose gross annual purchases are at least \$1,500,000, but not more than \$3,000,000; and

(c) \$300 plus \$50 per location for grain buyers whose gross annual purchases are more than \$3,000,000.

There is created in the state treasury the grain buyers and storage fund. Money collected pursuant to sections 223.15 to 223.19 shall be paid into the state treasury and credited to the grain buyers and storage fund and is appropriated to the commissioner for the administration and enforcement of sections 223.15 to (223.19) 223.23.

Subd. 4. [BOND.] Before a grain buyer's license is issued, the applicant for (A GRAIN BUYERS) the license (SHALL) must file with the commissioner a bond in a penal sum prescribed by the commissioner but not (MORE) less than the following amounts:

(a) (\$10,000 FOR EACH PRIVATE OR PUBLIC GRAIN WAREHOUSE UP TO A MAXIMUM OF FIVE GRAIN WAREHOUSES;)

((B) \$10,000 FOR EACH SEMITRAILER USED BY AN ITINERANT GRAIN BUYER UP TO A MAXIMUM OF FIVE SEMITRAILERS;)

((C) \$5,000 FOR EACH TRUCK USED BY AN ITINERANT GRAIN BUYER UP TO A MAXIMUM OF FIVE TRUCKS;)

((D) \$5,000 FOR EACH TRAILER USED BY AN ITINERANT GRAIN BUYER UP TO A MAXIMUM OF FIVE TRAILERS; AND)

((E) \$50,000 FOR EACH NONWAREHOUSE GRAIN BUYER) \$10,000 for grain buyers whose gross annual sales are \$100,000 or less;

(b) \$20,000 for grain buyers whose gross annual sales are more than \$100,000 but not more than \$750,000;

(c) \$30,000 for grain buyers whose gross annual sales are more than \$750,000 but not more than \$1,500,000;

(d) \$40,000 for grain buyers whose gross annual sales are more than \$1,500,000 but not more than \$3,000,000; and

(e) \$50,000 for grain buyers whose gross annual sales exceed \$3,000,000. A grain buyer who has filed a bond with the commissioner prior to July 1, 1983 is not required to increase the amount of the bond to comply with this section until July 1, 1984.

A first-time applicant for a grain buyer's license after July 1, 1983 shall file a \$20,000 bond with the commissioner. This

bond shall remain in effect for the first year of his license. Thereafter, the licensee shall comply with the applicable bonding requirements contained in clauses (a) to (e) of this section.

In lieu of the bond required by this subdivision the applicant may deposit with the state treasurer cash, a certified check, a cashier's check, a postal, bank, or express money order, assignable bonds or notes of the United States, or an assignment of a bank savings account or investment certificate or an irrevocable bank letter of credit as defined in section 336.5-103, in the same amount as would be required for a bond.

Subd. 5. [VOLUNTARY EXTENSION OF CREDIT AND CASH SALES.] (UPON DEMAND BY A SELLER OF GRAIN, A GRAIN BUYER SHALL PAY 90 PERCENT OF THE ESTIMATED OR ACTUAL VALUE OF GRAIN PURCHASED AT THE TIME THE PHYSICAL POSSESSION OF THE GRAIN IS CONVEYED FROM THE SELLER TO THE GRAIN BUYER.) *Each grain buyer shall, before the close of the next business day following the cash sale and transfer of possession of grain, actually deliver a check to the seller or his duly authorized representative, or shall wire or mail transfer funds to the seller's account in an amount equal to 80 percent of the grain's value at the time of delivery. The grain buyer shall complete final settlement as rapidly as possible through ordinary diligence. Any transaction (WHEREIN THIS DEMAND IS NOT EXERCISED) which does not comply with these requirements constitutes a voluntary extension of credit (AND IS NOT AFFORDED PROTECTION UNDER THE GRAIN BUYER'S BOND), and shall comply with the requirements of section 8.*

Subd. 6. [GRAIN PURCHASES FROM UNLICENSED PRODUCERS.] *No grain buyer may refuse to purchase grain from a producer solely because he or she is not licensed by the commissioner; provided, that any producer who buys grain from other producers shall be licensed and bonded as required by this chapter.*

Subd. 7. [GRAIN BUYERS TRUST FUND.] (a) *There is created in the state treasury a grain buyers trust fund. Money in this fund is for the benefit of producers who have suffered losses due to breach of contract for grain sold to grain buyers, and for the administration of this chapter by the commissioner.*

(b) *The fund shall be established through the assessment of fees based on a maximum rate of one mill per dollar of the total dollar volume of grain purchased by grain buyers from producers as prescribed by the commissioner. The mill rate may be adjusted pursuant to the provisions of section 16A.128. The fee adjustments are not subject to the provisions of chapter 14. Fee assessments shall cease at the time the trust fund exceeds \$10,-*

000,000 and shall be reinstated when the fund is less than \$8,000-000. No claims arising prior to January 1, 1985 may be filed against or honored by the fund.

(c) Money collected pursuant to this subdivision shall be paid to the commissioner and shall be deposited into the grain buyers trust fund. The trust fund shall be administered by the commissioner. Any valid claim filed against the trust fund which exceeds the amount of money available in the fund shall be paid by the commissioner as soon as the fund balance is sufficient to pay the claim. The commissioner may order any portion of the trust fund not needed for immediate use to be invested by the treasurer in any institution or security regulated by the federal government. Any interest accumulated through investments shall be deposited into the trust fund. In any year, the commissioner may use up to \$100,000 of money collected to defray the costs of administering and enforcing chapter 223 and informing producers of its provisions.

(d) Each licensed grain buyer shall file with the department a quarterly report showing the total dollar amount of all grain purchased from producers and shall remit the appropriate fee based on the mill rate prescribed by the commissioner. A grain buyer who fails to file a quarterly report and pay the prescribed fee is subject to the provisions of subdivision 8.

Subd. (6) 8. [(CONFIDENTIAL STATEMENTS REQUIRED) FINANCIAL STATEMENTS; LICENSE REVOCATION.] For the purpose of fixing or changing the amount of a required bond or for any other proper reason, the commissioner shall require an annual financial (STATEMENTS) statement from a licensee which has been prepared in accordance with generally accepted accounting principles and which meets the following requirements:

(a) The financial statement shall include, but not be limited to the following: (1) a balance sheet; (2) a statement of income (profit and loss); (3) a statement of retained earnings; and (4) a statement of changes in financial position.

(b) The financial statement shall be accompanied by a report of audit or review conducted by an independent public accountant or a compilation report of the financial statement which is prepared by a grain commission firm or a management firm approved by the commissioner in accordance with standards established by the American Institute of Certified Public Accountants. The accountant's report of audit or review shall include the accountant's certifications, assurances, opinions, comments, and notes with respect to the financial statement.

(c) The financial statement shall be accompanied by a certification by the chief executive officer or his designee of the licensee, under penalty of perjury, that the financial statement

accurately reflects the financial condition of the licensee for the period specified in the statement.

Only one financial statement must be filed for a chain of warehouses owned or operated as a single business entity, unless otherwise required by the commissioner. If the licensee fails to furnish financial statements or to furnish any new bond or fee required, the commissioner may immediately suspend the license and the licensee shall surrender the license to the commissioner. Within 15 days the licensee may request an administrative hearing subject to chapter 14 to determine whether the license should be revoked. If no request is made within 15 days, the commissioner shall revoke the license. All financial statements submitted to the commissioner are confidential.

Subd. (7) 9. [*PRODUCER BOND AND CONTRACT CLAIMS.*] A producer claiming to be damaged by a breach of the conditions of a (BOND OF) *contract for the purchase of grain by a licensed grain buyer* may file a written claim with the commissioner. The claim must state the facts constituting the claim. The claim must be filed with the commissioner within 180 days of the breach of the conditions of the (BOND) *contract*. If (THE COMMISSIONER BELIEVES THAT) a claim is valid, the commissioner may immediately suspend the license, in which case the licensee shall surrender the license to the commissioner. Within 15 days the licensee may request an administrative hearing subject to chapter 14 to determine whether the license should be revoked. If no request is made within 15 days, the commissioner shall revoke the license.

Subd. (8) 10. [*BOND DISBURSEMENT.*] (a) The bond shall provide for payment of loss caused by the grain buyer's failure to pay, upon the owner's demand, the purchase price of grain sold to the grain buyer. *The commissioner may make a claim in the amount of the assessment owed against the bond of any grain buyer who fails to pay the assessment required by subdivision 7.* The bond shall be conditioned upon the grain buyer being duly licensed as provided herein. (THE BOND SHALL NOT COVER ANY TRANSACTION WHICH CONSTITUTES A VOLUNTARY EXTENSION OF CREDIT.)

(b) Upon (NOTIFICATION OF DEFAULT) *close of the claim-filing period*, the commissioner shall determine the validity of all claims and notify all parties having filed claims. An aggrieved party may appeal the commissioner's determination by requesting, within 15 days, that the commissioner initiate a contested case proceeding. In the absence of such a request, or following the issuance of a final order in a contested case, the surety company shall issue payment *promptly* to those claimants entitled to payment. *The commissioner shall also notify the treasurer to make prompt payment from the trust fund under provisions in this subdivision.* (WHEN THE COMMISSIONER DETERMINES IT NECESSARY,) The commissioner may ap-

ply to the district court for an order appointing a trustee or receiver to manage and supervise the operations of the grain buyer in default. The commissioner may participate in any resulting court proceeding as an interested party.

(c) If a grain buyer has become liable to more than one producer by reason of breaches of the conditions of the bond and the amount of the bond is insufficient to pay the entire liability to all producers entitled to the the protection of the bond, the proceeds of the bond shall be apportioned among the bona fide claimants.

(d) The bond shall not be cumulative from one licensing period to the next. The maximum liability of the bond shall be its face value for the licensing period.

(e) *The grain buyers trust fund shall provide for payment to producers who have encountered losses by the failure of a grain buyer to make settlement on the purchase price of grain. Valid claims shall be first assessed against the bond and supplemented by payment from the trust fund. The maximum allowable claim against the trust fund is 90 percent of the claimant's loss.*

(f) *Claims arising from a breach of the conditions of a voluntary extension of credit contract where pricing has not occurred prior to the filing of a claim with the commissioner shall be valued in accordance with section 8, subdivision 6.*

(g) *A producer having filed a claim against a grain buyer who has also filed an action for legal or equitable remedies in a state or federal court shall also submit to the commissioner a copy of the action filed with the court. In the event the court issues an order for payment by the buyer for the grain for which the producer has also received payment from the trust fund, the producer shall remit to the commissioner the amount of payment received from the court up to the amount of payment received from the trust fund.*

(h) *The commissioner may subrogate in behalf of the producer or petition the court to recover any sum that has been paid from the trust fund to make settlement of a claim filed against the grain buyer in default. The producer, having received payment from the trust fund, shall render all necessary assistance to aid the commissioner in matters of subrogation or in instances where the commissioner has petitioned the court to recover from the grain buyer in default the amount paid from the trust fund.*

Subd. 11. [DEFAULTS; VIOLATIONS.] *If the commissioner finds, after an investigation is conducted, that a complaint is valid or that a licensee is in violation of the provisions of this section, the commissioner may immediately suspend*

the license, in which case the licensee shall surrender the license to the commissioner. Within 15 days, the licensee may request an administrative hearing subject to chapter 14 to determine whether the license should be revoked. If no request is made within 15 days, the commissioner shall revoke the license.

Sec. 7. [223.175] [VOLUNTARY EXTENSION OF CREDIT CONTRACTS; FORM.]

Grain buyers using voluntary extension of credit contracts must include in the contracts those items prescribed by the commissioner by rule. The contract shall include a statement of the legal and financial responsibilities of grain buyers and sellers established in this chapter. The contract shall also include the following statement in not less than ten point, all capital type, framed in a box with space provided for the seller's signature: "THIS CONTRACT CONSTITUTES A VOLUNTARY EXTENSION OF CREDIT. THIS CONTRACT IS NOT COVERED BY ANY GRAIN BUYER'S BOND." The seller shall sign the contract in the space provided beneath the statement.

Sec. 8. [223.177] [PURCHASE BY VOLUNTARY EXTENSION OF CREDIT CONTRACTS.]

Subdivision 1. [INDICATION OF INTENTION.] Every grain buyer who intends to purchase grain by voluntary extension of credit contracts shall indicate his intention to do so annually to the commissioner on a form provided by the commissioner.

Subd. 2. [ORAL CONTRACTS.] Any grain buyer entering into a voluntary extension of credit contract orally or by phone shall give or mail to the seller a written confirmation conforming to the requirements of section 7 before the close of the next business day.

Subd. 3. [EXECUTION OF CONTRACTS.] All voluntary extension of credit contracts shall be executed before the close of the next business day after the contract is entered into or, in the case of an oral or phone contract, after the written confirmation is received by the seller. Provided, however, that if a scale ticket has been received by the seller prior to the completion of the grain shipment, the contract must be executed within ten days after the sale.

Subd. 4. [GRAIN, RIGHTS, OR PROCEEDS HELD.] A licensed grain buyer purchasing grain by voluntary extension of credit contracts shall at all times maintain grain, rights in grain, or proceeds from the sale of grain totaling 90 percent of the grain buyer's obligation for grain purchased by volun-

tary extension of credit contracts. That amount must be evidenced or represented by one or more of the following:

(a) grain owned and actually held by the grain buyer in a grain warehouse owned or controlled by the grain buyer;

(b) rights in grain evidenced or represented by warehouse receipts issued by a state or federally licensed grain warehouse; or

(c) proceeds from the sale of grain on a voluntary extension of credit contract evidenced or represented by one or more of the following:

(1) cash on hand or cash held on account in federally or state licensed institutions;

(2) short-term investments held in time accounts with federally or state licensed institutions;

(3) balances on grain margin accounts;

(4) voluntary extension of credit contracts for grain shipped to a processor or terminal as purchaser, less any payment or advance that has been received, provided that the price terms of the contracts remain open; or

(5) an irrevocable letter of credit, as defined in section 336.5-103, or other evidence of proceeds from the sale of grain acceptable to the commissioner.

Subd. 5. [PRICE PROTECTION.] A licensed grain buyer shall practice an effective method of price protection sufficient to protect the grain buyer against market fluctuations, as would be the case in procurement of options on a duly licensed commodity exchange.

Subd. 6. [VALUE OF GRAIN.] For the purpose of computing the dollar value of inventories of voluntary extension of credit obligations, the value of grain must be figured at the current market price on the day of delivery.

Subd. 7. [TRANSFER OF TITLE.] The title to grain delivered on a voluntary extension of credit contract transfers to the grain buyer on the day of delivery.

Subd. 8. [STORAGE AND SERVICE CHARGES.] No storage charges may be charged with respect to grain purchased on voluntary extension of credit contracts. There may be a service charge.

Subd. 9. [RECORDS.] A grain buyer shall keep sufficiently detailed books and records of voluntary extension of credit contracts and evidences of grain, rights in grain, and the proceeds from the sale of grain so as to clearly show compliance with section 6, subdivision 7, and this section. The commissioner or his authorized agent shall inspect these books and records at such time and place and to such an extent as he may deem necessary to determine whether grain buyers are complying with the provisions of this chapter. The commissioner may obtain any additional information he deems necessary and is authorized to enter upon any public or private premises during regular business hours in order to carry out the provisions of this subdivision.

Sec. 9. Minnesota Statutes 1982, section 223.18, is amended to read:

223.18 [PENALTY.]

A person buying grain without first obtaining a grain buyer's license is guilty of a misdemeanor. Each day of operation without a grain buyer's license constitutes a separate offense. In case of license revocation, no new license shall be granted to the person whose license was revoked nor to anyone either directly or indirectly engaged with him in the licensed business for two years. A grain dealer who withholds records from the commissioner, keeps or files false records, alters records fraudulently, or presents to the commissioner any false records is guilty of a gross misdemeanor.

Sec. 10. Minnesota Statutes 1982, section 223.19, is amended to read:

223.19 [RULES.]

The commissioner may (PROMULGATE) make temporary or permanent rules pursuant to chapter 14 to carry out the provisions of sections 223.15 to (223.19) 223.23.

Sec. 11. [223.20] [REGULATION OF GRAIN BUYERS AND GRAIN STORAGE.]

The commissioner may create a separate division within the department of agriculture for the purpose of administering this chapter and chapter 232.

Sec. 12. [223.21] [ATTORNEY GENERAL; ENFORCEMENT.]

The attorney general shall, upon request of the commissioner, assist the commissioner in enforcing this chapter.

Sec. 13. [223.23] [REFERENDUM.]

On August 1, 1984, the commissioner shall hold a referendum election among all producers, as defined in section 223.16, subdivision 11, to determine the establishment of the grain buyers trust fund. The commissioner shall arrange for the election to be held at polling places which are reasonably convenient to all producers in the state, and shall provide notice of the election by means of media having a general circulation in the state. General polling procedures shall be established by the commissioner by rule pursuant to chapter 14 and shall ensure that only producers are entitled to vote in the election. The selection of specific polling places, however, shall not be subject to chapter 14.

Ballots shall be available at all polling places, and shall allow for a yes or no response to the following question: "Shall the grain buyers trust fund be established?" All ballots shall be counted under the supervision of the commissioner. A majority of those voting shall determine the outcome of the referendum election.

Sec. 14. Minnesota Statutes 1982, section 336.9-401, is amended to read:

336.9-401 [PLACE OF FILING; ERRONEOUS FILING; REMOVAL OF COLLATERAL.]

(1) The proper place to file in order to perfect a security interest is as follows:

(a) When the collateral is (EQUIPMENT USED IN FARMING OPERATIONS, OR FARM PRODUCTS, OR ACCOUNTS OR GENERAL INTANGIBLES ARISING FROM OR RELATING TO THE SALE OF FARM PRODUCTS BY A FARMER, OR) consumer goods, or motor vehicles which are not inventory, then in the office of the county recorder in the county of the debtor's residence if the debtor is an individual who is a resident of this state but if the debtor is an individual who is not a resident of this state or is a corporation, partnership or other organization then in the office of the secretary of state (, AND IN ADDITION WHEN THE COLLATERAL IS CROPS GROWING OR TO BE GROWN IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY WHERE THE LAND IS LOCATED);

(b) When the collateral is equipment to be used in farming operations, or farm products, or accounts or general intangibles arising from or relating to the sale of farm products by a farmer, or crops growing or to be grown, then in the office of the county recorder in the county of the debtor's residence or principal place of business if the debtor is a resident of this state, but if the

debtor is not a resident of this state, then in the office of the secretary of state;

(c) When the collateral is timber to be cut or is minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 336.9-103, or when the financing statement is filed as a fixture filing (section 336.9-313) and the collateral is goods which are or are to become fixtures, then in the office where a mortgage on the real estate would be filed or recorded;

((C)) (d) In all other cases, in the office of the secretary of state.

(2) A filing which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this article and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this state continues effective even though the debtor's residence in this state or the use of the collateral, whichever controlled the original filing, is thereafter changed.

(4) The rules stated in section 336.9-103 determine whether filing is necessary in this state.

(5) Notwithstanding the preceding subsections, the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the secretary of state. Such a filing shall not be deemed a separate filing from the filings required by other laws, if applicable, set forth in subsection (3) of section 336.9-302. This filing constitutes a fixture filing (section 336.9-313) as to the collateral described therein which is or is to become fixtures.

(6) For the purposes of this section, the residence of an organization is its place of business if it has one or its chief executive office if it has more than one place of business.

(7) "Motor vehicle" means any device propelled or drawn by any power other than muscular power in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting building and road construction equipment.

Sec. 15. Laws 1982, chapter 635, section 9, is amended to read:

Sec. 9. [REPEALER.]

Minnesota Statutes 1980, sections 223.04; 223.07; 223.08; 223.09; 223.10; 223.11; 232.01; 232.02, subdivisions 4, 5, 6, 7, 8 and 9; 232.03; 232.04; and 232.06, subdivision 5; Minnesota Statutes 1981 Supplement, sections 223.01; 223.02; 223.03; 223.05; and 232.02, subdivisions 1, 2 and 3, are repealed. (SECTIONS 1 TO 6 ARE REPEALED JULY 1, 1983. ANY CLAIMS UNDER SECTIONS 1 TO 6 WHICH ARE NOT SETTLED BEFORE JULY 1, 1983, MAY BE SETTLED UNDER THE PROVISIONS OF SECTION 4, SUBDIVISIONS 7 AND 8, AS THEY EXISTED PRIOR TO JULY 1, 1983.)

Sec. 16. [REVIVAL.]

Notwithstanding Minnesota Statutes, section 645.36, the action taken in section 16 revives Minnesota Statutes, sections 223.15 to 223.19.

Sec. 17. [APPROPRIATION.]

The sum of \$95,000 is appropriated from the general fund for the biennium ending June 30, 1985, to the commissioner for the purposes of administering and enforcing this chapter.

The personnel complement of the department of agriculture is increased by two.

Sec. 18. [REPEALER.]

Minnesota Statutes 1982, section 223.16, subdivision 8, is repealed.

Sec. 19. [EFFECTIVE DATE.]

Sections 1 to 5, section 6, subdivisions 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11, and sections 7 to 18 are effective July 1, 1983. Section 6, subdivision 7, is effective January 1, 1985, if approved by a majority of those voting in the referendum required by section 13."

Delete the title and insert: "A bill for an act relating to agriculture; making certain changes in the grain buyers act; changing the place of filing of farm product liens; imposing a penalty; appropriating money; amending Minnesota Statutes 1982, sections 223.16, subdivisions 7, 11, and by adding subdivisions; 223.17; 223.18; 223.19; and 336.9-401; Laws 1982, chapter 635, section 9; proposing new law coded in Minnesota Statutes, chapter 223; repealing Minnesota Statutes 1982, section 223.16, subdivision 8."

The motion prevailed and the amendment was adopted.

Dimler moved to amend S. F. No. 1097, as amended, as follows:

Pages 5 and 6, delete subdivision 7

Page 9, delete lines 8 to 36

Page 13, delete section 13

Page 13, after line 15, insert:

"Sec. 13. The legislature recommends that the House and Senate Agriculture Committees continue to investigate methods of producer protection when marketing agricultural commodities using voluntary extension of credit contracts, such as, but not limited to, establishment of a state administered trust fund, private insurance or re-insurance."

The motion prevailed and the amendment was adopted.

Findlay moved to amend S. F. No. 1097, as amended, as follows:

Page 5, line 15, after "day" insert "to commence after 48 hours have elapsed"

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

S. F. No. 1097, A bill for an act relating to agriculture; making certain changes in the grain buyers act; changing the place of filing of farm product liens; imposing a penalty; amending Minnesota Statutes 1982, sections 223.16, subdivisions 1, 7, 8, 11, and by adding subdivisions; 223.17; 223.18; 223.19; and 336.9-401; Laws 1982, chapter 635, section 9; proposing new law coded in Minnesota Statutes, chapter 223.

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

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

Those who voted in the affirmative were:

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

Hoffman	Mann	Peterson	Scheid	Tomlinson
Hokr	Marsh	Piepho	Schoenfeld	Tunheim
Jacobs	McDonald	Piper	Schreiber	Uphus
Jennings	Minne	Price	Seaberg	Valan
Jensen	Munger	Quinn	Segal	Valento
Johnson	Murphy	Quist	Shaver	Vanasek
Kahn	Nelson, K.	Redalen	Shea	Vellenga
Kalis	Neuenschwander	Reif	Sherman	Voss
Kelly	Norton	Rice	Simoneau	Waltman
Knickerbocker	O'Connor	Riveness	Skoglund	Welch
Knuth	Ogren	Rodosovich	Solberg	Welker
Kostohryz	Olsen	Rodriguez, C.	Sparby	Welle
Krueger	Omann	Rodriguez, F.	Stadium	Wenzel
Kvam	Onnen	Rose	Staten	Wynia
Larsen	Osthoff	St. Onge	Swiggum	Zaffke
Long	Otis	Sarna	Swanson	Speaker Sieben
Ludeman	Pauly	Schafer	Thiede	

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

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 521

A bill for an act relating to financial institutions; providing for the payment of hearing costs on contested applications; including credit union share insurance corporations and industrial loan and thrift guarantee issuers in the group of organizations permitted to receive examination reports; removing the requirement that a financial institution's board of directors hold qualifying shares; clarifying limitations on junior mortgage loans by banks; establishing application fees; removing a certain filing requirement; reducing the number of savings association incorporators; clarifying the notice requirements for savings association conversions; clarifying the industrial loan and thrift company lending limit and increasing the capital to deposit limitation; providing first installment requirements for regulated lenders and motor vehicle sales finance companies; providing credit insurance disclosure requirements for regulated lenders; clarifying financial corporation organizational requirements; amending Minnesota Statutes 1982, sections 45.04, subdivision 1; 46.07, subdivision 2; 47.54, subdivision 1; 48.06; 48.19, subdivision 1; 48.68; 49.36, subdivision 1; 49.37; 51A.03, subdivisions 1 and 4; 51A.065, subdivision 4; 51A.13, subdivisions 2 and 2a; 51A.23, subdivisions 6 and 7; 51A.51, subdivisions 2 and 3a; 52.203; 53.01; 53.03, subdivisions 1, 5, and 6; 53.04, subdivision 3a; 53.05; 53.06; 56.001, subdivision 3; 56.131, subdivision 1; 56.155, subdivision 1; 168.72, subdivision 1; 300.025; and 300.20; proposing new law coded in Minnesota Statutes, chapter 47.

May 18, 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. 521, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 521 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 45.04, subdivision 1, is amended to read:

Subdivision 1. [FILING; FEE; HEARING.] The incorporators of (ANY) a bank proposed to be organized under the laws of this state shall execute and acknowledge (AN) a written application (, IN WRITING,) in the form prescribed by the department of commerce (, AND SHALL FILE THE SAME IN ITS OFFICE, WHICH). The application (SHALL) must be signed by two or more of the incorporators (, REQUESTING) and request a certificate authorizing the proposed bank to transact business at the place and in the name stated in the application. (AT THE TIME OF FILING THE APPLICATION) The applicant shall (PAY) file the application with the department with a \$1,000 filing fee (OF \$1,000, WHICH SHALL BE PAID INTO THE STATE TREASURY AND CREDITED TO THE GENERAL FUND AND SHALL PAY TO THE COMMISSIONER OF BANKS THE SUM OF) and a \$500 (AS A) investigation fee (FOR INVESTIGATING THE APPLICATION WHICH SHALL). The fees must be turned over by him to the state treasurer and credited (BY THE TREASURER) to the general fund (OF THE STATE). Thereupon the commission shall fix a time, within 60 days after the filing of the application, for a hearing (AT ITS OFFICE AT THE STATE CAPITOL, AT WHICH HEARING IT SHALL) to decide whether or not the application (SHALL) will be granted. A notice of the hearing (SHALL) must be published in the form prescribed by the commission in (SOME) a newspaper published in the municipality in which the proposed bank is to be located, and if there (BE) is no such newspaper, then at the county-seat of the county in which the bank is proposed to be located. The notice (SHALL) must be published once, at the expense of the applicants, not less than 30 days prior to the date of the hearing. At the hearing the commission shall consider the application and hear the applicants and (SUCH) witnesses (AS) that may appear in favor of or against the granting of the application of the proposed bank. If an application is contested, 50 percent of an additional fee equal to the actual costs incurred by the department of commerce in approving or disapproving the application, payable to the state treasurer and credited by the treasurer to the general

fund, must be paid by the applicant and 50 percent equally by the intervening parties.

Sec. 2. Minnesota Statutes 1982, section 46.07, subdivision 2, is amended to read:

Subd. 2. [CONFIDENTIAL RECORDS.] The commissioner shall divulge facts and information obtained in the course of examining financial institutions under his supervision only when and to the extent that he is required or permitted by law to report upon or take special action regarding the affairs of an institution, or to testify in a criminal proceeding or in a court of justice, except that he may, in his discretion, furnish information as to matters of mutual interest to an official or examiner of the federal reserve system, the federal deposit insurance corporation, (OR) *the federal savings and loan insurance corporation*, the national credit union administration, *a legally constituted state credit union share insurance corporation approved under section 52.24, or the issuer of a commitment for insurance or guarantee of the certificates of an industrial loan and thrift company approved under section 53.10.* The commissioner shall not be required to disclose the name of a debtor of a financial institution under his supervision, or anything relative to the private accounts, ownership, or transactions of an institution, or any fact obtained in the course of an examination thereof, except as herein provided. These records are classified confidential for purposes of the Minnesota government data practices act and their destruction, as prescribed in section 46.21, (SHALL BE) *is exempt from the provisions of chapter 138 and Laws 1971, Chapter 529, so far as their deposit with the state archives.*

Sec. 3. Minnesota Statutes 1982, section 47.54, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION.] Any bank desiring to establish a detached facility shall execute and acknowledge (AN) *a written application* (, IN WRITING,) in the form prescribed by the commissioner (,) and shall file the application in the commissioner's office (, TOGETHER) with a fee of \$500 (, AND). If an application is contested, *50 percent of an additional fee equal to the actual costs incurred by the commissioner in approving or disapproving the application, payable to the state treasurer and credited by the treasurer to the general fund, shall be paid by the applicant and 50 percent equally by the intervening parties.* Thereupon the applicant shall publish a notice of the filing of the application in a newspaper published in the municipality in which the proposed detached facility is to be located, and if there is no such newspaper, then at the county seat of the county in which the facility is proposed to be located. The notice (SHALL) *must be in the form prescribed by the commissioner and, in addition to the publication, the applicant (SHALL) must mail a copy of the notice by certified mail to every bank located within three miles of the proposed location of the detached facility,*

measured in the manner (AS) provided (ABOVE) in section 47.52.

Sec. 4. Minnesota Statutes 1982, section 47.64, subdivision 6, is amended to read:

Subd. 6. (THE PERSON ESTABLISHING AND MAINTAINING AN ELECTRONIC FINANCIAL TERMINAL, EXCLUSIVE OF ANY SUPPORTING EQUIPMENT, STRUCTURE, OR SYSTEM, SHALL LIMIT ITS USE IN THE PERFORMANCE OF FINANCIAL TRANSACTIONS TO TRANSACTIONS FOR CUSTOMERS OF MINNESOTA FINANCIAL INSTITUTIONS AND FOR CUSTOMERS OF FINANCIAL INSTITUTIONS LOCATED WITHIN 20 MILES OF MINNESOTA IN AN ADJOINING STATE) A customer of a bank, savings bank, savings and loan association, or credit union located outside Minnesota may, with the consent of the person establishing an electronic financial terminal, use the terminal for the withdrawal of funds and for the inquiry as to the balance in that customer's accounts maintained with that institution. Nothing in sections 47.61 to 47.74 shall be construed to authorize any person, other than a financial institution, to engage in business which is only legally authorized to be engaged in by financial institutions.

Sec. 5. Minnesota Statutes 1982, section 48.06, is amended to read:

48.06 [DIRECTORS; QUALIFICATIONS.]

If the number of directors exceeds nine, they may designate, semi-annually, by resolution, nine of their number, a majority of whom (SHALL CONSTITUTE) constitutes a quorum for the transaction of business. Every director of a bank (SHALL ACTUALLY OWN AT LEAST \$1,000 PAR VALUE OF THE BANK'S COMMON, FULLY PAID STOCK, OR AN EQUIVALENT INTEREST, AS DETERMINED, BY THE COMMISSIONER, IN A COMPANY WHICH HAS CONTROL OVER A BANK WITHIN THE MEANING OF SECTION 2 OF THE BANK HOLDING COMPANY ACT OF 1956, 12 U.S.C. 1841, AND) shall take and subscribe an oath that he (IS THE OWNER IN GOOD FAITH OF THAT AMOUNT OF STOCK, THAT THE STOCK IS NOT IN ANY WAY PLEDGED FOR ANY LOAN OR DEBT, AND THAT HE) will faithfully perform his official duties, and not knowingly violate, or permit to be violated, any provision of law. The taking of this oath (SHALL) must be duly certified in the minutes of the records of the bank.

Sec. 6. Minnesota Statutes 1982, section 48.19, subdivision 1, is amended to read:

Subdivision 1. [RESTRICTIONS; EXCEPTION.] No bank or trust company shall make any loan upon the security of real estate unless it is a first lien thereon, except that a bank or trust company may take a junior lien: (a) upon real estate to secure a loan previously contracted; (b) upon farm real estate to secure a loan made to a farmer who resides in a county which due to weather conditions is a declared federal disaster area at the time the loan contract is signed; or (c) upon real estate to secure a loan if the total unpaid aggregate of all outstanding liens against the (SAME) real estate does not exceed 80 percent of its appraised value. *This limitation applies notwithstanding the provisions of sections 47.20, subdivision 1 and 47.21 as to loans, advances of credit, or participations in loans eligible for purchase in whole or in part by the federal national mortgage association or the federal home loan mortgage corporation or which are authorized by the federal home loan bank board or office of the comptroller of the currency.* Before (ANY SUCH) these loans are made the value of the real estate (SHALL) *must* be determined by an appraisal made by a committee appointed by the board of directors, (WHICH APPRAISAL SHALL BE MADE A MATTER OF RECORD; EXCEPT THAT) *but* the board may accept an appraisal made by or for an agency of the United States government (WHEN SUCH) *if* the agency is guaranteeing or insuring the loan or any part thereof. *The appraisal must be made a matter of record.*

A bank may take additional liens on the same security (AND). These (SHALL BE) *liens are* considered to be part of the same mortgage lien thereon (PROVIDING) *if* it has been established that there are no intervening liens.

Loans in which the small business administration cooperates through agreements to participate on an immediate or deferred basis under the federal small business act or loans or obligations secured or guaranteed by the United States or any department, bureau, board, commission, or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States, (SHALL) *are not* (BE) subject to the restrictions or limitations of this section imposed upon loans secured by real estate.

Sec. 7. Minnesota Statutes 1982, section 48.68, is amended to read:

48.68 [DIRECTORS; QUALIFICATIONS; VACANCIES, HOW FILLED.]

(EACH DIRECTOR OF A TRUST COMPANY SHALL OWN AT LEAST \$1,000 PAR VALUE OF ITS CAPITAL STOCK OR EQUIVALENT INTEREST AS PRESCRIBED IN SECTION 48.06, AND) A majority of (THEM SHALL) *the directors of a trust company must* be residents of this

state. Each shall take and subscribe an oath that he will diligently and honestly perform his official duties and will not knowingly violate, or permit to be violated, any provision of law relating to trust companies (AND THAT HE IS THE OWNER IN GOOD FAITH OF THE STOCK ABOVE SPECIFIED STANDING IN HIS NAME;). The taking of this oath (TO) *must* be noted on the minutes of the records of the corporation and filed with the commissioner. Failure of any person selected as director to qualify (SHALL CREATE) *creates* a vacancy in the board, and all vacancies in the board (SHALL) *must* be filled by the qualified members (; PROVIDED, THAT). *However*, not more than one-third of the membership of the board may be so filled in any one year.

Sec. 8. [47.016] [DISPOSITION OF CREDIT INSURANCE INCOME.]

Subdivision 1. [DEFINITIONS.] (a) For the purpose of this section, the following terms have the meanings given them.

(b) "Credit insurance" means credit life and accident and health insurance as defined in section 62B.02.

(c) "Officer", "director", "employee", and "shareholder" include the spouse and minor children of the officer, director, employee, or shareholder.

(d) "Interest" includes ownership through a spouse or minor children; ownership through a broker, nominee, or agent; and ownership through a corporation, partnership, association, joint venture, or proprietorship.

(e) "Financial institution" means any person who lends money and sells credit insurance to the borrower.

Subd. 2. [SCOPE AND PURPOSE.] This section applies to sales of credit insurance by employees, officers, directors, and shareholders of a financial institution and by corporations, partnerships, associations, and other entities in which these persons have an interest. The purposes of this section are (1) to prohibit employees, officers, directors, members, and shareholders of financial institutions from benefiting personally on the sale of credit insurance to loan customers and (2) to encourage marketing of credit insurance through the use of financial facilities only under arrangements which assure that employees, officers, directors, and shareholders do not receive benefits not shared with all stockholders or members of the financial institution.

Subd. 3. [DISTRIBUTION OF CREDIT INSURANCE INCOME.] No employee, officer, director, or shareholder of a

financial institution, nor a corporation, partnership, association, or other entity in which these persons have an interest, may retain commissions or other income from the sale of credit insurance in connection with a loan made by the financial institution. All such income received by these persons or by a corporation, partnership, association, or other entity in which these persons have an interest, must be turned over to the financial institution. Nothing in this section prohibits a financial institution from receiving the income directly in the form of commissions or as compensation for use of its premises, personnel, and good will.

Sec. 9. Minnesota Statutes 1982, section 49.36, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENTS.] This consolidation agreement and certified copy of the proceedings of the meetings of the respective boards of directors, at which the making of the agreement was authorized, (SHALL) *must* be submitted to the commissioner of banks for approval (, AND IT SHALL) *with a fee of \$250 payable to the commissioner of banks. The fee must be paid in equal parts by the parties to the agreement. The consolidation is not* (BE) effective until (SO) approved by the commissioner. The commissioner shall take action after the documents are submitted, and shall be entitled to further information from the consolidated corporation (AS MAY BE REQUESTED,) *by request* or (AS MAY BE OBTAINED) upon a hearing directed by the commissioner.

Sec. 10. Minnesota Statutes 1982, section 49.37, is amended to read:

49.37 [STOCKHOLDERS TO APPROVE; CERTIFICATE OF CONSOLIDATION.]

Either before or after the consolidation agreement has been approved by the commissioner of banks, it (SHALL) *must* be submitted to the stockholders of each corporation at a meeting thereof called for that purpose, and it (SHALL) *does not* become binding upon the corporation until it (SHALL HAVE) *has* been approved at each of the meetings by the vote or ballot of the stockholders, holding at least a majority of the amount of stock of the respective corporations. Proof of the holding of these meetings and the results thereof (SHALL) *must* be submitted to the commissioner of banks. After the consolidation agreement (SHALL HAVE) *has* been (SO) approved by the stockholders of the respective corporations and by the commissioner of banks, the latter shall issue a certificate reciting that these corporations have complied with the provisions of sections 49.34 to 49.41 (, AND); declaring the consolidation of these corporations; *and stating* the name of the consolidated corporation, the amount of capital stock thereof, and the names of the first board of directors, and the place of business of the consolidated corporation,

which (SHALL) *must* be within the city where any one of the constituent corporations (SHALL HAVE) *has* been previously authorized to have its place of business. Upon the issuing of this certificate and the filing thereof for record in the office of the secretary of state, (AND ALSO IN THE OFFICE OF THE COUNTY RECORDER WITHIN AND FOR THE COUNTY IN WHICH THE CONSOLIDATED CORPORATION IS AUTHORIZED TO HAVE ITS PRINCIPAL PLACE OF BUSINESS,) this incorporation (SHALL BE) *is* deemed to be complete, and the consolidated corporation shall, from the date of this certificate, have (SUCH) *the* term of corporate existence (AS MAY BE) therein specified, not exceeding the longest unexpired term of any constituent corporation. The certificate of the commissioner of banks (SHALL BE) *is* prima facie evidence that all of the provisions of sections 49.34 to 49.41 have been complied with, and (SHALL BE) *is* conclusive evidence of the existence of the consolidated corporation.

Sec. 11. Minnesota Statutes 1982, section 51A.03, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION FOR CERTIFICATE OF INCORPORATION.] At any time hereafter any (FIVE) *three* or more individuals, citizens of this state, may apply to form a mutual association or capital stock association to promote thrift and home financing subject to approval as (HEREINAFTER) provided in sections 51A.01 to 51A.57. (FIVE) *Three* of the individual applicants shall be incorporators and sign and acknowledge before an officer competent to take acknowledgements of deeds, two copies of an application for a certificate of incorporation in the form prescribed by the commerce commission, and of the bylaws in the form set out in this section or in a form approved by the commissioner, which shall be filed with the commissioner, accompanied by the incorporation fee. The applicants shall submit with their application statements, exhibits, map, and other data which the commissioner may require (, WHICH). *The* data (SHALL) *must* be sufficiently detailed and comprehensive to enable the commerce commission to pass upon the application as to the criteria set out in subdivision 3.

Sec. 12. Minnesota Statutes 1982, section 51A.03, subdivision 4, is amended to read:

Subd. 4. [PROCEDURE; FILING OF ARTICLES.] The procedure for processing the application, conducting the hearing, and other matters pertinent thereto, (SHALL) *must* be established by rules (PROMULGATED) *adopted* by the commissioner. After approval, if approved, the commissioner shall issue a certificate of approval and the articles of incorporation (SHALL) *must* then be filed with the secretary of state, who shall record (SAME) *them* and certify the fact (,) thereon. (THE CERTIFICATE AND ARTICLES SHALL BE FILED

WITH THE COUNTY RECORDER OF THE COUNTY OF THE PRINCIPAL PLACE OF BUSINESS, AS SPECIFIED IN THE CERTIFICATE.)

Sec. 13. Minnesota Statutes 1982, section 51A.065, subdivision 4, is amended to read:

Subd. 4. [SUBMISSION TO MEMBERS OR STOCKHOLDERS.] If the commissioner or other appropriate supervisory authority (SHALL APPROVE) *approves* a plan of conversion in accordance with subdivision 3, the plan (SHALL) *must* be submitted for adoption to the members or stockholders of the converting applicant by vote at a meeting called to consider the action. *Except in the case of a conversion of a state association to a federally chartered association of like corporate form, or vice versa pursuant to subdivision 7 and* in addition to any notice of annual or special meeting required by Laws 1981, Chapter 276 and at least three weeks prior to the meeting, a copy of the plan, together with an accurate summary plan description explaining the operation of the plan and the rights, duties, obligations, liabilities, conditions, and requirements which may be imposed upon the members or stockholders and the converted applicant as a result of the adoption of the plan, (SHALL) *must* be mailed to each member or stockholder eligible to vote at the meeting. The plan of conversion may be approved by not less than a majority of the total number of votes eligible to be cast at the meeting. If the plan is (SO) approved, action (SHALL) *must* be taken to obtain a charter, articles of incorporation, articles of association or similar instrument, adopt bylaws, elect directors and officers and take other action prescribed or appropriate for the type of corporation into which the converting applicant will be converted. A certified report of the proceedings at the meeting (SHALL) *must* be filed promptly with the commissioner or other appropriate supervisory authority.

Sec. 14. Minnesota Statutes 1982 section 51A.13, subdivision 2, is amended to read:

Subd. 2. [QUALIFICATIONS REQUIRED OF DIRECTORS OF MUTUAL ASSOCIATIONS.] (IN ORDER TO QUALIFY AS A DIRECTOR, A MEMBER OF A MUTUAL ASSOCIATION MUST HOLD INDIVIDUALLY, OR JOINTLY WITH HIS SPOUSE, A SAVINGS ACCOUNT, THE WITHDRAWAL VALUE OF WHICH IS AT LEAST \$500; PROVIDED THAT, IF THE ASSETS OF THE ASSOCIATION EXCEED \$5 MILLION, THE WITHDRAWAL VALUE OF THE ACCOUNT MUST BE AT LEAST \$1,000.) Except with the written consent of the commissioner, no member shall be eligible for election or shall serve as a director or officer of an association who has been adjudicated a bankrupt or convicted of a criminal offense involving dishonesty or a breach of trust. A director shall automatically cease to be a director when he ceases to be a member, or when he is adjudicated a bankrupt or is con-

victed of a criminal offense as herein provided, (OR WHEN THE NET EQUITY ABOVE LOANS OF ALL SAVINGS ACCOUNTS IN THE ASSOCIATION HELD BY HIM AGGREGATES LESS THAN THE MINIMUM REQUIRED TO BE ELIGIBLE FOR ELECTION AS A DIRECTOR,) but no action of the board of directors shall be invalidated through the participation of the director in the action (; PROVIDED, THAT). *However*, if a director becomes ineligible under the terms of this subdivision by reason of the exercise by the association of the right of redemption of savings accounts provided for in section 51A.34, he shall remain validly in office until the expiration of his term or until he otherwise becomes ineligible, resigns, or is removed, whichever may occur first.

Sec. 15. Minnesota Statutes 1982, section 51A.13, subdivision 2a, is amended to read:

Subd. 2a. [QUALIFICATIONS REQUIRED OF DIRECTORS OF STOCK ASSOCIATIONS.] (IN ORDER TO QUALIFY AS A DIRECTOR OF A CAPITAL STOCK ASSOCIATION EACH DIRECTOR SHALL OWN AND HOLD SHARES OF VOTING CAPITAL STOCK OF THE ASSOCIATION UNENCUMBERED WITH A PAR OR STATED VALUE OF NOT LESS THAN \$500, PROVIDED THAT, IF THE TOTAL ASSETS OF THE ASSOCIATION EXCEED \$5,000,000, A DIRECTOR MUST OWN AND HOLD SHARES OF NOT LESS THAN \$1,000.) Except with the written consent of the commissioner, no person shall be eligible for election or shall serve as director or officer of an association who has been adjudicated a bankrupt or convicted of a criminal offense involving dishonesty or a breach of trust. A director shall automatically cease to be a director when he is adjudicated a bankrupt or is convicted of a criminal offense as herein provided (OR WHEN THE PAR OR STATED VALUE OF THE SHARES OF VOTING CAPITAL STOCK OF THE ASSOCIATION HELD BY HIM AGGREGATES LESS THAN THE MINIMUM REQUIRED TO BE ELIGIBLE FOR ELECTION AS A DIRECTOR).

Sec. 16. Minnesota Statutes 1982, section 51A.51, subdivision 2, is amended to read:

Subd. 2. [INCORPORATION FEE.] At the time of filing the application for a certificate of incorporation, the incorporators shall pay a \$1,000 filing fee (OF \$1,000) which shall be paid into the state treasury and credited to the general fund, and shall pay to the banking department (THE SUM OF) a \$500 (AS A) *investigation fee* (FOR INVESTIGATING THE APPLICATION). *If an application is contested, 50 percent of an additional fee equal to the actual costs incurred by the department of commerce in approving or disapproving the application, payable to the state treasurer and credited*

by the treasurer to the general fund, shall be paid by applicant and 50 percent equally by the intervening parties.

Sec. 17. Minnesota Statutes 1982, section 51A.51, subdivision 3a, is amended to read:

Subd. 3a. [FEE FOR ESTABLISHMENT OF OTHER THAN PRINCIPAL OFFICE.] There shall accompany each application to the commissioner for establishment of other than the principal office a \$1,000 filing fee (OF \$1,000) payable to the state treasury and \$500 payable to the banking department. *If an application is contested, 50 percent of an additional fee equal to the actual costs incurred by the department of commerce in approving or disapproving the application, payable to the state treasurer and credited by the treasurer to the general fund, shall be paid by applicant and 50 percent equally by the intervening parties.*

Sec. 18. Minnesota Statutes 1982, section 52.203, is amended to read:

52.203 [MERGER.]

Any credit union chartered by this state may merge with and be absorbed by any other state or federal credit union, and any credit union chartered by this or any other state or any federal credit union may be merged into a successor credit union chartered by this state, upon approval of all regulatory agencies concerned, and upon compliance with this section as regards the credit union chartered by this state. *At the time of filing with the commissioner of any proposed merger or consolidation plan, the credit unions proposing to merge or consolidate shall submit a fee of \$100 payable to the commissioner of banks. The fee shall be paid in equal parts by the credit unions' party to the proposal.*

A credit union may be absorbed after two-thirds of its members present and entitled to vote (SHALL) have voted in favor of the merger at a special meeting called by a majority of the board of directors for that purpose, upon (FOURTEEN) 14-days mailed written notice to each member at his last known address clearly stating the purpose of the special meeting, or at any regular meeting after like notice of the purpose has been given. Thereafter, the board of directors (SHALL HAVE AUTHORITY TO) *may* execute an agreement of merger with the successor credit union, subject to approval of (SUCH) *the* agreement by the commissioner of banks. The commissioner shall approve or disapprove of (SAID) *the* agreement within 60 days of the date the agreement is submitted to him. (SUCH) *The* approved agreement (SHALL) *must* be filed with the county recorder in the county where (SUCH) *the* credit union is located.

If the successor credit union which absorbs one or more credit unions is chartered by this state it (SHALL HAVE AUTHORITY TO) *may* execute an agreement of merger upon approval of (SUCH) *the* agreement by the commissioner of banks and by the board of directors of the credit union. The commissioner of banks shall approve the merger agreement if it is in the best interest of the credit unions involved. In any event, the commissioner of banks shall approve or disapprove of the merger agreement within 60 days of the date the agreement is submitted to him. Members of, and persons eligible for membership in, the credit union being absorbed (SHALL) have all rights of membership in the successor credit union.

The charter and license and all other rights and property of the credit union being absorbed (SHALL BE) *is* deemed to be transferred to and invested in the successor credit union upon (SUCH) execution and approval of the merger agreement without further action. Any pending action or other judicial proceeding to which the credit union being absorbed is a party at the date of merger (SHALL) *does* not abate by reason of the merger. If the credit union being absorbed is chartered by this state, its corporate existence (SHALL CEASE) *ceases* upon (SUCH) *the* execution and approval of the merger agreement without further action.

Sec. 19. Minnesota Statutes 1982, section 53.01, is amended to read:

53.01 [ORGANIZATION]

It is lawful for three or more persons, who desire to form a corporation for the purpose of carrying on primarily the business of loaning money to persons within the conditions set forth in this chapter, to organize, under this chapter, an industrial loan and thrift company, by filing with the secretary of state (AND THE COUNTY RECORDER IN THE COUNTY IN WHICH THE PLACE OF BUSINESS OF THE CORPORATION IS LOCATED,) a certificate of incorporation, and upon paying the fees prescribed by sections 301.07 and 301.071 or chapter 302A and upon compliance with the procedure provided for the organization and government of ordinary corporations under the laws of this state, and upon compliance with the additional requirements of this chapter prior to receiving authorization to do business.

Sec. 20. Minnesota Statutes 1982, section 53.03, subdivision 1, is amended to read:

Subdivision 1 [APPLICATION, FEE, NOTICE.] Any corporation hereafter organized as an industrial loan and thrift company, shall, after compliance with the requirements set forth in sections 53.01 and 53.02, (CAUSE AN) *file a written application* (, IN WRITING, TO BE MADE TO) *with* the department

of commerce for a certificate of authorization. The application, in triplicate, (SHALL) *must* be in the form prescribed by the department of commerce. (AND FILED IN ITS OFFICE). The application (SHALL) *must* be made in the name of the corporation, executed and acknowledged by two of its officers designated by the board of directors of the corporation for that purpose, requesting a certificate authorizing the corporation to transact business as an industrial loan and thrift company, at the place and in the name stated in the application. At the time of filing the application the applicant shall pay a \$1,000 filing fee (OF \$500, TO BE PAID INTO THE STATE TREASURY AND CREDITED TO THE GENERAL FUND AND ALSO SHALL PAY TO THE COMMISSIONER OF BANKS THE SUM OF \$250) and a \$500 (AS A) *investigation fee* (FOR INVESTIGATING THE APPLICATION, WHICH FEE SHALL). *The fees must be turned over by the commissioner to the state treasurer and credited to the general fund (OF THE STATE, AND). The applicant shall also submit a copy of the bylaws of the corporation, its articles of incorporation and all amendments thereto at that time.* If the application is contested, (THE APPLICANT SHALL PAY) 50 percent of an additional fee equal to the actual costs incurred by the department of commerce in approving or disapproving the application, payable to the state treasurer and credited to the general fund (OF THE STATE) *shall be paid by the applicant and 50 percent equally by the intervening parties.* A notice of the filing of the application (SHALL) *must* be published once within 30 days of the receipt of the form prescribed by the department of commerce, at the expense of the applicant, in a newspaper published in the municipality in which the proposed industrial loan and thrift company is to be located, or, if there be none, in a newspaper published at the county seat of the county in which the company is proposed to be located. If the department of commerce receives a written objection to the application from any person within 20 days of the notice having been fully published a contested case hearing (SHALL) *must* be conducted on the application. The department of commerce may without cause order a contested case hearing on the application. Notice of a hearing in connection with this section (SHALL) *must* be published once in the form prescribed by the department of commerce, at the expense of the applicant, in the same manner as a notice of application.

Sec. 21. Minnesota Statutes 1982, section 53.03, subdivision 5, is amended to read:

Subd. 5. [PLACE OF BUSINESS.] Not more than one place of business (SHALL) *may* be maintained under any certificate of authorization issued subsequent to the enactment of Laws 1943, Chapter 67, pursuant to the provisions of this chapter, but the department of commerce may issue more than one certificate of authorization to the same corporation upon compliance with all the provisions of this chapter governing an original issuance of a certificate of authorization.

(WHERE) *The filing fee for a branch application shall be \$500 and the investigation fee \$250. If a corporation has been issued more than one certificate of authorization, (SUCH) the corporation shall allocate a portion of contributed capital to each office for which (SUCH) the certificate has been issued, in order to comply with the capital requirements of section 53.02 and section 53.05, clauses (2) and (3) which sections (SHALL BE) are applicable to each (SUCH) office and the capital allocated thereto in the same manner as if each certificate had been issued to a separate corporation. Each additional certificate of authorization issued pursuant to the provisions of this subdivision (SHALL) must be filed with the secretary of state and the county recorder of the county in which the corporation is authorized to do business thereunder. (ANY SUCH) The corporation may change one or more of its locations upon the written approval of the commissioner of banks. A fee of \$100 must accompany each application to the commissioner for approval to change the location of an established office.*

Sec. 22. Minnesota Statutes 1982, section 53.03, subdivision 6, is amended to read:

Subd. 6. [AMENDED CERTIFICATES, THRIFT CERTIFICATES FOR INVESTMENT, APPLICATION, FEE, NOTICE.] Upon approval by the commissioner of banks of a commitment for insurance or guarantee of certificates to be held for investment as required in section 53.10, subdivision 3, an industrial loan and thrift company may apply to the department of commerce for an amended certificate of authorization and consent to sell and issue thrift certificates for investment.

The application, in triplicate, (SHALL) *must* be in the form prescribed by the department of commerce and filed in its office. At the time of filing the application, the applicant shall pay a filing fee of \$500 and if an application is contested, 50 percent of an additional fee equal to the actual costs incurred by the department of commerce in approving or disapproving the application, payable to the state treasurer and credited by the treasurer to the general fund (SHALL), *must* be paid by applicant and 50 percent equally by the intervening parties. A notice of the filing of the application (SHALL) *must* be published once within 30 days of the receipt of the form prescribed by the department of commerce, at the expense of the applicant, in a newspaper published in the municipality in which the place of business under the application is located, or if there is none, in a newspaper published at the county seat of the county in which the place of business is located. Not more than one place of business maintained under a certificate of authorization (SHALL) *may* be the subject of an application.

Sec. 23. Minnesota Statutes 1982, section 53.04, subdivision 3a, is amended to read:

Subd. 3a. (a) The right to make loans, secured or unsecured, at the rates and on the terms and other conditions permitted licensees under chapter 56. *Loans made under the authority of chapter 56 must be in amounts in compliance with section 53.05, clause (3), or 56.131, subdivision 1, paragraph (a), whichever is less.* The right to extend credit or lend money and to collect and receive charges therefor as provided by chapter 334, or in lieu thereof to charge, collect, and receive interest at the rate of 21.75 percent per annum. The provisions of sections 47.20 and 47.21 do not apply to loans made under this section, except as specifically provided in this subdivision. Nothing in this subdivision (SHALL BE) is deemed to supersede, repeal, or amend any provision of section 53.05. A licensee making a loan under this chapter secured by a lien on real estate shall comply with the requirements of section 47.20, subdivision 8.

(b) Loans made under this section at a rate of interest not in excess of that provided for in paragraph (a) may be secured by real or personal property, or both. If the proceeds of a loan made after August 1, 1984 are used in whole or in part to satisfy the balance owed on a contract for deed, the rate of interest charged on the loan (SHALL) *must* not exceed the rate provided in section 47.20, subdivision 4a. If the proceeds of a loan secured by a first lien on the borrower's primary residence are used to finance the purchase of the borrower's primary residence, the loan must comply with the provisions of section 47.20.

Sec. 24. Minnesota Statutes 1982, section 53.05, is amended to read:

53.05 [POWERS, LIMITATION.]

No industrial loan and thrift company (SHALL HAVE POWER TO) *may* do any of the following:

(1) (TO) carry commercial or demand banking accounts;
(TO) use the word "bank" or "banking" in its corporate name;
(TO) receive savings accounts or deposits or operate as a savings bank;

(2) (TO) have outstanding at any one time certificates of indebtedness, exclusive of those held by the company, as security for loans made by it of more than seven times the sum of the contributed capital and appropriated reserves of the company until July 1, 1985, or the date an industrial loan and thrift company obtains a commitment for insurance or guarantee of accounts acceptable to the commissioner as required by section 53.10, whichever is earlier, and thereafter 15 times the sum of contributed capital and appropriated reserves of the company;

(3) (TO) lend money in excess of ten percent of its contributed capital and appropriated reserves to any person primarily liable; (PROVIDED,) however, if a loan has been made to any one person primarily liable and payments have been made on the certificate of indebtedness securing it, the amount of (SUCH) *the* payments may be added to the limitation stated in this clause for the purpose of determining whether additional loans may be made to that person;

(4) (TO) accept trusts or act as guardian, administrator, or judicial trustee in any form; (OR)

(5) (TO) deposit any of its funds in any banking corporation, unless that corporation has been designated by a vote of a majority of directors or of the executive committee present at a meeting duly called, at which a quorum was in attendance (.) ;

(6) (TO) change any allocation of capital made pursuant to section 53.03 or to reduce or withdraw in any way any portion of the contributed capital and appropriated reserves without prior written approval of the commissioner of banks (.) ;
or

(7) (TO) take any instrument in which blanks are left to be filled in after execution.

Sec. 25. Minnesota Statutes 1982, section 53.06, is amended to read:

53.06 [DIRECTORS, RESIDENCE.]

At least three-fourths of the directors of any industrial loan and thrift company (SHALL) *must* be residents of the county in which the industrial loan and thrift company maintains its principal place of business, an adjacent county or any county in which the industrial loan and thrift company maintains a place of business pursuant to this chapter. (EACH DIRECTOR SHALL OWN AND HOLD SHARES OF COMMON STOCK OF THE INDUSTRIAL LOAN AND THRIFT COMPANY, UNENCUMBERED, WITH A PAR VALUE OF NOT LESS THAN \$500.)

Sec. 26. Minnesota Statutes 1982, section 56.001, subdivision 3, is amended to read:

Subd. 3. [APPLICABLE CHARGE.] "Applicable charge" means the amount of interest attributable to each monthly installment period of the loan contract. The applicable charge is computed as if each installment period were one month and any charge for extending the first installment period beyond one month, *or reduction in charge for a first installment less than one month*, is ignored. The applicable charge for any installment period is that which would have been made for the

period had the loan been made on an interest-bearing basis at the single annual percentage rate permitted by section 56.131, subdivision 1, based upon the assumption that all payments were made according to schedule. For convenience in computation, the licensee may round the single annual rate to the nearest one quarter of one percent.

Sec. 27. Minnesota Statutes 1982, section 56.131, subdivision 1, is amended to read:

Subdivision 1. [INTEREST RATES AND CHARGES.]

(a) On any loan in the principal amount of \$35,000 or less, a licensee may contract for and receive interest, calculated according to the actuarial method, not exceeding the equivalent of the greater of any of the following:

(1) the total of: (i) 33 percent per year on that part of the unpaid balance of the principal amount not exceeding \$350; and (ii) 19 percent per year on that part of the unpaid balance of the principal amount exceeding \$350; or

(2) 21.75 percent per year on the unpaid balance of the principal amount.

(b) On any loan where interest has been calculated according to the method provided for in paragraph (a), clause (1), interest (SHALL) *must* be contracted for and earned as provided in that provision or at the single annual percentage rate computed to the nearest one hundredth of one percent that would earn the same total interest at maturity of the contract as would be earned by the application of the graduated rates provided in paragraph (a), clause (1), when the debt is paid according to the agreed terms and the calculations are made according to the actuarial method.

(c) Loans may be interest-bearing or precomputed.

(d) To compute time on interest-bearing and precomputed loans, including, but not limited to the calculation of interest, a day (SHALL BE) is considered 1/30 of a month when calculation is made for a fraction of a calendar month. A year (SHALL BE) is 12 calendar months. A calendar month (SHALL BE) is that period from a given date in one month to the same numbered date in the following month; and if there is no same numbered date, to the last day of the following month.

(e) With respect to interest-bearing loans:

(1) Interest (SHALL) *must* be computed on unpaid principal balances outstanding from time to time, for the time outstanding. Each payment (SHALL) *must* be applied first to

the accumulated interest and the remainder of the payment applied to the unpaid principal balance; provided however, that if the amount of the payment is insufficient to pay the accumulated interest, the unpaid interest continues to accumulate to be paid from the proceeds of subsequent payments and is not added to the principal balance.

(2) Interest (SHALL) *must* not be payable in advance or compounded. However, if part or all of the consideration for a new loan contract is the unpaid principal balance of a prior loan, then the principal amount payable under the new loan contract may include any unpaid interest which has accrued. The unpaid principal balance of a precomputed loan is the balance due after refund or credit of unearned interest as provided in paragraph (f), clause (3). The resulting loan contract (SHALL BE) is deemed a new and separate loan transaction for all purposes.

(f) With respect to precomputed loans:

(1) Loans (SHALL) *must* be repayable in substantially equal and consecutive monthly installments of principal and interest combined, except that the first installment period may be (LONGER) *more or less* than one month by not more than 15 days, and the first installment payment amount may be larger than the remaining payments by the amount of interest charged for the extra days *and must be reduced by the amount of interest for the number of days less than one month to the first installment payment*; and (PROVIDED FURTHER THAT) monthly installment payment dates may be omitted to accommodate borrowers with seasonal income.

(2) Payments may be applied to the combined total of principal and precomputed interest until the loan is fully paid. Payments (SHALL) *must* be applied in the order in which they become due.

(3) When any loan contract is paid in full by cash, renewal or refinancing, or a new loan, one month or more before the final installment due date, a licensee shall refund or credit the borrower with the total of the applicable charges for all fully unexpired installment periods, as originally scheduled or as deferred, which follow the day of prepayment; if the prepayment is made other than on a scheduled payment date, the nearest scheduled installment payment date (SHALL) *must* be used in the computation; provided further, if the prepayment occurs prior to the first installment due date, the licensee may retain 1/30 of the applicable charge for a first installment period of one month for each day from the date of the loan to the date of prepayment, and shall refund or credit the borrower with the balance of the total interest contracted for. If the maturity of the loan is accelerated for any reason and judgment is entered, the licensee shall credit the borrower with the same refund as

if prepayment in full had been made on the date the judgment is entered.

(4) If an installment, other than the final installment, is not paid in full within ten days of its scheduled due date, a licensee may contract for and receive a default charge not exceeding five percent of the amount of the installment, but not less than \$2.

(5) If the parties agree in writing, either in the loan contract or in a subsequent agreement, to a deferment of wholly unpaid installments, a licensee may grant a deferment and may collect a deferment charge as provided in this section. A deferment postpones the scheduled due date of the earliest unpaid installment and all subsequent installments as originally scheduled, or as previously deferred, for a period equal to the deferment period. The deferment period is that period during which no installment is scheduled to be paid by reason of the deferment. The deferment charge for a one-month period may not exceed the applicable charge for the installment period immediately following the due date of the last undeferred payment. A proportionate charge may be made for deferment for periods of more or less than one month. A deferment charge is earned pro rata during the deferment period and is fully earned on the last day of the deferment period. Should a loan be prepaid in full during a deferment period, the licensee shall make or credit to the borrower a refund of the unearned deferment charge in addition to any other refund or credit made for prepayment of the loan in full.

(6) If two or more installments are delinquent one full month or more on any due date, and if the contract so provides, the licensee may reduce the unpaid balance by the refund credit which would be required for prepayment in full on the due date of the most recent maturing installment in default. Thereafter, and in lieu of any other default or deferment charges, the single annual percentage rate permitted by this subdivision may be charged on the unpaid balance until fully paid.

(7) Following the final installment as originally scheduled or deferred, the licensee, for any loan contract which has not previously been converted to interest-bearing under paragraph (f), clause (6), may charge interest on any balance remaining unpaid, including unpaid default or deferment charges, at the single annual percentage rate permitted by this subdivision until fully paid.

Sec. 28. Minnesota Statutes 1982, section 56.155, subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION.] No licensee shall, directly or indirectly, sell or offer for sale any insurance in

connection with any loan made under this chapter except as and to the extent authorized by this section. The sale of credit life and credit accident and health insurance (SHALL BE) is subject to the provisions of chapter 62B, except that the term of the insurance may exceed 60 months if the term of the loan exceeds 60 months. Life, accident, and health insurance, or any of them, may be written upon or in connection with any loan but (SHALL) *must* not be required as additional security for the indebtedness. If the debtor chooses to procure credit life insurance or credit accident and health insurance as security for the indebtedness, he shall have the option of furnishing this security through existing policies of insurance owned or controlled by him or of furnishing the coverage through any insurer authorized to transact business in this state. A statement in substantially the following form *must be made orally and provided in writing* in bold face type of a minimum size of 12 points (SHALL BE PROVIDED) to the borrower before the transaction is completed *for each credit life and accident and health insurance coverage sold*:

CREDIT LIFE INSURANCE AND CREDIT DISABILITY INSURANCE ARE NOT REQUIRED TO OBTAIN CREDIT. YOU MAY BUY ANY INSURANCE FROM ANYONE YOU CHOOSE OR YOU MAY USE EXISTING INSURANCE. (THE CREDIT LIFE INSURANCE AND CREDIT DISABILITY INSURANCE AVAILABLE THROUGH THIS LENDER HAD AN ACTUAL LOSS RATIO DURING THE CALENDAR YEAR LAST REPORTED TO THE DEPARTMENT OF COMMERCE OF _____ PERCENT. THIS MEANS THAT, ON THE AVERAGE, \$ _____ OF EVERY \$100 IN PREMIUMS PAID TO THE INSURANCE COMPANY WERE RETURNED AS BENEFITS TO POLICYHOLDERS DURING THAT YEAR.)

(THE LICENSEE SHALL HAVE 30 DAYS AFTER THE INSURANCE COMPANY SUBMITS ITS REPORT OF LOSSES TO THE DEPARTMENT OF COMMERCE FOR THE PREVIOUS CALENDAR YEAR TO CHANGE ITS DISCLOSURE TO REFLECT THE CURRENT LOSS RATIO.)

The licensee shall disclose whether or not the benefits (SHALL) commence as of the first day of disability and shall further disclose the number of days that an insured obligor must be disabled, as defined in the policy, before benefits, whether retroactive or nonretroactive, (SHALL) commence. In case there are multiple obligors under a transaction subject to this chapter, no policy or certificate of insurance providing credit accident and health benefits (SHALL) *may* be procured by or through a licensee upon more than one of the obligors. In case there are multiple obligors under a transaction subject to this chapter, no policy or certificate of insurance providing credit life insurance (SHALL) *may* be procured by or through a licensee upon more than two of the obligors in which case they shall be insured jointly. The premium or identifiable

charge for the insurance (SHALL) *must* not exceed that filed by the insurer with the insurance division of the department of commerce. The charge, computed at the time the loan is made for a period not to exceed the full term of the loan contract on an amount not to exceed the total amount required to pay principal and charges, may be deducted from the proceeds or may be included as part of the principal of any loan. If a borrower procures insurance by or through a licensee, the statement required by section 56.14 (SHALL) *must* disclose the cost to the borrower and the type of insurance, and the licensee shall cause to be delivered to the borrower a copy of the policy, certificate, or other evidence thereof, within a reasonable time. No licensee shall decline new or existing insurance which meets the standards set out in this section nor prevent any obligor from obtaining (SUCH) *this* insurance coverage from other sources. Notwithstanding any other provision of this chapter, any gain or advantage to the licensee or to any employee, affiliate, or associate of the licensee from (SUCH) *this* insurance or the sale or provision thereof (SHALL NOT BE DEEMED TO BE) *is not an* additional or further (CHARGES) charge in connection with the loan; nor (SHALL) *are* any of the provisions pertaining to insurance contained in this section (BE DEEMED) prohibited by any other provision of this chapter.

Sec. 29. Minnesota Statutes 1982, section 168.72, subdivision 1, is amended to read:

Subdivision 1. (a) The time price differential authorized by sections 168.66 to 168.77 in a retail installment sale (SHALL) *may* not exceed the following rates:

Class 1. Any motor vehicle designated by the manufacturer by a year model of the same or not more than one year prior to the year in which the sale is made — \$8 per \$100 per year.

Class 2. Any motor vehicle designated by the manufacturer by a year model of two or three years prior to the year in which the sale is made — \$11 per \$100 per year.

Class 3. Any motor vehicle not in Class 1 or Class 2 — \$13 per \$100 per year plus a flat charge of \$3 for each retail installment sale.

(b) The time price differential (SHALL) *must* be computed on the principal balance as determined under section 168.71, clause (b) and (SHALL) *must* be computed at the rate indicated on contracts payable in successive monthly installment payments substantially equal in amount extending for a period of one year. *For purposes of this subdivision and section 168.73, contracts payable in successive monthly installment payments include those*

where the first installment is scheduled for not less than 15 days nor more than one month and 15 days from the date of the contract. On contracts providing for installment payments extending for a period less than or greater than one year, the time price differential (SHALL) *must* be computed proportionately.

(c) When a retail installment contract provides for unequal or irregular installment payments, the time price differential is at the effective rate provided in clause (a) hereof, having due regard for the irregular schedule of payment.

(d) The time price differential is inclusive of all charges incident to investigating and making the contract, and for the extension of the credit provided for in the contract and no fee, commission, expense or other charge whatsoever (SHALL) *may* be taken, received, reserved or contracted for except as provided in sections 168.66 to 168.77.

Sec. 30. Minnesota Statutes 1982, section 300.025, is amended to read:

300.025 [ORGANIZATION, CERTIFICATE.]

Any three or more persons may form a corporation for any of the purposes specified in section 47.12 by *applying to the department of commerce and complying with (THE) all applicable organizational requirements and the conditions hereinafter prescribed; (PROVIDED) however, no corporation (SHALL) may be formed under this section which might be formed under the Minnesota business corporation act. (THEY SHALL) The incorporators must subscribe and acknowledge a certificate specifying:*

(1) The name, the general nature of its business, and the principal place of (TRANSACTIONING THE SAME) *business. The name (SHALL) must distinguish it from all other corporations, domestic or foreign, authorized to do business in this state (,) and shall contain the word "company," "corporation," "bank," "association," or "incorporated."*

(2) The period of its duration, if limited.

(3) The names and places of residence of the incorporators.

(4) In what board its management (SHALL) *will* be vested, the date of the annual meeting at which it (SHALL) *will* be elected, and the names and addresses of those composing the the board until the first election, a majority of whom shall always be residents of this state.

(5) The amount of capital stock, if any, how (THE SAME) *it* is to be paid in, the number of shares into which it is to be

divided, and the par value of each share (), and , if there is to be more than one class, a description and the terms of issue of each () and the method of voting thereon.

(6) The highest amount of indebtedness or liability to which the corporation (SHALL) *will* at any time be subject.

It may contain any other lawful provision defining and regulating the powers and business of the corporation, its officers, directors, trustees, members, and stockholders (PROVIDED THAT). *However*, corporations subject to provisions of (SECTION) sections 48.27 and 51A.22, subdivision 2, may show their highest amount of indebtedness to be 30 times the amount of its capital and actual surplus.

Sec. 31. Minnesota Statutes 1982, section 300.20, is amended to read:

300.20 [BOARD OF DIRECTORS, ELECTION; VACANCY, HOW FILLED.]

The business of (EVERY SUCH) *the* corporation (, EXCEPT SAVINGS BANKS, SHALL) *must* be managed by a board of at least three directors, *unless a greater number is otherwise required by law*, elected by ballot by (AND FROM) the stockholders or members. Any board of directors of a financial institution referred to in section 47.12 which has less than five members may be increased to not more than five members by order of the commissioner of banks. (WHEN) *If* the certificate of incorporation or the bylaws so provides, a vacancy in the board of directors may be filled by the remaining directors. Not more than one-third of the members of the board may be so filled in any one year. The business of a savings (BANKS SHALL) *bank must* be managed by a board of at least seven trustees, residents of this state, each of whom, before being authorized to act, shall file a written acceptance of the trust. A majority of the directors or trustees (SHALL) constitute a quorum for the transaction of business. Any action which might be taken at a meeting of the board of directors, trustees, or managers may be taken without a meeting if done in writing signed by all of the directors, trustees, or managers.

Sec. 32. [EFFECTIVE DATE.]

Sections 1 to 31 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to financial institutions; providing for the payment of hearing costs on contested applications; including credit union share insurance corporations and industrial

loan and thrift guarantee issuers in the group of organizations permitted to receive examination reports; removing the requirement that a financial institution's board of directors hold qualifying shares; clarifying limitations on junior mortgage loans by banks; establishing application fees; removing a certain filing requirement; reducing the number of savings association incorporators; clarifying the notice requirements for savings association conversions; clarifying the industrial loan and thrift company lending limit and increasing the capital to deposit limitation; providing first installment requirements for regulated lenders and motor vehicle sales finance companies; providing credit insurance disclosure requirements for regulated lenders; clarifying financial corporation organizational requirements; providing that no employee, officer, director, or shareholder of a financial institution, or a corporation, partnership, or association in which these persons have an interest, may retain income from the sale of credit insurance in connection with a loan made by the financial institution; providing that the income must be turned over to the financial institution; regulating the use of terminals by financial institutions located outside the state; amending Minnesota Statutes 1982, sections 45.04, subdivision 1; 46.07, subdivision 2; 47.54, subdivision 1; 47.64, subdivision 6; 48.06; 48.19, subdivision 1; 48.68; 49.36, subdivision 1; 49.37; 51A.03, subdivisions 1 and 4; 51A.065, subdivision 4; 51A.13, subdivisions 2 and 2a; 51A.51, subdivisions 2 and 3a; 52.203; 53.01; 53.03, subdivisions 1, 5, and 6; 53.04, subdivision 3a; 53.05; 53.06; 56.001, subdivision 3; 56.131, subdivision 1; 56.155, subdivision 1; 168.72, subdivision 1; 300.025; and 300.20; proposing new law coded in Minnesota Statutes, chapter 47."

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

House Conferees: THOMAS R. BERKELMAN, ANN WYNIA and ADOLPH L. KVAM.

Senate Conferees: SAM G. SOLON, GARY W. LAIDIG and MICHAEL O. FREEMAN.

Berkelman moved that the report of the Conference Committee on H. F. No. 521 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 521, A bill for an act relating to financial institutions; providing for the payment of hearing costs on contested applications; including credit union share insurance corporations and industrial loan and thrift guarantee issuers in the group of organizations permitted to receive examination reports; removing the requirement that a financial institution's board of directors hold qualifying shares; clarifying limitations on junior mortgage loans by banks; establishing application fees; removing a certain filing requirement; reducing

the number of savings association incorporators; clarifying the notice requirements for savings association conversions; clarifying the industrial loan and thrift company lending limit and increasing the capital to deposit limitation; providing first installment requirements for regulated lenders and motor vehicle sales finance companies; providing credit insurance disclosure requirements for regulated lenders; clarifying financial corporation organizational requirements; amending Minnesota Statutes 1982, sections 45.04, subdivision 1; 46.07, subdivision 2; 47.54, subdivision 1; 48.06; 48.19, subdivision 1; 48.68; 49.36, subdivision 1; 49.37; 51A.03, subdivisions 1 and 4; 51A.065, subdivision 4; 51A.13, subdivisions 2 and 2a; 51A.23, subdivisions 6 and 7; 51A.51, subdivisions 2 and 3a; 52.203; 53.01; 53.03, subdivisions 1, 5, and 6; 53.04, subdivision 3a; 53.05; 53.06; 56.001, subdivision 3; 56.131, subdivision 1; 56.155, subdivision 1; 168.72, subdivision 1; 300.025; and 300.20; proposing new law coded in Minnesota Statutes, chapter 47.

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

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

Those who voted in the affirmative were:

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

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 149

A bill for an act relating to natural resources; clarifying the hunting of certain animals with dogs; amending Minnesota Statutes 1982, section 98.46, subdivision 2.

May 18, 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. 149, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 149 be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 98.46, subdivision 2, is amended to read:

Subd. 2. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To take small game, \$7;
- (2) To take deer with firearms, \$15;
- (3) To take deer with bow and arrow, \$15;
- (4) To take fish by angling, \$6.50;
- (5) Combination husband and wife, to take fish by angling, \$10.50;
- (6) To take moose, \$140 for an individual or for a party of not to exceed four persons;
- (7) To take bear only, \$15;
- (8) To take turkeys, \$10, in addition to a small game license (,);
- (9) TO TAKE RACCOON, BOBCAT, COYOTE OR FOX WITH THE AID OF DOGS, \$7.50, IN ADDITION TO A SMALL GAME LICENSE.)

Sec. 2. Minnesota Statutes 1982, section 98.48, subdivision 3, is amended to read:

Subd. 3. The commissioner may issue special permits, without fee, to take, possess and transport wild animals in such manner and under such conditions as he may prescribe for scientific, educational or exhibition purposes, or for use as pets, provided no wild or native deer may be taken or possessed for propagation (,) or exhibition (OR PET PURPOSES), except those now lawfully possessed for such purposes. *The commissioner shall establish criteria for issuing special permits to persons for the purpose of possessing wild and native deer as pets, pursuant to his authority under section 97.53, subdivision 2.* All animals possessed under authority of this provision, as well as deer now contained on game farms, private and public parks and zoos, and their progeny, or possessed as pets, may be disposed of only as prescribed by the commissioner."

Delete the title and insert:

"A bill for an act relating to game and fish; eliminating the separate license for hunting certain animals with dogs; authorizing special permits to possess deer as pets; amending Minnesota Statutes 1982, sections 98.46, subdivision 2; and 98.48, subdivision 3."

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

House Conferees: STEVE SVIGGUM, PHYLLIS KAHN and PATRICK W. BEARD.

Senate Conferees: LYLE G. MEHRKENS, BOB LESSARD and MEL FREDERICK.

Svigum moved that the report of the Conference Committee on H. F. No. 149 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 149, A bill for an act relating to natural resources; clarifying the hunting of certain animals with dogs; amending Minnesota Statutes 1982, section 98.46, subdivision 2.

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

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

Those who voted in the affirmative were:

Anderson, B.	Begich	Brandl	Clark, J.	DenOuden
Anderson, G.	Bennett	Brinkman	Clark, K.	Dimler
Anderson, R.	Bergstrom	Burger	Clawson	Eken
Battaglia	Berkelman	Carlson, D.	Cohen	Elioff
Beard	Blatz	Carlson, L.	Coleman	Erickson

Evans	Johnson	Murphy	Rice	Staten
Findlay	Kahn	Nelson, D.	Riveness	Sviggum
Fjoslien	Kalis	Nelson, K.	Rodosovich	Swanson
Forsythe	Kelly	Neuenschwander	Rodriguez, C.	Thiede
Frerichs	Knickerbocker	Norton	Rodriguez, F.	Tomlinson
Graba	Knuth	O'Connor	Rose	Tunheim
Greenfield	Kostohryz	Ogren	St. Onge	Uphus
Gruenes	Krueger	Olsen	Sarna	Valento
Gustafson	Kvam	Omänn	Schafer	Vanasek
Gutknecht	Larsen	Onnen	Scheid	Vellenga
Halberg	Levi	Otis	Schoenfeld	Voss
Haukoos	Long	Pauly	Schreiber	Waltman
Heap	Ludeman	Peterson	Seaberg	Welch
Heinitz	Mann	Piepho	Segal	Welker
Himle	Marsh	Piper	Shaver	Welle
Hoffman	McDonald	Price	Sherman	Wenzel
Hokr	McEachern	Quinn	Simoneau	Wynia
Jacobs	Metzen	Quist	Skoglund	Zafike
Jennings	Minne	Redalen	Solberg	Speaker Sieben
Jensen	Munger	Reif	Sparby	

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 667

A bill for an act relating to employment; providing leaves of absence for adoptive parents; proposing new law coded in Minnesota Statutes, chapter 181.

May 17, 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. 667, 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. 667 be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [181.92] [LEAVES FOR ADOPTIVE PARENTS.]

An employer who permits paternity or maternity time off to a biological father or mother shall, upon request, grant time off, with or without pay, to an adoptive father or mother. The minimum period of this time off shall be four weeks, or, if the employer has an established policy of time off for a biological parent which sets a period of time off of less than four weeks,

that period of time shall be the minimum period for an adoptive parent. The period of time off shall, at the direction of the adoptive parent, begin before, or at the time of, the child's placement in the adoptive parent's home, and shall be for the purpose of arranging the child's placement or caring for the child after placement. An employer shall not penalize an employee for requesting or obtaining time off according to this section.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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

House Conferees: KATHLEEN BLATZ, LEONARD PRICE and RICK KRUEGER.

Senate Conferees: DUANE D. BENSON, PATRICIA LOUISE KRONEBUSCH and EMBER D. REICHGOTT.

Blatz moved that the report of the Conference Committee on H. F. No. 667 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 667, A bill for an act relating to employment; providing leaves of absence for adoptive parents; proposing new law coded in Minnesota Statutes, chapter 181.

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

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DenOuden	Himle	Mann	Pauly
Anderson, G.	Dimler	Hoffman	Marsh	Peterson
Battaglia	Eken	Hokr	McDonald	Piepho
Beard	Elioff	Jacobs	McEachern	Piper
Begich	Ellingson	Jennings	Metzen	Price
Bennett	Erickson	Jensen	Minne	Quinn
Bergstrom	Evans	Johnson	Munger	Quist
Berkelman	Findlay	Kahn	Murphy	Redalen
Blatz	Forsythe	Kalis	Nelson, D.	Reif
Brandl	Frerichs	Kelly	Nelson, K.	Rice
Brinkman	Graba	Knickerbocker	Neuenschwander	Riveness
Burger	Greenfield	Knuth	Norton	Rodosovich
Carlson, D.	Gruenes	Kostohryz	O'Connor	Rodriguez, C.
Carlson, L.	Gustafson	Krueger	Ogren	Rodriguez, F.
Clark, J.	Gutknecht	Kvam	Olsen	Rose
Clark, K.	Halberg	Larsen	Omanh	St. Onge
Clawson	Haukoos	Levi	Onnen	Sarna
Cohen	Heap	Long	Osthoff	Schafer
Coleman	Heinitz	Ludeman	Otis	Scheid

Schoenfeld	Simoneau	Swanson	Vellenga	Wynia
Schreiber	Skoglund	Tomlinson	Voss	Speaker Sieben
Seaberg	Sparby	Tunheim	Waltman	
Segal	Stadum	Valan	Welch	
Shaver	Staten	Valento	Welle	
Sherman	Svigum	Vanasek	Wenzel	

Those who voted in the negative were:

Fjoslien Welker Zaffke

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

SPECIAL ORDERS

S. F. No. 1151 was reported to the House.

There being no objection, S. F. No. 1151 was continued on Special Orders for one day.

S. F. No. 891 was reported to the House.

Segal moved that S. F. No. 891 be continued on Special Orders for one day. The motion prevailed.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Tomlinson requested immediate consideration of S. F. No. 823.

S. F. No. 823 was reported to the House.

Blatz moved to amend S. F. No. 823, as follows:

Page 1, after line 25, insert:

"Sec. 2. [DEFINITIONS.]

Subdivision 1. For the purpose of sections 2 to 11 the terms defined in this section have the following meanings.

Subd. 2. "City" means the city of Bloomington.

Subd. 3. "Special services" means all services rendered or contracted for by the city, including, but not limited to,

(a) the repair, maintenance, and operation of any improvements authorized by Minnesota Statutes, section 429.021;

(b) parking services rendered or contracted for by the city; and

(c) any other service provided to the public by the city authorized by any law or charter provision.

Special services shall not include services which are ordinarily provided throughout the city from general fund revenues of the city unless an increased level of the service is provided in the special service district.

Subd. 4. "Special service district" means a defined area within the city in which special services are rendered and the costs of the special services are paid from revenues collected from taxes and service charges imposed within that area.

Subd. 5. "Assessed value" means the assessed value as most recently certified by the commissioner of revenue on the effective date of the ordinance or resolution adopted pursuant to section 3 or 4.

Subd. 6. "Land area" means the land area located within the district which is subject to property taxation.

Sec. 3. [ESTABLISHMENT OF SPECIAL SERVICE DISTRICT.]

Subdivision 1. [ORDINANCE.] The governing body of the city may adopt an ordinance establishing a special service district in that part of the city of Bloomington which is east of East Bush Lake Road, north of 84th Street and west of Penn Avenue South; that part east of Penn Avenue South, north of 82nd Street and west of State Highway No. 77; that part east of State Highway No. 77 and north of 86th Street; and that part south of 90th Street, west of Nicollet, north of 100th and east of Humboldt. Only property which is zoned for commercial, business, or industrial use under a municipal zoning ordinance may be included in a special service district. The ordinance shall describe with particularity the area within the city to be included in the district and the special services to be furnished within the district. The ordinance may not be adopted until after a public hearing has been held on the question. Notice of the hearing shall include:

(a) The time and place of hearing;

(b) A map showing the boundaries of the proposed special service district; and

(c) A statement that all persons owning property in the proposed special service district will be given opportunity to be heard at the hearing.

Subd. 2. [NOTICE.] Notice of the hearing shall be given by publication in two issues of the official newspaper of the city. The two publications shall be a week apart and the hearing shall be held at least three days after the last publication. Not less than ten days before the hearing, notice shall also be mailed to the owner of each parcel within the area proposed to be included in the special service district. For the purpose of giving mailed notice, owners shall be those shown on the records of the county auditor. Other records may be used to supply the necessary information. For properties which are tax exempt or subject to taxation on a gross earnings basis in lieu of property tax and are not listed on the records of the county auditor, the owners shall be ascertained by any practicable means and mailed notice given them. At the public hearing any person affected by the proposed special services district may be heard orally in respect to any issues embodied in the notice. The hearing may be adjourned from time to time and the ordinance establishing the special services district may be adopted at any time within six months after the date of the conclusion of the hearing by a vote of the majority of the governing body of the city.

Sec. 4. [TAXING AUTHORITY; NOTICE AND HEARING REQUIREMENTS.]

Subdivision 1. [TAXES; HEARING.] Ad valorem taxes may be levied on taxable property or service charges may be imposed by the city within the special service district at a rate or amount sufficient to produce revenues required to provide special services within the district. For purposes of determining the appropriate mill rate, taxable property or value shall be determined without regard to captured or original assessed value under Minnesota Statutes, section 273.76 or to the distribution or contribution value under Minnesota Statutes, section 473F.08. Taxes and service charges shall not be imposed to finance a special service if the service is ordinarily provided by the city from general fund revenues of the city unless the service is provided in the special service district at an increased level, in which case only an amount to pay for the increased level may be imposed. A service charge shall not be imposed on the receipts from the sale of intoxicating liquor, food, or lodging. Prior to the levy of taxes or imposition of service charges in a special service district, for each calendar year, notice shall be given and hearing shall be held pursuant to section 3 except that notice shall also be mailed to any individual or business organization subject to a service charge. For purposes of this section the notice shall also include:

(a) A statement that all interested persons will be given an opportunity to be heard at the hearing regarding a proposed tax levy or service charge.

(b) When the tax or service charge is to pay for the cost of repairing, operating, or maintaining public improvement or

facilities, the estimated cost of operating and maintaining the improvements during the first year after completion of the improvements, and the proposed method and source of financing the improvements and the annual cost of operating and maintaining the improvements.

(c) The proposed rate or amount of taxes to be extended or the proposed service charge to be imposed in the special service district during the calendar year and the nature and character of special services to be rendered in the special service district during the calendar year.

(d) A statement that the petition requirements of section 9 have either been met or do not apply to the proposed taxes or service charge.

Within six months of the public hearing, the city may adopt a resolution levying a tax or imposing a service charge within the special service district not exceeding the amount or rate expressed in the notice issued pursuant to this section.

Subd. 2. [EXEMPTION OF CERTAIN PROPERTIES FROM TAXES.] Property exempted from taxation by Minnesota Statutes, section 272.02, shall be exempted from any ad valorem taxes imposed pursuant to sections 2 to 11.

Subd. 3. [LEVY LIMIT EXEMPTION.] Taxes and service charges imposed pursuant to sections 2 to 11 shall not be included in the calculation of levies or limits on levies provided by other law or home rule charter provision.

Subd. 4. [EXCLUSION FROM HOMESTEAD CREDIT.] Taxes levied under this section shall not be reduced pursuant to Minnesota Statutes, section 273.13, subdivisions 6, 7, 7d, or 14a. State reimbursement pursuant to Minnesota Statutes, section 273.139 shall not apply to any taxes levied pursuant to sections 2 to 11.

Sec. 5. [ENLARGEMENT OF SPECIAL SERVICE DISTRICTS.]

Boundaries of a special service area may be enlarged only after hearing and notice as provided in sections 3 and 4. Notice shall be served in the original special service district and in the area proposed to be added to the special service district. Property added to the district shall be subject to all taxes levied and service charges imposed within the district after the property becomes a part of the district. The petition requirement in section 9 and the veto power in section 10 shall only apply to owners and individuals and business organizations in the area proposed to be added to the special service district.

Sec. 6. [COLLECTION OF TAXES.]

Ad valorem taxes levied within a special service district shall be collected and paid over as other ad valorem taxes, but shall be spread only upon the assessed value of property described in the ordinance. Service charges imposed shall be collected as provided by ordinance. Taxes collected pursuant to sections 2 to 11 shall not be included in computations under Minnesota Statutes, section 273.76, chapter 473F, or any other law that applies to general ad valorem levies.

Sec. 7. [CERTIFICATES OF INDEBTEDNESS.]

The city council may issue certificates of indebtedness within existing debt limits for purposes of any work or service authorized pursuant to sections 2 to 11. The certificates shall be payable in not more than five years and shall be issued on such terms and in such manner as determined by the council. A tax levy shall be made on the taxable property within the special service district for the payment of the principal and interest on the certificates as in the case of bonds.

Sec. 8. [ADVISORY BOARD.]

The governing body of the city may create and appoint an advisory board for each special service district in the city to advise the governing body in connection with the construction, maintenance, and operation of improvements and the furnishing of special services in a special service district. The advisory board shall make recommendations to the governing body on the requests and complaints of owners, occupants, and users of property within the special service district and members of the public. Prior to the adoption of any proposal by the governing body to provide services or impose taxes or service charges within the special service district, the advisory board of the special service district shall have an opportunity to review and comment upon the proposal.

Sec. 9. [PETITION REQUIRED.]

No public hearing may be held pursuant to section 3 unless owners of 15 percent or more of the land area of the proposed special service district and owners of 15 percent or more of the assessed value of the proposed special service district file a petition requesting the public hearing with the city clerk. No public hearing may be held pursuant to section 4 to impose an ad valorem tax unless owners of 15 percent or more of the land area subject to a proposed tax and owners of 15 percent or more of the assessed value subject to a proposed tax file a petition requesting the public hearing with the city clerk. No public hearing may be held pursuant to section 4 to impose a service charge unless 15 percent or more of the individual or business organi-

zations subject to the proposed service charge file a petition requesting the public hearing with the city clerk. If the boundaries of the proposed special service district are changed or the land area or assessed value subject to a tax or the individuals or business organizations subject to a service charge are changed after the public hearing, a petition meeting the requirements of this section must be filed with the city clerk before the ordinance establishing the district or resolution imposing the tax or service charge may become effective.

Sec. 10. [VETO POWER OF OWNERS.]

Subdivision 1. [NOTICE OF RIGHT TO FILE OBJECTIONS.] Except as provided in section 11, the effective date of any ordinance or resolution adopted pursuant to sections 3 and 4 shall be at least 45 days after it is adopted. Within five days after adoption of the ordinance or resolution, a copy of the ordinance or resolution shall be mailed to the owner of each parcel included in the special service district and any individual or business organization subject to a service charge in the same manner that notice is mailed pursuant to section 3. The mailing shall include a notice that owners subject to a tax and individuals and business organizations subject to a service charge have a right to veto the ordinance or resolution by filing the required number of objections with the city clerk before the effective date of the ordinance or resolution.

Subd. 2. [REQUIREMENT FOR VETO.] If owners of 35 percent of the land area in the special service district and owners of 35 percent of the assessed value in the special service district file an objection to the ordinance adopted by the city pursuant to section 3 with the city clerk before the effective date of the ordinance, the ordinance shall not become effective. If owners of 35 percent of the land area subject to a tax and owners of 35 percent of the assessed value subject to a tax file an objection to the resolution adopted levying an ad valorem tax pursuant to section 4 with the city clerk before the effective date of the resolution, the resolution shall not become effective. If 35 percent of individuals and business organizations subject to a service charge file an objection to the resolution adopted imposing a service charge pursuant to section 4 with the city clerk before the effective date of the resolution, the resolution shall not become effective.

Sec. 11. [EXCLUSION FROM PETITION REQUIREMENTS AND VETO POWER.]

The petition requirement of section 9 and the right of owners and those subject to a service charge to veto a resolution in section 10 shall not apply to second or subsequent years' applications of a tax or service charge which is authorized to be in effect for more than one year pursuant to a resolution which has met the petition requirements of section 9 and

which has not been vetoed under section 10 for the first year's application. A resolution levying a tax or imposing a service charge for more than one year shall not be adopted unless the notice of public hearing required by section 4 and the notice mailed with the adopted resolution pursuant to section 10 include the following information:

(a) In the case where the costs of repairing, operating, or maintaining of public improvements or facilities are to be paid by a tax or service charge, the maximum rate or amount of taxes to be levied or the maximum service charge to be imposed in any year and the maximum number of years the taxes will be levied or service charges imposed to pay for the improvement.

(b) In the case of operating and maintenance services, the maximum rate or amount of taxes to be levied or the maximum service charge to be imposed in any year and the maximum number of years, or a statement that the tax will be imposed for an indefinite number of years, the taxes will be levied or service charges imposed to pay for operation and maintenance services.

The resolution may provide that the maximum amount of tax to be levied or maximum service charge to be imposed in any year will increase or decrease from the maximum amount authorized in the preceding year based on an indicator of increased cost or a percentage amount established by the resolution.

Sec. 12. [EFFECTIVE DATE.]

Sections 2 to 11 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Bloomington."

Further amend the title:

Page 1, line 3, after the semicolon, insert "permitting establishment of special service districts and providing taxing and other authority for the city of Bloomington;"

The motion prevailed and the amendment was adopted.

S. F. No. 823, A bill for an act relating to cities; authorizing the issuance of capital notes for certain equipment acquisitions; proposing new law coded in Minnesota Statutes, chapter 410.

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 118 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Gustafson Voss

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. Nos. 288 and 1017; S. F. No. 1241; H. F. No. 858; and S. F. Nos. 346 and 879.

H. F. No. 288 was reported to the House.

Burger moved to amend H. F. No. 288, the second engrossment, as follows:

Page 5, line 33, delete "256,200" and insert "\$243,390"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 49 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Burger	Dimler	Fjoslien	Gutknecht
Bennett	Carlson, D.	Erickson	Forsythe	Halberg
Bishop	Dempsey	Evans	Frerichs	Haukoos
Blatz	DenOuden	Findlay	Gruenes	Heap

Heinitz	Kvam	Onnen	Schafer	Uphus
Himle	Ludeman	Pauly	Schreiber	Valento
Hokr	Marsh	Piepho	Seaberg	Waltman
Jennings	McDonald	Quist	Swiggum	Welker
Johnson	Olsen	Redalen	Swanson	Zaffke
Knickerbocker	Omamn	Rose	Thiede	

Those who voted in the negative were:

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

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

Quinn moved to amend H. F. No. 288, the second engrossment, as follows:

Page 2, line 8, delete "*The owner shall*"

Page 2, delete line 9

Page 2, line 10, delete "*the building.*"

The motion prevailed and the amendment was adopted.

Swanson moved to amend H. F. No. 288, the second engrossment, as amended, as follows:

Page 3, delete lines 33 to 36

Delete page 4

Page 5, delete lines 1 to 13

Renumber the sections in sequence

Page 5, line 25, delete "5" and insert "3"

Page 5, line 27, delete "*Sections 2, 3, and 4 do*" and insert "*Section 2 does*"

Page 6, line 2, delete "6" and insert "4"

Page 6, line 3, delete everything after the period

Page 6, line 4, delete everything before "Section"

Page 6, line 4, delete "5" and insert "3"

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

Amend the title as follows:

Page 1, line 11, delete "subdivisions" and insert "a subdivision"

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 74 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Johnson	Pauly	Sparby
Anderson, R.	Evans	Kalis	Piepho	Stadum
Battaglia	Findlay	Knickerbocker	Quist	Svigum
Beard	Fjoslien	Krueger	Redalen	Swanson
Begich	Forsythe	Kvam	Reif	Thiede
Bennett	Frerichs	Levi	Rose	Tunheim
Bishop	Graba	Ludeman	St. Onge	Uphus
Blatz	Gruenes	Marsh	Sarna	Valan
Brinkman	Gutknecht	McDonald	Schafer	Valento
Burger	Halberg	McEachern	Schreiber	Waltman
Carlson, D.	Haukoos	McKasy	Seaberg	Welch
Carlson, L.	Heap	Metzen	Segal	Welker
Dempsey	Himle	Neuenschwander	Shaver	Wenzel
DenOuden	Hokr	Omann	Sherman	Zaffke
Dimler	Jennings	Onnen	Solberg	

Those who voted in the negative were:

Bergstrom	Gustafson	Munger	Price	Tomlinson
Berkelman	Hoffman	Murphy	Quinn	Vanasek
Brandl	Jacobs	Nelson, D.	Riveness	Vellenga
Clark, J.	Jensen	Norton	Rodosovich	Voss
Clark, K.	Kahn	O'Connor	Rodriguez, C.	Welle
Cohen	Knuth	Ogren	Rodriguez, F.	Wynia
Coleman	Kostohryz	Olsen	Scheid	Speaker Sieben
Eken	Larsen	Osthoff	Schoenfeld	
Elioff	Long	Otis	Shea	
Ellingson	Mann	Peterson	Simoneau	
Greenfield	Minne	Piper	Staten	

The motion prevailed and the amendment was adopted.

Fjoslien, Begich and Elioff moved to amend H. F. No. 288, the second engrossment, as amended, as follows:

Page 5, line 30, after "units." insert *"Provisions in this bill apply to the seven county metro area except the counties of Carver and Scott and apply to the cities of the first class."*

A roll call was requested and properly seconded.

Halberg moved to lay the Fjoslien amendment on the table.

A roll call was requested and properly seconded.

The question was taken on the Halberg motion and the roll was called. There were 61 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Beard	Gustafson	McEachern	Price	Tomlinson
Berkelman	Halberg	Metzen	Riveness	Tunheim
Blatz	Hoffman	Munger	Rodosovich	Vanasek
Brandl	Jacobs	Murphy	Rodriguez, C.	Vellenga
Carlson, L.	Jensen	Nelson, D.	Rodriguez, F.	Voss
Clark, J.	Kahn	Norton	Sarna	Welle
Clark, K.	Kalis	O'Connor	Scheid	Wenzel
Coleman	Kelly	Ogren	Schoenfeld	Wynia
Eken	Knickerbocker	Olsen	Seaberg	Speaker Sieben
Ellingson	Knuth	Osthoff	Shea	
Forsythe	Kostohryz	Otis	Sparby	
Greenfield	Larsen	Peterson	Staten	
Gruenes	Long	Piper	Swanson	

Those who voted in the negative were:

Anderson, R.	Elioff	Krueger	Piepho	Uphus
Battaglia	Erickson	Kvam	Quist	Valan
Begich	Evans	Ludeman	Redalen	Valento
Bishop	Fjoslien	Mann	Rose	Waltman
Burger	Frerichs	Marsh	Schafer	Welch
Carlson, D.	Graba	McDonald	Segal	Welker
Clawson	Gutknecht	Minne	Shaver	Zaffke
Cohen	Haukoos	Neuenschwander	Solberg	
Dempsey	Hokr	Omann	Stadum	
DenOuden	Jennings	Onnen	Sviggum	
Dimler	Johnson	Pauly	Thiede	

The motion prevailed and the Fjoslien amendment was laid on the table.

McDonald moved to amend H. F. No. 288, the second engrossment, as amended, as follows:

Page 5, line 30, after the period insert "*The counties of Scott and Carver are excluded.*"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 46 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Battaglia	Dimler	Jennings	Onnen	Uphus
Begich	Erickson	Johnson	Piepho	Valento
Bennett	Evans	Knickerbocker	Redalen	Waltman
Bishop	Finlay	Krueger	Reif	Welker
Blatz	Fjoslien	Kvam	Rose	Wenzel
Brinkman	Frerichs	Ludeman	Schafer	Zaffke
Burger	Gruenes	Marsh	Solberg	
Carlson, D.	Gutknecht	McDonald	Stadum	
Dempsey	Halberg	Neuenschwander	Sviggum	
DenOuden	Haukoos	Omann	Thiede	

Those who voted in the negative were:

Anderson, G.	Graba	Mann	Piper	Simoneau
Beard	Greenfield	McEachern	Price	Sparby
Berkelman	Gustafson	Metzen	Quist	Staten
Brandl	Heinitz	Minne	Riveness	Swanson
Carlson, L.	Hoffman	Munger	Rodosovich	Tomlinson
Clark, J.	Jacobs	Murphy	Rodriguez, C.	Valan
Clark, K.	Jensen	Nelson, D.	Rodriguez, F.	Vañasek
Clawson	Kahn	Norton	St. Onge	Vellenga
Cohen	Kalis	O'Connor	Sarna	Voss
Coleman	Kelly	Ogren	Scheid	Welch
Eken	Knuth	Olsen	Schoenfeld	Welle
Elioff	Kostohryz	Osthoff	Seaberg	Wynia
Ellingson	Larsen	Otis	Segal	Speaker Sieben
Forsythe	Long	Peterson	Shea	

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

Marsh moved to amend H. F. No. 288, the second engrossment, as amended, as follows:

Page 5, line 30, after the period insert "*Provisions in this act apply only to the cities of the first class.*"

A roll call was requested and properly seconded.

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

Those who voted in the affirmative were:

Anderson, B.	Elioff	Hokr	Minne	Sherman
Anderson, G.	Erickson	Jennings	Neuenschwander	Solberg
Anderson, R.	Evans	Jensen	Omman	Stadum
Battaglia	Findlay	Johnson	Onnen	Sviggum
Begich	Fjoslien	Kalis	Pauly	Thiede
Bennett	Frerichs	Knickerbocker	Piepho	Uphus
Bishop	Graba	Krueger	Quist	Valan
Blatz	Gruenes	Kvam	Redalen	Valento
Brinkman	Gutknecht	Ludeman	Rose	Waltman
Burger	Halberg	Marsh	Schafer	Welch
Carlson, D.	Haukoos	McDonald	Schoenfeld	Welker
Dempsey	Heap	McEachern	Schreiber	Wenzel
DenOuden	Himle	McKasy	Seaberg	Zaffke
Dimler	Hoffman	Metzen	Shaver	

Those who voted in the negative were:

Beard	Ellingson	Larsen	Olsen	Rodosovich
Berkelman	Forsythe	Long	Osthoff	Rodriguez, F.
Brandl	Greenfield	Mann	Otis	St. Onge
Carlson, L.	Gustafson	Munger	Peterson	Scheid
Clark, J.	Jacobs	Murphy	Piper	Segal
Clark, K.	Kahn	Nelson, D.	Price	Simoneau
Cohen	Kelly	Nelson, K.	Quinn	Staten
Coleman	Knuth	Norton	Rice	Swanson
Eken	Kostohryz	O'Connor	Riveness	Tomlinson

Vanasek
Vellenga

Voss

Welle

Wynia

Speaker Sieben

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Carlson, D., was excused while in conference.

Staten moved that H. F. No. 288, as amended, be re-referred to the Committee on Energy. The motion prevailed.

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.

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

The question was taken on the passage of the bill and the roll was called. There were 105 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Ellingson	Krueger	Onnen	Seaberg
Battaglia	Forsythe	Kvam	Osthoff	Segal
Beard	Frerichs	Larsen	Otis	Shaver
Begich	Graba	Levi	Pauly	Simoneau
Bennett	Greenfield	Long	Peterson	Skoglund
Bergstrom	Gustafson	Mann	Piepho	Solberg
Berkelman	Gutknecht	Marsh	Piper	Sparby
Bishop	Heap	McEachern	Price	Staten
Blatz	Heinitz	McKasy	Redalen	Swanson
Brinkman	Himle	Metzen	Reit	Tomlinson
Burger	Hoffman	Minne	Rice	Tunheim
Carlson, L.	Hokr	Munger	Riveness	Valan
Clark, J.	Jacobs	Murphy	Rodosovich	Vanasek
Clark, K.	Jensen	Nelson, D.	Rodriguez, C.	Vellenga
Clawson	Johnson	Nelson, K.	Rodriguez, F.	Waltman
Cohen	Kahn	Neuenschwander	Rose	Welch
Coleman	Kalis	Norton	St. Onge	Welle
Dempsey	Kelly	O'Connor	Sarna	Wenzel
Dimler	Knickerbocker	Ogren	Scheid	Wynia
Eken	Knuth	Olsen	Schoenfeld	Zaffke
Elioff	Kostohryz	Omann	Schreiber	Speaker Sieben

Those who voted in the negative were:

Anderson, G.	Evans	McDonald	Sherman	Voss
Brandl	Findlay	Quist	Sviggun	Welker
DenOuden	Fjoslien	Schafer	Thiede	
Erickson	Ludeman	Shea	Uphus	

The bill was passed and its title agreed to.

S. F. No. 1241, A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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; 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.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 346 was reported to the House.

Shea moved to amend S. F. No. 346, the unofficial engrossment, as follows:

Pages 1 and 2, delete section 1 and insert:

"Section 1. [17.1015] [PROMOTIONAL EXPENDITURES.]

In order to accomplish the purposes of section 17.101, the commissioner may participate jointly with private persons in appropriate programs and projects and may enter into contracts to carry out those programs and projects. The contracts may not include the acquisition of land or buildings and are not subject to the provisions of chapter 16 relating to competitive bidding.

The commissioner may spend money appropriated for the purposes of section 17.101, and expenditures made pursuant to section 17.101 for food, lodging, or travel are not governed by the travel rules of the commissioner of employee relations."

Amend the title as follows:

Page 1, line 21, delete "17.101;"

Page 1, line 30, delete "chapter" and insert "chapters 17 and"

The motion prevailed and the amendment was adopted.

Ludeman moved to amend S. F. No. 346, the unofficial engrossment, as amended, as follows:

Page 15, delete lines 18 to 36

Page 16, delete lines 1 to 16

Renumber sections

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 41 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Gutknecht	Ludeman	Reif	Valento
Burger	Halberg	Marsh	Rose	Waltman
DenOuden	Haukoos	McDonald	Schafer	Welker
Erickson	Heinitz	Olsen	Seaberg	Wigley
Evans	Himle	Omamn	Shaver	Zaffke
Findlay	Hokr	Onnen	Stadum	
Fjoslien	Jennings	Quinn	Sviggum	
Forsythe	Johnson	Quist	Thiede	
Frerichs	Levi	Redalen	Uphus	

Those who voted in the negative were:

Battaglia	Elioff	Larsen	Piepho	Simoneau
Beard	Ellingson	Long	Piper	Skoglund
Bennett	Graba	Mann	Price	Solberg
Bergstrom	Greenfield	McEachern	Rice	Staten
Berkelman	Gruenes	Metzen	Riveness	Swanson
Blatz	Gustafson	Minne	Rodosovich	Tomlinson
Brandl	Heap	Munger	Rodriguez, C.	Tunheim
Brinkman	Hoffman	Murphy	Rodriguez, F.	Valan
Carlson, L.	Jacobs	Nelson, D.	St. Onge	Vanasek
Clark, J.	Jensen	Nelson, K.	Sarna	Vellenga
Clark, K.	Kahn	Neuenschwander	Scheid	Voss
Clawson	Kalis	Norton	Schoenfeld	Welle
Cohen	Kelly	O'Connor	Schreiber	Wenzel
Coleman	Knickerbocker	Ogren	Segal	Wynia
Dempsy	Kostohryz	Osthoff	Shea	Speaker Sieben
Eken	Krueger	Peterson	Sherman	

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

Burger moved to amend S. F. No. 346, the unofficial engrossment, as amended, as follows:

Page 17, line 27, delete "\$80" and insert "\$76"

Page 17, line 28, delete "\$155" and insert "\$147.25"

Page 17, line 29, delete "\$250" and insert "\$237.50"

Page 17, line 30, delete "\$315" and insert "\$299.25"

Page 17, line 31, delete "\$410" and insert "\$389.50"

Page 17, line 32, delete "\$470" and insert "\$446.50"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 41 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Battaglia	Forsythe	Ludeman	Piepho	Uphus
Begich	Gutknecht	Marsh	Quist	Valento
Bishop	Halberg	McDonald	Rose	Waltman
Blatz	Haukoos	McKasy	Sarna	Welker
Burger	Heap	O'Connor	Schafer	Zafke
Dempsey	Heinitz	Olsen	Shaver	
DenOuden	Hokr	Omann	Stadum	
Evans	Jennings	Onnen	Sviggum	
Fjoslien	Johnson	Pauly	Thiede	

Those who voted in the negative were:

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

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

S. F. No. 346, A bill for an act relating to agriculture; granting the commissioner powers relating to agricultural promotion; changing certain procedures related to fees; redefining certain terms; changing the coverage of the consolidated food licensing law; permitting the sale of certain eggs for human consumption; updating certain provisions; specifying certain plumbing and sewage disposal requirements;

changing the coverage of certain annual processing laws; prohibiting sale or possession of certain meat; changing certain fees; changing the dates of reports from and payments to certain agricultural societies; eliminating certain duties of the commissioner of agriculture and county agricultural agents; eliminating the prohibition on manufacture or use of certain preservative compounds; eliminating provisions relating to the dairy industry; adjusting fees for inspection of warehouses; directing the commissioner of agriculture to adopt a mandatory collective ratemaking procedure for warehousemen; amending Minnesota Statutes 1982, sections 17.101; 17B.15, subdivision 1; 28A.03; 29.235; 31.01, subdivision 20; 31.10; 31.101, subdivisions 3, 4, 5, 6, 7, and 8; 31.51, subdivision 2; 31.56, subdivision 1; 31A.02, subdivision 5; 31A.10; 31A.15; 32.394, subdivision 8; 34.05, subdivision 1; 38.02, subdivisions 1 and 3; 231.11; 231.12; 231.16; 232.22, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 31; repealing Minnesota Statutes 1982, sections 17.031; 17.032; 17B.15, subdivision 2; 31.401 to 31.406; 32.472; and 32.473.

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 111 yeas and 13 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DenOuden	Gutknecht	Ludeman	Thiede	Zaffke
Evans	Hokr	McDonald	Valento	
Frerichs	Jennings	Schafer	Welker	

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

S. F. No. 879, A bill for an act relating to courts; increasing mileage allowances for jurors; amending Minnesota Statutes 1982, section 593.48.

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

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Halberg

The bill was passed and its title agreed to.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON 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.

May 18, 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. 30, 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. 30 be further amended as follows:

Page 2, line 9, delete "90" and insert "45"

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

House Conferees: WES SKOGLUND, RICHARD KOSTOHRYZ and JOHN BURGER.

Senate Conferees: DONNA C. PETERSON, JOE BERTRAM and DORAN L. ISACKSON.

Skoglund moved that the report of the Conference Committee on H. F. No. 30 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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

The question was taken on the repassage of the bill and the roll was called. There were 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Blatz	Dempsey	Findlay	Halberg
Anderson, R.	Brandl	DenOuden	Fjoslien	Haukoos
Battaglia	Burger	Dimler	Forsythe	Heap
Beard	Carlson, L.	Eken	Frerichs	Heinitz
Begich	Clark, J.	Elioff	Graba	Himle
Bennett	Clark, K.	Ellingson	Greenfield	Hoffman
Bergstrom	Cohen	Erickson	Gustafson	Hokr
Berkelman	Coleman	Evans	Gutknecht	Jacobs

Jensen	McKasy	Piepho	Seaberg	Uphus
Johnson	Metzen	Piper	Segal	Valan
Kahn	Minne	Price	Shaver	Valento
Kelly	Munger	Quinn	Shea	Vanasek
Knickerbocker	Murphy	Quist	Sherman	Vellenga
Knuth	Nelson, D.	Redalen	Simoneau	Waltman
Kostohryz	Nelson, K.	Reif	Skoglund	Welch
Krueger	Neuenschwander	Riveness	Solberg	Welker
Larsen	Norton	Rodosovich	Sparby	Wenzel
Levi	Ogren	Rodriguez, C.	Stadum	Wynia
Long	Olsen	Rodriguez, F.	Staten	Zaffke
Ludeman	Omann	Rose	Swiggum	Speaker Sieben
Mann	Onnen	St. Onge	Swanson	
Marsh	Osthoff	Sarna	Thiede	
McDonald	Otis	Schafer	Tomlinson	
McEachern	Pauly	Scheid	Tunheim	

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

CONFERENCE COMMITTEE REPORT ON 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.

May 19, 1983

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1283, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1283 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [EDUCATION; APPROPRIATIONS.]

The sums set forth in the columns designated "APPROPRIATIONS" are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal year indicated for each purpose. The figures "1983", "1984", and "1985", wherever used in this act, mean that the appropriation or appropriations listed thereunder or therefor shall be available for the year ending June 30, 1983, June 30, 1984, or June 30, 1985, respectively.

SUMMARY BY FUND

	1983	1984	1985	TOTAL
General	\$536,028,700	\$546,327,500	\$1,082,356,200	
Trunk Highway	19,500	20,500	40,000	
Permanent University	2,500,000	2,500,000	5,000,000	
Non-Game Wildlife	25,000	25,000	50,000	
TOTAL	\$538,573,200	\$548,873,000	\$1,087,446,200	

SUMMARY BY AGENCY—ALL FUNDS

Department of Education	\$ 27,433,500	\$ 23,632,700	\$ 51,066,200
HECB	56,205,700	59,045,000	115,250,700
State University System	105,201,700	106,166,000	211,367,700

Community College System	51,843,400	53,452,900	105,296,300
University of Minnesota	296,545,000	305,371,700	601,916,700
Mayo Medical	1,343,900	1,204,700	2,548,600

APPROPRIATIONS
Available for the Year
Ending June 30

1984 1985

Sec. 2. DEPARTMENT OF
EDUCATION

Subdivision 1. General Operations
and Management \$27,433,500 \$23,632,700

Approved Complement

State—501.4

Federal—189.4

Special Revenue—7.5

Bond Proceeds—1.0

The amounts that may be expended from this appropriation for each program and activity are more specifically described in the following subdivisions of this section.

Subd. 2. Special and Compensatory
Education

1984 1985

\$ 2,458,900 \$ 2,438,800

(a) Of this appropriation, \$1,500,000 in the first year, and \$1,500,000 in the second year is for Indian scholarships. Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

1984

\$

1985

\$

(b) Of this appropriation, \$300,000 in the first year and \$300,000 in the second year is for Indian postsecondary preparation grants to school districts to be used to support programs for secondary students who are of one-fourth or more Indian ancestry and who, in the opinion of the district superintendent, have the capabilities to benefit from higher education. This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission as provided in Minnesota Statutes, section 3.30. Release of these funds shall also be contingent upon submission of a plan prepared by the state board, with the advice and counsel of the Minnesota Indian scholarship committee. The plan shall describe the objectives and the methods for implementing the program, including the manner in which grants will be distributed in proportion to the geographical distribution of the Indian population of the state. This plan shall be submitted to the chairmen of the house and senate education committees and the house appropriations and senate finance committees prior to the submission to the legislative advisory commission.

(c) Of this appropriation, \$61,100 in the first year and \$36,100 in the second year is for the Indian education unit for one position and for procurement of equipment and services necessary for the computerization of the accounting and data management operations of the Indian scholarship program.

The department of education shall maintain the existing Minnesota Indian education scholarship office at Bemidji during the biennium ending June 30, 1985, with no reduction in general fund appropriations.

	1984	1985
\$		\$

Subd. 3. Braille and Sight-Saving
School and School for the Deaf

1984	1985
------	------

\$ 5,622,300	\$ 5,531,600
--------------	--------------

(a) \$113,600 the first year and \$86,200 the second year is for repairs, replacements and betterments at the Minnesota School for the Deaf and the Minnesota Braille and Sight-Saving School. Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

\$98,900 the first year is for repair and purchase of equipment at the Minnesota School for the Deaf and the Minnesota Braille and Sight-Saving School. Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

(b) \$148,000 in the first year and \$148,000 in the second year is for summer school at the Minnesota School for the Deaf and the Minnesota Braille and Sight-Saving School.

(c) \$9,500 in the first year and \$9,500 in the second year is for the Parent-Child Institute at the Minnesota School for the Deaf and the Minnesota Braille and Sight-Saving School.

(d) \$74,500 in the first year and \$75,000 in the second year is for the purchase of mainstreaming services at the Minnesota School for the Deaf and the Minnesota Braille and Sight-Saving School.

(e) If the amounts appropriated in (b), (c), and (d) are insufficient, the commissioner may transfer other operating funds appropriated to the residential schools, with the exception of the funds in (a), for these purposes.

	1984	1985
	\$	\$

(f) It is the intent of the legislature that during the biennium in the event that federal EHA-Title VI-C funds for the Minnesota School for the Deaf and the Minnesota Braille and Sight-Saving School are diminished or no longer available, the commissioner of education may make application to the legislative advisory commission at one of its regularly scheduled meetings to obtain state funds to replace diminished federal funds.

(g) In the event that the Legislative Audit Commission does not approve a program evaluation of the Minnesota School for the Deaf and the Minnesota Braille and Sight-Saving School during the first year, the commissioner of finance, in consultation with the commissioners of education and administration, shall carry out such an evaluation. The evaluation shall consider the cost-effectiveness of the academic, residential, support, and administrative services in comparison to similar programs and the feasibility of alternative methods of service delivery. The study shall be submitted to the chairmen of the house appropriations and senate finance committees by January 15, 1984.

Subd. 4. Vocational Technical Instruction

\$ 5,590,300	\$ 4,892,200
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Of this appropriation \$1,999,100 in the first year and \$1,440,100 for the second year is for post-secondary vocational repair and betterment aid. The appropriation for post-secondary repair and betterment aid for 1984 includes \$191,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$1,808,100 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for post-secondary repair and betterment aid for 1985 in-

1984

1985

\$

\$

cludes \$319,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$1,121,100 for aid for fiscal year 1985 payable in fiscal year 1985.

\$525,000 the first year and \$500,000 the second year is for the Minnesota curriculum services center, the vocational student organization center, and vocational area agricultural coordinators. If the appropriation for either year is insufficient, the appropriation for the other year is available for it. This appropriation shall be spent pursuant to agreements between the state board of education and the recipients. The agreements are not subject to the contract approval procedures of the commissioner of administration.

Until June 30, 1985, the Minnesota curriculum services center may sell to school districts and agencies in other states and to the general public its instructional material and media at commercial or market prices. The profit derived from the sale of materials and media will be used to offset the operating costs of the center. An accounting of costs, sales and receipts shall be provided to the commissioner of education on July 1, 1984 and July 1, 1985.

Funding for the Minnesota Curriculum Services Center during the biennium shall be allocated under the average cost funding methodology.

The state board for vocational education shall develop and implement a plan for the transfer of the area agricultural coordinator functions and positions into the area vocational-technical institute system effective July 1, 1984, for the biennium. During the biennium support for the positions shall be provided all or in part from the instructional funds under the average cost funding methodology.

	1984	1985
	\$	\$

\$300,000 in the first year and \$300,000 in the second year is for the acquisition of equipment for technology-related programs in the area vocational-technical institutes.

\$150,000 in the first year is appropriated for the purpose of implementing sections 56, 57, 58, 59, 60, 61, 63, and 64.

Federal money received for state vocational education programs pursuant to the Vocational Education Act of 1963, Section 120, United States Code, title 20, section 2330 and required to be used for vocational education of the disadvantaged and handicapped shall be used during the biennium only for grants and not for state administrative costs. During the biennium the grant money may be used by a school district for its own administrative costs if otherwise permitted by federal law. The remainder of section 120 money not required to be used for eliminating sex bias, for displaced homemakers programs, and for matching requirements in vocational education shall be used during the biennium for grants for post-secondary vocational instructional aid allocations for support services.

Subd. 5. General Instructional Services

\$ 2,429,800	\$ 2,466,000
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During the biennium fees may be collected from school districts and educational systems pursuant to section 26 for subscriptions to the Minnesota Career Information Service and appropriated pursuant to section 27.

Of the amounts provided by this subdivision, \$19,500 in 1984 and \$20,500 in 1985 are from the trunk highway fund.

	1984	1985
	\$	\$

Subd. 6. Special Services

\$ 2,103,200 \$ 2,037,800

(a) During the biennium the state board of education and the state board of teaching, after joint consultation, shall individually set consistent license fees for which they are responsible at a level sufficient to recover all department of education and board of teaching costs associated with the licensure, relicensure, and placement of teachers, administrators, and other education professionals. In calculating these costs, the value of the services of the attorney general shall be considered. During the biennium in setting these fees, the state board of education and the board of teaching are exempt from the public hearing process in Minnesota Statutes, chapter 14. Notice of the revised fees shall be published in the state register, followed by 30-day public comment period before the revisions are effective. In assigning fees, the board of teaching shall consider differences between full-time and part-time employment in teaching and implementation of a differential fee structure for vocational education adult supplemental licenses.

(b) Fees for private trade school licenses and for solicitors' permits are increased to (1) private trade school license—initial fee \$440; (2) private trade school license—renewal \$330; (3) solicitor permits—\$165. Notice of the revised fees shall be published in the state register as soon as practicable. During the biennium ending June 30, 1985, these fees shall not be decreased and may be increased pursuant to Minnesota Statutes, sections 14.14, 16A.128, and 214.06.

Subd. 7. School Management Services

\$ 6,991,900 \$ 3,995,000

	1984	1985
\$		\$

(a) \$880,000 in the first year is for the Minnesota Educational Computing Consortium (MECC) for the operation of the management information services unit. Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

The executive director of MECC shall submit a plan annually during the biennium to the Elementary-Secondary-Vocational (ESV) Computer Council and to the commissioner of education detailing its plan for the management information system unit.

(b) \$3,634,000 in the first year and \$1,500,000 in the second year is for regional computing support for regional management information centers. The appropriation for the second year shall be placed in a contingent account. The funds in the contingent account shall be released when the study described in the next sentence is completed, and upon compliance with Minnesota Statutes, section 3.30. The ESV computer council with the assistance of the commissioner of education shall conduct a study on how best to meet state information needs in the most cost effective manner. The study shall be completed and delivered to the chairman of the house appropriations committee and senate finance committee by December 1, 1983. The study shall include but not be limited to an analysis of:

(1) the state and local benefits derived from Elementary-Secondary-Vocational Information System (ESV-IS) data processing and the current costs associated with providing the benefits;

(2) an alternative number of regional and state data processing sites and the costs of each alternative;

	1984	1985
\$		\$

(3) the ESV-IS applications software necessary to support state mandated data acquisition;

(4) alternatives for supporting the development and maintenance of ESV-IS and the State Department of Education Information System (SDE-IS) application software and the cost of each alternative;

(5) the costs and benefits of releasing large districts from the mandate to affiliate with ESV regional management information centers.

(c) \$1,068,100 in 1984 and \$1,095,600 in 1985 is for support of the education data systems section. Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

The commissioner of education shall annually during the biennium submit to the ESV computer council a detailed budget and workplan for the education data systems section for review and comment. A change in the workplan shall be featured in the succeeding year's submission.

Subd. 8. Auxiliary and General Support Services

\$ 2,050,100 \$ 2,080,200

\$129,400 in the first year and \$129,600 in the second year is for the Elementary-Secondary-Vocational Computer Council.

Subd. 9. General Authority

The commissioner of education with the approval of the commissioner of finance may transfer unencumbered balances among the above programs during the biennium. Transfers shall be re-

	1984	1985
\$		\$

ported forthwith to the house appropriations and senate finance committees.

It is the intent of the legislature, that, during the biennium except in the case of executive order to the contrary, the department of education be allowed to transfer money among the various object of expenditure categories and activities within each program.

The department of education may during the biennium spend federal block grant funds received under the education consolidation and improvement act of 1981, as amended, as shown in the biennial budget allocation plan. Changes may be made to accommodate adjustments in salary or other costs. However, material changes shall be reported to the senate finance committee and the house appropriations committee.

Subd. 10. Board of Teaching

\$	187,000	\$	191,100
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Sec. 3. HIGHER EDUCATION COORDINATING BOARD

Subdivision 1. General Operations and Management

56,205,700	59,045,000
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The amounts that may be expended from this appropriation for each purpose are more specifically described in the following subdivisions of this section.

Subd. 2. Salaries and Expenses

\$	2,027,600	\$	1,890,900
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This appropriation includes money for the administration of the state student assistance programs, program planning and coordination, policy planning and research, and agency management services.

	1984	1985
\$		\$

This appropriation includes money for a study of the need for engineering support programs in two-year institutions. The study shall be presented to the house appropriations and senate finance committees by December 1, 1984.

Subd. 3. State Scholarship, Nurses Scholarship and State Grant-In-Aid

\$ 42,374,000 \$ 47,266,000

If the appropriation for either year is insufficient, the appropriation for the other year is available to meet scholarship and grant obligations.

This appropriation includes money for grants to part-time students. If administrative problems preclude full consolidation of part-time student grants with the state grant and scholarship program, an amount not to exceed \$300,000 of the above appropriation shall be available in each year of the biennium for allocation to eligible post-secondary institutions to accommodate the needs of part-time students, pursuant to Minnesota Statutes, section 136A.132.

Of the above appropriation, an amount not to exceed \$100,000 is available in 1984 to cover short-term living and transportation expenses of AVTI students. The funds shall be advanced to the AVTI's at the beginning of the biennium and shall be used only to meet emergency needs of students who will receive awards from the state scholarship and grant program. The advances shall be repaid by students upon receipt of their state grant or scholarship award and all advances shall be returned to the higher education coordinating board before the end of the biennium. The higher education coordinating board shall develop administrative rules or procedures as necessary to implement this provision of law.

1984

1985

\$

\$

Notwithstanding any law to the contrary, the allowance for tuition and fees in the cost of attendance for four-year private institutions shall not exceed \$3,598 in the 1983-1984 school year and \$4,063 in the 1984-1985 school year. The allowance for tuition and fees in the cost of attendance for two-year private collegiate and vocational institutions shall not exceed \$3,573 in the 1983-1984 school year and \$3,752 in the 1984-1985 school year.

**Subd. 4. Interstate Tuition
Reciprocity**

\$ 6,850,000 \$ 4,800,000

If the appropriation for either year is insufficient, the appropriation for the other year is available to meet reciprocity contract obligations.

Subd. 5. State Work Study

\$ 4,209,000 \$ 4,428,600

Any unexpended balance of not more than \$160,000 remaining at the end of the first year shall not cancel but is available for the purposes of the appropriation in subdivision 3 for the second year

Subd. 6. Medical Student Loans

\$ 115,000

**Subd. 7. Minitex Library
Program**

\$ 630,100 \$ 659,500

Subd. 8. Notwithstanding any other provision to the contrary, none of the personnel, powers, or duties of the higher education coordinating board shall be transferred to any other department,

	1984	1985
	\$	\$

higher education system, or other part of state government.

Subd. 9. Any unexpended balances in this section remaining in the first year do not cancel but are available for the second year of the biennium.

Sec. 4. STATE UNIVERSITY BOARD

Subdivision 1. General Operations and Management	105,201,700	106,166,000
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The amounts that may be expended from this appropriation for each purpose are more specifically described in the following subdivisions of this section.

Subd. 2. Engineering Programs

This appropriation includes funds for the first two years of a three-year, phased development of engineering programs at Mankato State University and St. Cloud State University.

Of the total authorized expenditures, \$50,000 each year of the biennium for the engineering program at St. Cloud State University and \$50,000 each year of the biennium for the engineering program at Mankato State University is available upon submission of required documentation that the state money has been matched by contributions from non-state sources. This matching requirement may be satisfied with donated equipment or supplies with the approval of the chairmen of the senate finance committee and the house appropriations committee.

Subd. 3. Instructional Expenditures

It is estimated that the amount for instructional expenditures will be \$142,076,300 for the first year, and \$148,285,200 for the second year.

1984

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If the actual amount is different, the chancellor shall furnish the house appropriations and senate finance committees and the commissioner of finance with a report on December 1 of each year detailing the amount of the difference and provide an explanation thereof.

Subd. 4. Non-Instructional Expenditures

It is estimated that the amount for non-instructional expenditures will be \$14,213,700 for the first year, and \$13,899,900 for the second year.

If the actual amount is different, the chancellor shall furnish the house appropriations and senate finance committees and the commissioner of finance with a report on December 1 of each year detailing the amount of the difference and providing an explanation thereof.

(a) Of this amount, \$624,100 the first year and \$607,100 the second year is for state matching of federal student loan funds and federal work study funds.

(b) Of this amount, \$1,382,800 the first year and \$1,382,800 the second year is for repairs and betterments.

Subd. 5. The state university board shall submit a report to the chairmen of the house appropriations and senate finance committees by January 15, 1985, on the use of all money exempt from budgetary control by the commissioner of finance pursuant to Minnesota Statutes, sections 136.11, subdivision 5; 136.144; and 136.37.

The state university system is authorized to charge summer session expenditures to the fiscal year in which most of the summer session activity takes place.

	1984	1985
	\$	\$

Sec. 5. STATE COMMUNITY COLLEGE BOARD

Subdivision 1. General Operations and Management	51,843,400	53,452,900
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The amounts that may be expended from this appropriation for each purpose are more specifically described in the following subdivisions of this section.

Subd. 2. Instructional Expenditures

It is estimated that the amount for instructional expenditures will be \$71,-372,700 for the first year, and \$74,494,700 for the second year.

If the actual amount is different, the chancellor shall furnish the house appropriations and senate finance committees and the commissioner of finance with a report on December 1 of each year detailing the amount of the difference and providing an explanation thereof.

Subd. 3. Non-Instructional Expenditures

It is estimated that the amount for non-instructional expenditures will be \$7,645,800 for the first year, and \$8,001,900 for the second year.

If the actual amount is different, the chancellor shall furnish the house appropriations and senate finance committees and the commissioner of finance with a report on December 1 of each year detailing the amount of the difference and providing an explanation thereof.

(a) Of this amount, \$440,600 the first year and \$440,600 the second year is for state matching of federal student loan funds and federal work study funds.

	1984	1985
\$		\$

(b) Of this amount, \$673,600 the first year and \$673,600 the second year is for repairs and betterments.

Subd. 4. The community college system is authorized to charge summer session expenditures to the fiscal year in which most of the summer session activity takes place.

Sec. 6. UNIVERSITY OF MINNESOTA

Subdivision 1. Total Appropriation 296,545,000 305,371,700

The amounts that may be expended from this appropriation for each purpose are more specifically described in the following subdivisions of this section.

Subd. 2. Operations and Maintenance	247,291,600	253,232,700
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These appropriations are made from:

(a) income derived from investment of the permanent university fund, which is appropriated to the university as provided in Minnesota Statutes, section 137.022. It is estimated that this income will not exceed \$2,500,000 for the first year and \$2,500,000 for the second year; and

(b) the general fund. It is estimated that the amount required from the general fund will be at least \$244,791,600 for the first year and \$250,732,700 for the second year.

On December 1, 1984, and December 1, 1985, the president of the University of Minnesota shall furnish the house appropriations and senate finance committees and the commissioner of finance the following information:

	1984	1985
\$		\$

(1) The total amount of receipts during the fiscal year 1984 from all sources in excess of \$117,729,100 and during the fiscal year 1985 from all sources in excess of \$125,356,600;

(2) The sources of these receipts; and

(3) The purposes for which any excess receipts were expended and accounts to which transferred.

The board of regents shall certify to the commissioner of finance at the end of each quarter the amount of earnings derived from the investment of the permanent university fund.

If this income during any fiscal year exceeds the amounts stated in (a), the amount payable from the general fund is reduced accordingly.

In preparing the university's legislative budget request for the 1985-1987 biennium, all projected income from student tuition shall be based on a charge per credit hour schedule.

This appropriation includes funds for faculty salary equalization at the coordinate campuses.

The legislature recommends that the university assure that the class of its female, non-student employees is not subject to sex discrimination and that this objective be accomplished to the extent possible by a university-wide program of review and if necessary by adjustments in policy and practices rather than by case-by-case litigation.

The legislature recommends that the university assure that the class of its administrative employees is not subject to special protection in times of budget reduction, retrenchment, and/or layoffs.

	1984	1985
	\$	\$

(c) Instructional expenditures:

It is estimated that the amount for instructional expenditures will be \$245,-218,000 for the first year, and \$258,042,-500 for the second year.

During the fiscal biennium ending June 30, 1985, if the actual amount is different, the University of Minnesota shall furnish the house appropriations and senate finance committees and the commissioner of finance with a report on December 1 of each year detailing the amount of the difference and provide an explanation thereof.

Of the above amount, \$135,000 the first year, and \$180,000 the second year is for law library acquisitions.

To the extent feasible, funds shall be allocated for positions in the college of veterinary medicine and the veterinary teaching hospital.

\$500,000 of the money for the second year is to constitute the medical education contingency fund. It is the intent of the legislature that steps be taken to reduce the projected oversupply of physicians in Minnesota. The university's study on medical school enrollment, including recommendations for reductions in entering class size for the 1984-1985 academic year and subsequent implications for funding, shall be presented to the chairmen of the senate finance committee and the house appropriations committee by October 1, 1983. The medical education contingent fund is available upon submission of required documentation that the university is moving to address the physician oversupply problem. The request for release of this money shall be reviewed by the education division of the house appropriations committee and the education subcommittee of the senate finance committee.

1984

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A recommendation on the release of the money shall be made by the chairmen of the house appropriations and senate finance committees, whose recommendations are advisory only.

\$800,000 the first year and \$1,400,000 the second year is for the Duluth campus of the University of Minnesota for the establishment of a four-year engineering school. The money shall be used for programs in computer, electronics, and mineral engineering. \$100,000 each year of this money is available for the Duluth engineering program upon submission of required documentation that the state money has been matched by contributions from non-state sources. This matching requirement may be satisfied with donated equipment or supplies with the approval of the chairman of the senate finance committee and the house appropriations committee.

It is the intent of the legislature that the university address the problem of teaching assistants for whom English is a second language. The university shall develop a plan for insuring that teaching assistants are proficient in speaking, reading, and writing the English language as it is spoken in the United States. The plan shall be presented to the legislature by December 1, 1983.

(d) Non-instructional expenditures:

It is estimated that the amount for non-instructional expenditures will be \$119,802,700 for the first year and \$120,546,800 for the second year.

During the fiscal biennium ending June 30, 1985, if the actual amount is different, the University of Minnesota shall furnish the house appropriations and senate finance committees and the commissioner of finance with a report on December 1 of each year detailing the

1984

1985

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amount of the difference and providing an explanation thereof.

Subd. 3. Special Appropriations 49,253,400 52,139,000

(a) Agricultural Extension Service

\$ 10,637,700 \$ 11,164,600

This appropriation includes money for agriculture extension work, county agricultural agents, home demonstration and 4-H club work, and soil conservation. Any salary increases granted by the university to personnel paid from this appropriation shall not result in a reduction of the county portion of the salary payments.

(b) Agricultural Research

\$ 10,517,200 \$ 11,033,000

Of the above amount, \$10,417,200 the first year and \$10,933,000 the second year is for agricultural research.

Of the above amount, \$100,000 each year is for either of the following options: (a) an additional amount for agricultural research; or (b) the fire information, research and education center. This money is not to be divided between agricultural research and the FIRE center; it is to be used for one option or the other.

This appropriation includes money for research on aquatic plants (including wild rice), soybeans, avian disease, swine disease, corn improvement, and irrigation.

The university shall maintain an advisory council system for each experiment station. The advisory councils shall be broadly representative of range of size and income distributions for farms and agribusiness, and shall not be

	1984	1985
	\$	\$

disproportionately represented by those from the upper half of the size and income distributions of farms and agribusiness.

(c) Coleman Leukemia Research Center

\$	210,000	\$	220,500
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(d) County Papers

\$	2,000,000	\$	2,000,000
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(e) Medical Research

\$	1,902,200	\$	1,997,300
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(f) Rural Physicians Associates Program

\$	418,200	\$	514,100
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(g) Special Hospitals, Service and Educational Offset

\$	12,420,700	\$	13,041,700
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This amount includes \$9,318,900 each year which is counted as instructional cost.

Fees for service furnished to counties and individuals under this program shall be sought to augment the money appropriated; the fees are appropriated to the university hospitals, to be available until June 30, 1985.

(h) Faculty Travel

\$	85,000	\$	89,300
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(i) Fellowships for Minority and Disadvantaged Students or Environmental Pathology Laboratory

\$	50,000	\$	50,000
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1984

\$

1985

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This appropriation is to be used for either of the following options: (a) fellowships for minority and disadvantaged students; or (b) support for the environmental pathology laboratory. This appropriation is not to be divided between the fellowships and the laboratory; it is to be used for one option or the other.

Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

(j) General Research

\$ 1,815,700 \$ 1,906,400

This appropriation is, as the board of regents may direct, for general research, business and economic research including Duluth, center for urban and regional affairs, museum of natural history, and juvenile justice seminar.

(k) Geological Survey

\$ 649,200 \$ 681,700

(l) Hormel Institute

\$ 155,200 \$ 163,000

To support the operation of the institute and to promote research by the institute.

(m) Immigration History Research Center

The appropriation in Laws 1981, chapter 359, section 9, subdivision 12, for the immigration history research center is available until June 30, 1985. One of every two dollars contributed from non-state and non-federal sources may be donated services or donated or loaned personal or real property. These

	1984	1985
	\$	\$

services and property shall be valued according to the Code of Federal Regulations, title 34, sections 74.54 to 74.57 (1980).

(n) Industrial Relations Education

\$	591,600	\$	621,200
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(o) Intercollegiate Athletics

\$	1,688,400	\$	1,772,800
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This appropriation shall be used as a general offset to the expenses of intercollegiate athletics.

(p) Lake Superior Basin Studies

\$	127,900	\$	134,300
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(q) Micro-Electronics and
Information Science Center

\$	600,000	\$	600,000
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The above appropriation is available upon submission of required documentation that the state money has been matched by contributions from non-state sources. Matching requirements may be satisfied with donated equipment or supplies with the approval of the chairmen of the senate finance committee and house appropriations committee.

(r) Mineral Resources Research
Center

\$	363,200	\$	481,400
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(s) Plant Bio-Mass Energy
Research

\$	126,600	\$	132,900
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(t) Sea Grant Institute

\$	115,900	\$	121,700
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	1984	1985
	\$	\$
(u) Student Loans Matching Funds		
\$ 92,800	\$ 92,800	

(v) Summer Session and Continuing Education Supplement

\$ 1,290,700	\$ 1,355,300
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This appropriation includes money for the administration of the elderhostel program.

(w) Veterinary Diagnostic Laboratory

\$ 1,045,200	\$ 1,195,000
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This appropriation includes \$25,000 each year from the nongame wildlife account in the special revenue fund for the Raptor Rehabilitation and Research Clinic.

(x) Productivity Center

\$ 200,000	\$ 300,000
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The above appropriation is available upon submission of required documentation that the state money has been matched by contributions from non-state sources. Matching requirements may be satisfied with donated equipment or supplies with the approval of the chairmen of the senate finance committee and house appropriations committee.

(y) Natural Resources Research Institute

\$ 1,650,000	\$ 2,250,000
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(z) Bio-Technology Center

\$ 500,000	\$ 220,000
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	1984	1985
	\$	\$

The above appropriation for the second year is available upon submission of required documentation that the state money has been matched by contributions from non-state sources. Matching requirements may be satisfied with donated equipment or supplies with the approval of the chairmen of the senate finance committee and house appropriations committee.

Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

Sec. 7. MAYO MEDICAL FOUNDATION

1,343,900	1,204,700
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Subdivision 1. Medical School

\$ 1,191,100 \$ 1,041,300

The state of Minnesota shall pay a capitation of \$8,330 in fiscal years 1984 and 1985 for each student who is a resident of Minnesota for a maximum of 40 such students in each class.

Capitation funds shall be paid for a maximum of 20 students in each class for students who enter Mayo Medical School during the 1984-1985 academic year or thereafter.

It is the intent of the legislature that the Mayo foundation use the capitation funds towards the objective of increasing the number of doctors practicing in rural areas in need of doctors as identified by the higher education coordinating board. The Mayo foundation shall submit a plan to the legislature by December 1, 1983, on how it plans to meet these objectives.

Subd. 2. Family Practice and Graduate Residency Program

\$ 152,800 \$ 163,400

	1984	1985
\$		\$

The state of Minnesota shall pay capitation of \$12,730 in fiscal year 1984 and \$13,620 in fiscal year 1985 for a maximum of 12 students each year.

Sec. 8. [AFFIRMATIVE ACTION FOR TECHNOLOGY-RELATED EDUCATION.]

It is the intent of the legislature that during the biennium, technology-related education be made available to all qualified registrants at public institutions of post-secondary education in Minnesota. The University of Minnesota, the State University Board, the Community College Board, and the Board for Vocational-Technical Education shall each develop a plan on how affirmative action with regard to women, minorities, and the handicapped will be promoted in the spending of technology-related funds for educational programs. The plans shall be presented to the legislature by December 1, 1983.

Sec. 9. Minnesota Statutes 1982, section 3.732, subdivision 1, is amended to read:

Subdivision 1. As used in this section and section 3.736 the terms defined in this section have the meanings given them.

(1) "State" includes each of the departments, boards, agencies, commissions and officers in the executive branch of the state of Minnesota and includes but is not limited to the *Minnesota Educational Computing Consortium*, Minnesota Housing Finance Agency, the Minnesota Higher Education Coordinating Board, the Minnesota Higher Education Facilities Authority, the Armory Building Commission, the State Zoological Board, the University of Minnesota, state universities, community colleges, state hospitals, and state penal institutions. It does not include a city, town, county, school district, or other local governmental body corporate and politic.

(2) "Employee of the state" means all present or former officers, members, directors or employees of the state, members of the national guard, or persons acting on behalf of the state in an official capacity, temporarily or permanently, with or without compensation, but does not include an independent contractor.

(3) "Scope of his office or employment" means that the employee was acting on behalf of the state in the performance of duties or tasks lawfully assigned to him by competent authority.

Sec. 10. Minnesota Statutes 1982, section 10A.01, subdivision 18, is amended to read:

Subd. 18. "Public official" means any:

- (a) Member of the legislature;
- (b) Constitutional officer in the executive branch and his chief administrative deputy;
- (c) Member, chief administrative officer or deputy chief administrative officer of a state board or commission which has at least one of the following powers: (i) the power to adopt, amend or repeal rules, or (ii) the power to adjudicate contested cases or appeals;
- (d) Commissioner, deputy commissioner or assistant commissioner of any state department as designated pursuant to section 15.01;
- (e) Individual employed in the executive branch who is authorized to adopt, amend or repeal rules or adjudicate contested cases;
- (f) Executive director of the state board of investment;
- (g) Executive director of the Indian affairs intertribal board;
- (h) Commissioner of the iron range resources and rehabilitation board;
- (i) Director of mediation services;
- (j) Deputy of any official listed in clauses (e) to (i);
- (k) Judge of the workers' compensation court of appeals;
- (l) Hearing examiner or compensation judge in the state office of administrative hearings or hearing examiner in the department of economic security;
- (m) Solicitor general or deputy, assistant or special assistant attorney general;

(n) Individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher or attorney in the office of senate research, senate counsel, or house research; or

(o) Member or chief administrative officer of the metropolitan council, metropolitan transit commission, metropolitan waste control commission, metropolitan parks and open spaces commission, metropolitan airports commission or metropolitan sports facilities commission; or

(p) *Executive director of the Minnesota educational computing consortium.*

Sec. 11. Minnesota Statutes 1982, section 43A.08, subdivision 1a, is amended to read:

Subd. 1a. [ADDITIONAL UNCLASSIFIED POSITIONS.] Appointing authorities for the following agencies may designate additional unclassified positions pursuant to this subdivision: the departments of administration; agriculture; corrections; economic security; education; employee relations; energy, planning and development; finance; health; human rights; labor and industry; natural resources; public safety; public service; public welfare; revenue; transportation; and veterans affairs; the banking, securities and real estate, insurance and consumer services divisions of the department of commerce; the housing finance and pollution control agencies; the state board of investment; (AND) the offices of the secretary of state, state auditor and state treasurer; and the state board of vocational technical education.

A position designated by an appointing authority pursuant to this subdivision must meet the following standards and criteria:

(a) The designation of the position would not be contrary to the provisions of other law relating specifically to that agency;

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

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

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

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

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

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

Sec. 12. Minnesota Statutes 1982, section 43A.18, subdivision 4, is amended to read:

Subd. 4. [PLANS NOT ESTABLISHED BUT APPROVED BY COMMISSIONER.] Notwithstanding any other law to the contrary, total compensation for employees listed in this subdivision shall be set by appointing authorities subject to the following limitations:

(a) Total compensation paid pursuant to this subdivision shall be within the limits of compensation plans which shall have been approved by the commissioner before becoming effective;

(b) Total compensation for employees who are not covered by a collective bargaining agreement in the offices of the governor, attorney general, secretary of state, state auditor and state treasurer shall be determined by the governor, attorney general, secretary of state, state auditor and state treasurer, respectively;

(c) Total compensation for unclassified employees of the state board of investment shall be determined by the state board of investment;

(d) Total compensation for unclassified positions pursuant to section 43A.08, subdivision 1, clause (h) (AND), in the higher education coordinating board, *and in the state board of vocational technical education* shall be determined by the state university board and the state board for community colleges, (AND) the higher education coordinating board, *and the state board of vocational technical education*, respectively; and

(e) Total compensation for classified hearing examiners in the office of administrative hearings shall be determined by the chief hearing examiner.

Sec. 13. Minnesota Statutes 1982, section 120.17, subdivision 7a, is amended to read:

Subd. 7a. [ATTENDANCE AT SCHOOL FOR THE HANDICAPPED.] Responsibility for special instruction and services for a visually disabled or hearing impaired child attending the Minnesota school for the deaf or the Minnesota braille and sight-saving school shall be determined in the following manner:

(a) The legal residence of the child shall be the school district in which his parent or guardian resides.

(b) When it is determined pursuant to section 128A.05, subdivisions 1 or 2 that the child is entitled to attend either school, the state board shall provide the appropriate educational program for the child. The state board shall make a tuition charge to the child's district of residence for the actual cost of providing the program; provided, however, that effective for the (1979-1980) 1983-1984 school year and thereafter, the amount of tuition charged shall not exceed the sum of (\$500) \$1,000 plus the foundation aid formula allowance of the district for that child, for an entire school year, or a prorated amount based on the portion of the school year for which the child is a resident of the district or is actually in membership in the program. For purposes of this subdivision, "foundation aid formula allowance" shall have the meaning attributed to it in section 124.32, subdivision 1a. The district of the child's residence shall pay the tuition and may claim foundation aid for the child. The district of the child's residence shall not receive aid pursuant to section 124.32, subdivision 5, for tuition paid pursuant to this subdivision. All tuition received by the state board shall be deposited in the state treasury.

(c) When it is determined that the child can benefit from public school enrollment but that the child should also remain in attendance at the applicable school, the school district where the institution is located shall provide an appropriate educational program for the child and shall make a tuition charge to the state board for the actual cost of providing the program, less any amount of aid received pursuant to section 124.32. The state board shall pay the tuition and other program costs including the unreimbursed transportation costs. Aids for handicapped children shall be paid to the district providing the special instruction and services. Special transportation shall be provided by the district providing the educational program and the state shall reimburse such district within the limits provided by law.

(d) Notwithstanding the provisions of clauses (b) and (c), the state board may agree to make a tuition charge for less than the amount specified in clause (b) for pupils attending the applicable school who are residents of the district where the institution is located and who do not board at the institution, if that district agrees to make a tuition charge to

the state board for less than the amount specified in clause (c) for providing appropriate educational programs to pupils attending the applicable school.

(e) Notwithstanding the provisions of clauses (b) and (c), the state board may agree to supply staff from the Minnesota School for the Deaf and the Minnesota Braille and Sight-Saving School to participate in the programs provided by the district where the institutions are located when the programs are provided to students in attendance at the state schools.

Sec. 14. [120.801] [MINNESOTA EDUCATIONAL COMPUTING CONSORTIUM, PURPOSE.]

The legislature recognizes that computers are becoming a major factor in the operation of educational institutions, both in cost and in importance as an instructional tool. Furthermore, the legislature has continually supported the development of curricula for Minnesota educational institutions that include educational computing materials. While it is important that educational institutions be able to join together to gain economies in purchasing power, it is equally important that computer software and documentation be created, and instructional and administrative computing services be provided to meet the educational needs of Minnesota educational institutions. The purpose of the Minnesota educational computing consortium is to meet these needs.

Sec. 15. [120.802] [DEFINITIONS.]

Subdivision 1. For the purpose of sections 14 to 19 the words defined in this section have the meanings given them.

Subd. 2. "Consortium" means the Minnesota educational computing consortium originally created pursuant to Minnesota Statutes, section 471.59.

Subd. 3. "Minnesota educational institutions" means Minnesota school districts or combination of school districts, area vocational technical institutions, the state department of education, community colleges, state universities, and the University of Minnesota.

Sec. 16. [120.803] [STAFF.]

Subdivision 1. The consortium board shall appoint and set the salary of an executive director of the consortium. The executive director may employ other staff.

Subd. 2. [PERSONNEL MANAGEMENT.] The executive director shall establish personnel policies and procedures, including the compensation of other staff.

Subd. 3. [APPLICATION OF OTHER LAW.] The consortium is exempt from the application of chapters 14, 16, 16A, except 16A.095 and 16A.10, 43A, and 179. Notwithstanding chapter 13, the consortium shall not be required to disclose any copyrighted material. Consortium employees may participate in the Minnesota state retirement system and the teachers' retirement system. The commissioner of administration shall provide administrative services if requested by the consortium, and the consortium shall reimburse the commissioner for services provided. The consortium is empowered to purchase or lease real estate necessary for the consortium's operations but in no event shall the consortium rely upon the full faith and credit of the state of Minnesota.

Sec. 17. [120.804] [DUTIES OF CONSORTIUM.]

Subdivision 1. [PRODUCTS.] Notwithstanding any law to the contrary, the consortium shall provide its services and products at cost, including overhead, to Minnesota educational institutions.

Subd. 2. [SERVICES TO OTHERS.] The consortium may provide its products and services for educational purposes to other than Minnesota educational institutions. To further the public purpose expressed in section 14, the consortium shall establish a differential pricing policy between sales to Minnesota educational institutions and sales to others.

Sec. 18. [120.805] [POWERS.]

The consortium may:

(a) develop computer software and documentation for use by educational institutions;

(b) train educators in the use of computing;

(c) research and develop innovative uses of instructional and management computing for education; and

(d) contract with educational institutions for the development of software, documentation, and instructional and management computing services and charge for the cost of the development or services.

Sec. 19. [120.806] [MINNESOTA EDUCATIONAL INSTITUTIONS; POWERS.]

All Minnesota educational institutions are authorized to designate the consortium as their purchasing agent for computer hardware, software, and development of software. Minnesota educational institutions are authorized, notwithstand-

ing the requirements of sections 16.07, 471.345, or 123.37, to contract directly with the consortium for the development of computer programs and documentation and for instructional and management computing services for educational institutions.

Sec. 20. [REPORT.]

The Minnesota Educational Computing consortium board shall study and report to the chairmen of the house appropriations and senate finance committees and of the house and senate education committees by January 15, 1984, on the feasibility and desirability of transferring all or part of the powers and duties of the consortium to a nonprofit corporation, state agency, or other appropriate organizational structure. The report shall include recommendations for legislation needed to accomplish any recommendations.

Sec. 21. Minnesota Statutes 1982, section 120.81, is amended to read:

120.81 [MINNESOTA EDUCATIONAL COMPUTING CONSORTIUM, RECEIPTS.]

(SUBDIVISION 1. EFFECTIVE OCTOBER 1, 1977, NO FUNDS APPROPRIATED BY THE STATE SHALL BE TRANSFERRED TO OR EXPENDED WITH OR BY THE MINNESOTA EDUCATIONAL COMPUTING CONSORTIUM UNLESS THE CONSORTIUM ADHERES TO THE PROVISIONS OF CHAPTERS 15, 16, EXCEPTING SECTIONS 16.90 AND 16.94 THEREOF, 16A AND 43.)

(SUBD. 2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION 1,) The consortium is authorized to maintain a revolving fund for all receipts derived from computer services provided by the consortium. The Minnesota educational computing consortium shall charge users of consortium (FACILITIES FOR ON-LINE COMPUTER TIME ACTUALLY USED) *services and products*. Receipts shall be deposited in the Minnesota educational computing consortium revolving fund and are appropriated to the consortium. (THE CONSORTIUM BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR WHO SHALL BE ITS CHIEF ADMINISTRATIVE OFFICER. THE EXECUTIVE DIRECTOR MAY BE IN THE UNCLASSIFIED SERVICE. ALL OTHER EMPLOYEES ARE IN THE CLASSIFIED SERVICE OF THE STATE.)

Sec. 22. Minnesota Statutes 1982, section 121.11, is amended by adding a subdivision to read:

Subd. 15. [CERTAIN LICENSURE RULES.] The state board of education shall adopt and maintain as its rules for li-

censure of adult vocational education teachers, supervisory, and support personnel the rules of the state board of vocational technical education.

Sec. 23. Minnesota Statutes 1982, section 121.212, subdivision 2, is amended to read:

Subd. 2. Any fee established by the board pursuant to the authority granted in subdivision 1 shall not exceed \$1 per day per vehicle. Parking fees collected shall be deposited in the general or capital expenditure fund of the school district or joint school district.

Sec. 24. Minnesota Statutes 1982, section 121.931, subdivision 7, is amended to read:

Subd. 7. [APPROVAL POWERS.] The state board, with the advice and assistance of the ESV computer council, shall approve or disapprove the following, according to the criteria in section 121.937 and after promulgation, the rules adopted pursuant to subdivision 8:

(a) The creation of regional management information centers pursuant to section 121.935;

(b) The transfer by a district of its affiliation from one regional management information center to another;

(c) The use by a district of an alternative management information system to ESV-IS pursuant to section 121.936, subdivisions 2 to 4; and

(d) Annual and biennial plans and budgets submitted by regional management information centers pursuant to section 121.935, subdivisions 3 and 4 (; AND)

((E) EXPENDITURES BY DISTRICTS FOR COMPUTER ACTIVITIES OTHER THAN FEES PAID TO REGIONAL MANAGEMENT INFORMATION CENTERS).

Sec. 25. Minnesota Statutes 1982, section 121.934, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The council shall be composed of:

(a) Four representatives of school districts, including one school district administrator from a rural school district, one school district administrator from an urban school district, one

school board member from a rural school district, and one school board member from an urban school district;

(b) (TWO REPRESENTATIVES OF REGIONAL MANAGEMENT INFORMATION CENTER GOVERNING BOARDS, INCLUDING ONE MEMBER OF A REGIONAL MANAGEMENT INFORMATION CENTER BOARD FROM A REGION WHICH IS PREDOMINANTLY RURAL AND ONE MEMBER OF A REGIONAL MANAGEMENT INFORMATION CENTER BOARD FROM A REGION WHICH IS PREDOMINANTLY URBAN;)

((C) TWO) *Three* persons employed in management positions in the private sector, at least (ONE) *two* of whom (IS A) *are* data processing (MANAGER) *managers* or (HOLDS) *hold* an equivalent position in the private sector;

((D) TWO) (c) *Three* persons employed in management positions in the public sector other than elementary, secondary, or vocational education, at least (ONE) *two* of whom (IS A) *are* data processing (MANAGER) *managers* or (HOLDS) *hold* an equivalent position in the public sector; and

((E)) (d) One person from the general public.

(ALL THE MEMBERS APPOINTED PURSUANT TO CLAUSES (A), (B) AND (C) SHALL REPRESENT DIFFERENT REGIONAL MANAGEMENT INFORMATION CENTERS.) Members selected pursuant to clauses (b) and (c) (AND (D)) shall not be employees or board members of local school districts or the department of education. *The council shall include at least one resident of each congressional district.*

Sec. 26. Minnesota Statutes 1982, section 123.742, is amended by adding a subdivision to read:

Subd. 4. The department of education may provide career information to school districts and educational systems. The department may collect reasonable fees for subscriptions to the Minnesota career information service.

Sec. 27. Minnesota Statutes 1982, section 123.743, is amended to read:

123.743 [APPROPRIATION.]

There is annually appropriated from the general fund to the department of education any and all amounts received by the department pursuant to section 123.742, subdivisions 2 and 3 and section 26.

Sec. 28. Minnesota Statutes 1932, section 124.48, is amended to read:

124.48 [INDIAN SCHOLARSHIPS.]

Subdivision 1. [AWARDS.] The state board, with the advice and counsel of the Minnesota Indian scholarship committee, may award scholarships to any Minnesota resident student who is of one-fourth or more Indian ancestry, who has applied for other existing state and federal scholarship and grant programs, and who, in the opinion of the board, has the capabilities to benefit from further education. Scholarships shall be for advanced or specialized education in accredited or approved colleges or in business, technical or vocational schools. Scholarships shall be used to defray the total cost of education including tuition, incidental fees, books, supplies, transportation, other related school costs and the cost of board and room and shall be paid directly to the college or school concerned. The total cost of education includes all tuition and fees for each student enrolling in a public institution and the portion of tuition and fees for each student enrolling in a private institution that does not exceed the tuition and fees at a comparable public institution. Each student shall be awarded a scholarship based on the total cost of the student's education and a standardized need analysis. The amount and type of each (SUCH) scholarship shall be determined through the advice and counsel of the Minnesota Indian scholarship committee.

When an Indian student satisfactorily completes the work required by a certain college or school in a school year (HE) the student is eligible for additional scholarships, if additional training is necessary to reach (HIS) the student's educational and vocational objective. Scholarships may not be given to any Indian student for more than (FOUR) five years of study without special approval of the Minnesota Indian scholarship committee.

Subd. 2. [REPORT TO LEGISLATURE.] By December 1 of each even-numbered year, the state board of education shall report to the education committees of the legislature about the status of Indian scholarships and the recipients.

Sec. 29. [135A.01] [FUNDING POLICY.]

It is the policy of the legislature that state appropriations for the instructional services at public post secondary institutions reflect the cost of providing the instructional services.

Sec. 30. [135A.02] [APPLICABILITY.]

The total cost of providing instructional services shall be used to appropriate money to the board of regents of the University

of Minnesota, state university board, state board for community colleges, and the state board for vocational education to the extent the money is for instructional services.

Sec. 31. [135A.03] [APPROPRIATIONS FOR INSTRUCTIONAL SERVICES.]

Subdivision 1. [DETERMINATION OF APPROPRIATION.] The appropriation to each board for instructional services shall equal the total cost of instruction minus the estimated tuition revenue.

Subd. 2. [DETERMINATION OF TOTAL COST OF INSTRUCTION.] The total cost of instruction shall be calculated in the following manner.

(a) Determine the student enrollment, for each instructional category, for the fiscal year two years before the fiscal year for which the appropriation is to be made.

(b) Multiply the student enrollment by the average cost of instruction per student in each instructional category.

(c) Add the resulting products.

Subd. 3. [DETERMINATION OF STUDENT ENROLLMENT.] Student enrollment shall be the full-year equivalent or average daily membership enrollment in each instructional category in the fiscal year two years before the fiscal year for which the appropriations are being made. Student enrollment may be estimated on the basis of the fall enrollment. Student enrollment shall exclude students enrolled during a summer session, except when the instructional program is provided during the entire calendar year. Each board shall submit by December 1 of each year the student enrollment data necessary to determine appropriations. The data shall be submitted to the commissioner of finance.

Subd. 4. [DETERMINATION OF AVERAGE COST OF INSTRUCTION.] (a) The average cost of instruction shall include direct instructional costs and other costs necessary to provide instruction, such as fees, facilities, administration, and support. The average cost of instruction shall not include summer session costs, except when the instructional program is provided during the entire calendar year.

(b) Each board shall submit by December 1, 1983, its average cost of instruction for each instructional category for the 1984 fiscal year. Annually thereafter by December 1, each board shall submit the average cost of instruction for each instructional category as necessary to determine appropriations. The information shall be submitted to the commissioner of finance.

Subd. 5. [INSTRUCTIONAL CATEGORIES.] Average cost of instruction shall be determined by categories of cost of program and level of instruction and student enrollment in each category.

Sec. 32. [135A.04] [VARIABLE TUITION.]

The board of regents of the University of Minnesota, state university board, state board for community colleges, and state board for vocational education shall establish tuition. Tuition may vary by program, level of instruction, cost of instruction, or other classifications determined by each board.

Sec. 33. [135A.05] [TASK FORCE.]

The commissioner of finance shall establish a task force on average cost funding. The task force shall include representation from each of the public systems of postsecondary education, postsecondary students, the higher education coordinating board, the education division of the house appropriations committee, and education subcommittee of the senate finance committee, the office of state auditor, and the uniform financial accounting and reporting advisory council. The task force shall be convened and chaired by the commissioner of finance or his designee and staffed by the department of finance. The task force shall review and make recommendations on the definition of instructional cost in all four systems, the method of calculating average cost for funding purposes, the method used to assign programs to the proper level of cost at each level of instruction, the adequacy of the accounting data for defining instructional cost in a uniform manner, and the biennial budget format to be used by the four systems in submitting their 1985-1987 biennial budget requests. The task force shall submit a report on these matters to the legislature by December 1 of each year.

Sec. 34. [135A.06] [SYSTEM PLANS: UNIVERSITY OF MINNESOTA; STATE UNIVERSITY BOARD; STATE BOARD FOR COMMUNITY COLLEGES; STATE BOARD FOR VOCATIONAL EDUCATION.]

Subdivision 1. It is the intent of the legislature that the planning efforts of the public postsecondary education systems be summarized and reported to the legislature. These planning efforts include, but are not limited to, the on-going intra-system and inter-system planning processes and the information provided by the systems to the governor's commission on the future of postsecondary education. In order to accomplish this goal, the University of Minnesota board of regents, the state university board, the state board for community colleges, and the state board for vocational education shall each submit to the governor and the legislature on December 1 of each even-numbered year a planning report for its system. The planning report shall contain the mission of the system and short- and

long-range plans for programs, staff, and facilities. The report shall specify the mission and plans for two, five, and ten years. The assumptions used in developing the plans shall be included.

Subd. 2. [MISSION.] Each system shall review its mission as it relates to instruction, research, and public service.

Subd. 3. [SYSTEM PLANS.] (a) Each system shall review its program plan for instruction, research, and public service. Program plans shall include a statement of program priorities for undergraduate, graduate, and professional education. Program plans shall also include data about program cost and average class size within each institution.

(b) Each system shall review its plan for adjusting the number of facilities, staff, and programs to projected level of demand. Plans for adjustments shall consider campus and program mergers, campus and program closings, new governance structures, and other methods including consolidation of institutions, services, and programs with institutions serving the same geographic area which are operated by different governing boards.

(c) Each system shall consult with the higher education coordinating board throughout the planning process.

Subd. 4. [PLANNING FACTORS.] Each planning report shall consider the following factors at a minimum.

(a) Enrollment projections for two, five, and ten years. If a system uses projections which are different from the most recent available projections produced by the higher education coordinating board, the system shall compare its projections with enrollment projections prepared by the higher education coordinating board, and the system shall identify the method and assumptions used to prepare its projections;

(b) Estimated financial costs and savings of alternative plans for adjusting facilities, staff, and programs to declining enrollments and fiscal resources;

(c) Opportunities for providing services cooperatively with other public and private institutions in the same geographic area.

Subd. 5. [HECB REVIEW AND COMMENT.] The higher education coordinating board shall review and comment on the reports prepared by the systems. In order to provide sufficient time for this review, systems shall submit the reports to the coordinating board on September 1 prior to the December 1 submission to the governor and legislature. Before the higher education coordinating board forwards its review and comment

to the legislature, each system shall be given the opportunity by the higher education coordinating board to respond to the higher education coordinating board review. In order to provide sufficient time for the systems to respond, the HECB shall provide copies of its review and comment to the systems by October 15 and the systems shall submit any responses to the higher education coordinating board by November 15, prior to the January 2 submission to the governor and the legislature. The system responses shall accompany the higher education coordinating board review and comment when it is submitted to the governor and the legislature. As part of its review and comment, the higher education coordinating board shall present information on the cost, enrollment, and participation in public post secondary institutions.

Sec. 35. [135A.07] [EXECUTIVE SALARIES.]

Notwithstanding the provisions of chapters 15A and 43A and any other law passed during the 1983 legislative session, the state university board, the community college board, the higher education coordinating board, the state board of education, and the state board of vocational technical education may establish salaries for the chancellor, executive director, commissioner, and the state director, respectively, based on the level of responsibility and authority of the positions. The boards may also consider appropriate market comparisons with comparable positions in the midwest.

Sec. 36. Minnesota Statutes 1982, section 136.03, is amended to read:

136.03 [MANAGEMENT OF STATE UNIVERSITIES.]

The state universities shall be under the management, jurisdiction, and control of the state university board; and it shall have and possess all of the powers, jurisdiction, and authority, and shall perform all of the duties by them possessed and performed on and prior to April 1, 1901, except as hereinafter stated. Notwithstanding the provisions of sections 136.01, 136.015, and 136.017, the state university board, as it deems necessary, may close state universities under its jurisdiction. Prior to closing a state university the board shall hold a public hearing on the issue in the area which would be affected by the closing. At the hearing affected persons shall have an opportunity to present testimony. The hearing shall be conducted by the office of administrative hearings. The hearing examiner shall prepare a summary of testimony received at the hearing for the board. The board shall give notice of this hearing by publishing notice in the State Register and in a newspaper of general circulation in the affected area at least 30 days before the scheduled hearing.

Sec. 37. [136.031] [CARRY OVER AUTHORITY.]

The state university board may carry over any unexpended balance from its appropriation from the first year of a biennium into the second year of the biennium. The board may carry over an unexpended balance up to a maximum of two percent of its biennial appropriation into the following biennium. These moneys shall not be taken into account in determining state appropriations.

Sec. 38. Minnesota Statutes 1982, section 136.144, is amended to read:

136.144 [PROMOTION OF UNIVERSITY; ACCEPTANCE OF GIFTS.]

The board may receive and accept on behalf of the state and for the state universities any gift, bequest, devise, endowment, or grant in the form of cash which any person, firm, corporation, association, or governmental agency may make to the board by will, deed, gift, or otherwise to carry out the purposes of section 136.143. Unless otherwise so expressed in the terms of the gift, bequest, devise, endowment, or grant, moneys so received are not subject to the laws requiring budgeting, allotment, and encumbrance as provided in chapter 16A, or otherwise. (SUCH MONEYS) *These moneys shall be deposited in the state treasury and are (HEREBY) appropriated to the board for use (IN ACCORDANCE WITH) according to this section. These moneys shall not be taken into account in determining appropriations or allocations.*

Sec. 39. Minnesota Statutes 1982, section 136.62, is amended by adding a subdivision to read:

Subd. 7. [CLOSING AUTHORITY.] *Notwithstanding the provisions of sections 136.60 and 136.602, the board, as it deems necessary, may close community colleges under its jurisdiction. Prior to closing a community college the board shall hold a public hearing on the issue in the area which would be affected by the closing. At the hearing affected persons shall have an opportunity to present testimony. The hearing shall be conducted by the office of administrative hearings. The hearing examiner shall prepare a summary of testimony received at the hearing for the board. The board shall give notice of this hearing by publishing notice in the State Register and in a newspaper of general circulation in the affected area at least 30 days before the scheduled hearing.*

Sec. 40. Minnesota Statutes 1982, section 136.67, is amended by adding a subdivision to read:

Subd. 5. [CARRY OVER AUTHORITY.] *The community college board may carry over any unexpended balance from its appropriation from the first year of a biennium into the second year of the biennium. The board may carry over an unexpended*

balance up to a maximum of two percent of its biennial appropriation into the following biennium. These moneys shall not be taken into account in determining state appropriations.

Sec. 41. [LEGISLATIVE INTENT.]

(1) *The state scholarship and grant-in-aid programs amended in this act are intended to help men and women of the state with financial need pay the costs of their education.*

(2) *It is the intention of the legislature that the responsibility for the costs of attendance at the institutions of students' choosing be shared by students, parents, and government and that the responsibilities be set forth.*

(3) *Aid is to be made available to eligible students only after taking into account contributions from the students, parents, and federal Pell Grants for which the applicants are eligible.*

(4) *All students, as the main beneficiaries of the education, will be expected to make substantial contributions of the same proportion equal to at least half of the cost of attendance from savings, earnings, loans, and other resources.*

(5) *Further, the students' parents, if financially able, are expected to make a contribution to the cost of attendance.*

Sec. 42. Minnesota Statutes 1982, section 136A.121, is amended to read:

136A.121 [SCHOLARSHIPS AND GRANTS-IN-AID.]

Subdivision 1. [ELIGIBILITY FOR SCHOLARSHIPS.] An applicant shall be eligible to (COMPETE) *be considered* for a scholarship under the provisions of sections 136A.09 to 136A.131 if the board finds that applicant:

(1) is a resident of the state of Minnesota;

(2) has met all the requirements for admission as a full time student to an eligible institution of his choice as defined in sections 136A.09 to 136A.131;

(3) has demonstrated capacity for superior achievement at the institutional level as measured by standards prescribed by the board;

(4) is a qualified applicant as defined herein.

Subd. 2. [ELIGIBILITY FOR GRANTS-IN-AID.] An applicant shall be eligible to (COMPETE) *be considered* for a

grant-in-aid, regardless of the applicant's sex, creed, race, color, national origin, or ancestry, under the provisions of sections 136A.09 to 136A.131 if the board finds that applicant:

(1) is a resident of the state of Minnesota;

(2) is a graduate of a secondary school or its equivalent, or is 17 years of age or over, and has met all requirements for admission as a full time student to an eligible college or vocational school of his choice as defined in sections 136A.09 to 136A.131 or has completed at least one academic year of study at a two year institution and seeks transfer to a four year eligible institution;

(3) has met such criteria pertaining to financial need as the board shall make by regulation.

Subd. 3. [ALLOCATION (AND AMOUNT).] Scholarships and grants-in-aid shall be awarded annually on a funds available basis to those applicants for initial awards and applicants for renewal awards who meet the board's requirements.

Subd. 4. [SCHOLARSHIP STIPENDS.] *An eligible scholarship applicant shall be considered for a financial stipend (SHALL ACCOMPANY SCHOLARSHIP AWARDS) if the (SCHOLARSHIP WINNER) applicant demonstrates financial need (AND WILL ATTEND AN ELIGIBLE INSTITUTION. FINANCIAL STIPENDS SHALL RANGE FROM A MAXIMUM OF \$1,100 IN THE 1979-1980 SCHOOL YEAR, \$1,250 IN THE 1980-1981 SCHOOL YEAR AND UP TO \$1,400 IN THE 1981-1982 SCHOOL YEAR AND SUBSEQUENT SCHOOL YEARS TO A MINIMUM OF \$100 BUT IN NO EVENT SHALL EXCEED ONE-HALF OF THE APPLICANT'S FINANCIAL NEED OR AN AMOUNT WHICH IF COMBINED WITH THE AMOUNT OF A FEDERAL BASIC EDUCATIONAL OPPORTUNITY GRANT FOR WHICH THE APPLICANT IS ELIGIBLE EQUALS 75 PERCENT OF THE APPLICANTS NEED, WHICHEVER IS THE LESSER). An eligible scholarship (WINNERS) applicant who (DO) does not demonstrate financial need under criteria prescribed by the board shall be awarded an honorary (SCHOLARSHIPS) scholarship. The amount of a financial stipend shall not exceed a scholarship applicant's cost of attendance, as defined in subdivision 6, after deducting the following:*

(a) a contribution by the scholarship applicant of at least 50 percent of the cost of attending the institution of the applicant's choosing;

(b) a contribution by the scholarship applicant's parents, as determined by a standardized need analysis; and

(c) *the amount of a federal Pell grant award for which the scholarship applicant is eligible.*

The minimum financial stipend shall be \$100.

Subd. 5. [GRANTS-IN-AID STIPENDS.] A financial stipend based on financial need shall accompany grants-in-aid. (FINANCIAL STIPENDS SHALL RANGE FROM A MAXIMUM OF \$1,100 IN THE 1979-1980 SCHOOL YEAR, \$1,250 IN THE 1980-1981 SCHOOL YEAR AND UP TO \$1,400 IN THE 1981-1982 SCHOOL YEAR AND SUBSEQUENT SCHOOL YEARS TO A MINIMUM OF \$100, BUT IN NO EVENT SHALL EXCEED ONE-HALF OF THE APPLICANT'S FINANCIAL NEED, OR AN AMOUNT WHICH IF COMBINED WITH THE AMOUNT OF A FEDERAL BASIC EDUCATIONAL OPPORTUNITY GRANT FOR WHICH THE APPLICANT IS ELIGIBLE EQUALS 75 PERCENT OF THE APPLICANTS NEED, WHICHEVER IS THE LESSER.) *The amount of a financial stipend shall not exceed a grant applicant's cost of attendance, as defined in subdivision 6, after deducting the following:*

(a) *a contribution by the grant applicant of at least 50 percent of the cost of attending the institution of the applicant's choosing;*

(b) *a contribution by the grant applicant's parents, as determined by a standardized need analysis; and*

(c) *the amount of a federal Pell grant award for which the grant applicant is eligible.*

The minimum financial stipend shall be \$100.

Subd. 6. [COST OF ATTENDANCE.] *The cost of attendance shall consist of allowances specified by the board for room and board and miscellaneous expenses, and*

(a) *for public institutions, tuition and fees charged by the institution; or*

(b) *for private institutions, beginning July 1, 1985, an allowance for tuition and fees equal to the lesser of (1) the actual tuition and fees charged by the institution, or (2) the instructional costs per full year equivalent student in comparable public institutions. Prior to July 1, 1985, the tuition and fees allowance shall not exceed the instructional costs per full year equivalent student in comparable public institutions.*

Subd. 7. [INSUFFICIENT APPROPRIATION.] *If the amount appropriated is insufficient to make full awards to*

applicants pursuant to subdivision 4, then awards shall be reduced by

(a) adding a surcharge to the contribution of the applicant's parents, and

(b) a percentage increase in the applicant's contribution.

Subd. 8. [PRIORITY.] In dispensing available funds in a given year, priority shall be given (ON THE FOLLOWING BASIS:) *first* to renewal scholarships and grants-in-aid (THEREAFTER, UNTIL THE FUNDS ARE EXHAUSTED), and *second* to applicants for initial awards, on the basis of their rank in the case of scholarships, and on the basis of need (WITH ALL APPLICANTS TREATED AS A SINGLE POOL OF APPLICANTS) in the case of grants-in-aid, as determined by standards prescribed by the board.

Subd. (7) 9. [INITIAL AWARDS.] Only first year students shall be eligible to apply for and receive initial scholarship awards. (ONLY FIRST YEAR AND TRANSFER STUDENTS WHO MEET THE BOARD'S REQUIREMENTS SHALL BE ELIGIBLE TO APPLY FOR AND RECEIVE INITIAL GRANTS-IN-AID FOR THE 1977-1978 SCHOOL YEAR. FIRST YEAR STUDENTS, TRANSFER STUDENTS WHO MEET THE BOARD'S REQUIREMENTS AND SECOND YEAR STUDENTS WHO DID NOT RECEIVE A GRANT-IN-AID AWARD UPON ENTRANCE TO POST-SECONDARY EDUCATION SHALL BE ELIGIBLE TO APPLY FOR AND RECEIVE INITIAL GRANTS-IN-AID FOR THE 1978-1979 AND 1979-1980 SCHOOL YEARS.) Any undergraduate student who has not previously received a scholarship or grant-in-aid and who meets the board's requirements shall be eligible to apply for and receive (A) *an initial grant-in-aid* in any year of undergraduate study (FOR THE 1980-1981 SCHOOL YEAR AND SUBSEQUENT SCHOOL YEARS).

Subd. (8) 10. Each scholarship or grant-in-aid shall be awarded for one academic year but shall be renewable for a maximum of six semesters or nine quarters or their equivalent but may not continue after the recipient has obtained a baccalaureate degree or been enrolled full-time or the equivalent for the number of semesters or quarters normally required to complete a baccalaureate degree, whichever occurs first.

Subd. (9) 11. Each scholarship or grant-in-aid shall be renewable, contingent on continued residency in Minnesota, satisfactory academic standing and recommendation of the college or vocational school and, in the case of financial assistance, evidence of continued need.

Subd. (10) 12. The student must apply for renewal of his scholarship or grant-in-aid each year.

Subd. (11) 13. (THE DEADLINE FOR) The board (TO) *must* accept applications for state scholarships and grants-in-aid (SHALL BE NOT EARLIER THAN) *until* February 15 and *may establish a deadline for the acceptance of applications which is later than February 15.*

Subd. (12) 14. The student must continue to attend an eligible institution.

Subd. (13) 15. All scholarship (WINNERS) and *grant-in-aid recipients* shall be notified of their (AWARD) *awards* by the board and shall be given appropriate evidence of the award.

(SUBD. 14. ALL GRANT-IN-AID RECIPIENTS SHALL BE DULY NOTIFIED THEREOF BY THE BOARD.)

Subd. (15) 16. Financial scholarships and grants-in-aid awarded under the terms of sections 136A.09 to 136A.131 shall be applied to educational costs in the following order: tuition, fees, books, supplies and other expenses. Unpaid portions of such awards shall revert to the board scholarship or grant-in-aid account.

Sec. 43. Minnesota Statutes 1982, section 136A.14, is amended to read:

136A.14 [STUDENT LOANS, PURPOSE.]

The legislature has found and hereby declares that the encouragement of the maximum educational development of the (YOUNG) men and women of Minnesota is in the best interest of the state. The state loan (PROGRAM) *programs* would encourage students to continue their education and provide financial assistance for those who would not otherwise be able to do so. The state loan (PROGRAM) *programs* provided for herein (IS DESIGNATED) *except the loan programs authorized under section 49 are designed to be compatible with the provisions of the Higher Education Act of 1965. In furtherance of the loan programs provided for in sections 136A.14 to 136A.17 and section 49, the board may enter into such contracts, agreements, and guarantees with reference to the loans or the issuance of revenue bonds as may be necessary to carry out the programs.*

Sec. 44. Minnesota Statutes 1982, section 136A.141, is amended to read:

136A.141 [STUDENT LOAN PROGRAM.]

The higher education coordinating board shall establish and supervise one or more student loan programs in accordance with the provisions of sections 136A.14 to 136A.17 and *section 49.*

Sec. 45. Minnesota Statutes 1982, section 136A.143, is amended to read:

136A.143 [FOREIGN STUDENTS; RESIDENT TUITION.]

Institutions of higher education in Minnesota shall be authorized to grant resident status for the purpose of paying tuition fees in each institution to bona fide foreign students after their first year in Minnesota, provided that the total number of these residencies shall not exceed one-half of one percent of total full-time equivalent fall term enrollment of these institutions (**PROVIDED FURTHER THAT THESE RESIDENCIES SHALL BE GRANTED ON THE BASIS OF DEMONSTRATED FINANCIAL NEED AS DETERMINED BY THE HIGHER EDUCATION COORDINATING BOARD**).

Sec. 46. Minnesota Statutes 1982, section 136A.15, is amended to read:

136A.15 [DEFINITIONS.]

Subdivision 1. For purposes of sections 136A.14 to 136A.17 and section 49, the terms defined in this section have the meanings ascribed to them:

Subd. 2. "Academic year or its equivalent" shall be as defined in the federal regulations which govern the administration of the National Vocational Student Loan Insurance Act of 1965 and Title IV of the Higher Education Act of 1965.

Subd. 3. "Board" means the Minnesota higher education coordinating board.

Subd. 4. "Director" means the executive director of the Minnesota higher education coordinating board.

Subd. 5. "Eligible institution" means any public educational institution and any private educational institution, in any state which is approved by the U.S. commissioner of education in accordance with requirements set forth in the Higher Education Act of 1965, as amended.

Subd. 6. "Eligible lender" means an eligible institution, an agency or instrumentality of a state, or a financial or credit institution (including an insurance company) which is subject to examination and supervision by an agency of the state of Minnesota or of the United States.

Subd. 7. "Eligible student" means a student who is officially registered or accepted for enrollment at an eligible institution in Minnesota or a Minnesota resident who is officially registered as a student or accepted for enrollment at an eligible institution

in another state. Eligible student, except for purposes of section (136A.161) 49, includes parents of an eligible student as the term "parent" is defined in the higher education act of 1965, as amended, and the regulations promulgated thereunder. *Except for the purposes of section 49, eligible student also includes students eligible for auxiliary loans as the term auxiliary is defined in the Higher Education Act of 1965, as amended, and the regulations promulgated thereunder.*

Sec. 47. Minnesota Statutes 1982, section 136A.16, is amended to read:

136A.16 [POWERS AND DUTIES OF BOARD.]

Subdivision 1. The Minnesota higher education coordinating board is hereby designated as the administrative agency for carrying out the purposes and terms of sections 136A.14 to 136A.17 and section 49.

Subd. 2. The board shall adopt policies and prescribe appropriate rules and regulations to carry out the purposes of sections 136A.14 to 136A.17 and section 49. (SUCH) *The policies, rules, and regulations except as they relate to loans under section 49 shall be compatible with the provisions of the National Vocational Student Loan Insurance Act of 1965 and the provisions of Title IV of the Higher Education Act of 1965, and any amendments thereof.*

Subd. 3. The board may make loans in amounts not to exceed the maximum amount provided in the higher education act of 1965 and any amendments thereof *except that the limitation shall not apply to loans under section 49.* The board may establish procedures determining the loan amounts for which students are eligible.

Subd. 4. The board may contract with or enter into agreements with eligible lenders for the purpose of making loans to eligible students in accordance with the policies and rules of the board.

Subd. 5. The board shall have the right to contract with guarantee agencies, *insurance agencies*, and/or collection agencies, *or any other person*, to carry out the purposes of sections 136A.14 to 136A.17 and section 49.

Subd. 6. The board shall be empowered to charge for insurance on each loan a premium, payable each year in advance (.). *The premiums shall not be in an amount (NOT TO EXCEED) in excess of the premium in the federal regulations which govern the vocational and higher education loan program except that the limitation shall not apply to loans under section 49.* Premium fees shall be available to the board without fiscal year limitation for the purposes of making loans and meeting expenses (IN-

CURRED IN) of administering the (PROGRAM) *loan programs.*

Subd. 7. The board may apply for, receive, accept, and disburse federal funds, as well as funds from other public and private sources, made available to the state for loans or as administrative moneys to operate student loan programs. In making application for (FEDERAL) funds, it may comply with all requirements of (SUCH) *state and federal law and (SUCH) rules and regulations, and enter into the contracts necessary to enable it to receive, accept, and administer such funds.*

Subd. 8. Moneys made available to the board which are not immediately needed for the purposes of sections 136A.14 to 136A.17 *and section 49* may be invested by the board. Such moneys shall be invested in bonds, certificates of indebtedness, and other fixed income securities, except preferred stocks, which are legal investments for the permanent school fund. Such moneys may also be invested in such prime quality commercial paper as is eligible for investment in the state employees retirement fund. All interest and profits from such investments shall inure to the benefit of the board.

Subd. 9. The board shall be empowered to employ such professional and clerical staff as the director deems necessary for the proper administration of the loan (PROGRAM) *programs established and defined by sections 136A.14 to 136A.17 and section 49.*

Subd. 10. Subject to its directives and review, the board may delegate to the director the responsibility for issuance of public information concerning provisions of sections 136A.14 to 136A.17 *and section 49*, for design of loan application forms, and for prescribing procedures for submission of applications for loans.

Subd. 11. The board shall periodically review and evaluate its programs and activities and shall report to the governor on or before the beginning of each session of the state legislature.

Subd. 12. The board shall establish and maintain appropriate accounting and related records.

(SUBD. 13. BEFORE IMPLEMENTING A LOAN PROGRAM FOR PARENTS AS DEFINED IN SECTION 136A.15, SUBDIVISION 7, THE BOARD SHALL OBTAIN APPROVAL FROM THE LEGISLATIVE ADVISORY COMMISSION.)

Sec. 48. Minnesota Statutes 1982, section 136A.17, is amended to read:

136A.17 [(PROGRAM REQUIREMENTS) PROVISIONS FOR FEDERAL PROGRAMS.]

Subdivision 1. A student shall be eligible to apply for a loan under the provisions of sections 136A.14 to 136A.17 if the board finds that the student is an eligible student as defined in those sections and is eligible for a loan under federal laws and regulations governing the federal guaranteed student loan (PROGRAM) *programs*.

Subd. 2. The student loan (PROGRAM) *programs* shall be administered in compliance with Title VI of the Civil Rights Act of 1964.

Subd. 3. The board may loan money upon such terms and conditions as the board may prescribe *and it may acquire student loans from other lenders to facilitate the student loan programs provided for in this section.*

Subd. 4. No loan shall be made in excess of the maximum provided by pertinent federal laws and regulations. The aggregate unpaid principal amount of loans to any individual student shall not exceed the maximum provided in pertinent federal laws and regulations.

Subd. 5. The board may make loans for vocational study to an individual student for a maximum of three academic years or their equivalent and loans for higher education to an individual student for a maximum of eight academic years of study or their equivalent.

Subd. 6. No loans made by the board shall be made at an annual rate of interest in excess of the maximum prescribed in the National Vocational Student Loan Insurance Act of 1965 and the Higher Education Act of 1965, and any amendments thereof.

Subd. 7. The benefits of the loan (PROGRAM) *programs* will not be denied any student because of his family income or lack of need if his adjusted annual family income at the time the note is executed is less than the maximum prescribed in the applicable federal regulations.

Subd. 8. The repayment procedures applicable for loans made by the board shall be consistent with federal regulations governing interest payments under the National Vocational Student Loan Insurance Act of 1965 and the Higher Education Act of 1965.

Subd. 9. The board may take, hold, and administer (, ON BEHALF OF THE BOARD AND) for any of its purposes, real property, personal property and moneys, or any interest therein, and the income therefrom, either absolutely or in trust, for any pur-

poses of the board. The board may acquire property or moneys for such purposes by purchase or lease and by the acceptance of gifts, grants, bequests, devices or loans; and may enter into contracts with other nonprofit corporations or institutions with the same or similar purposes as will benefit and improve the operation of the board *and its loan programs*.

Subd. 10. The board may establish variable repayment schedules consistent with the need and anticipated income streams of borrowers. The repayment schedules shall not violate the federal laws and regulations governing federal guaranteed student loan programs.

Subd. 11. No moneys originating from state sources in the state treasury shall be made available for student loans and all student loans shall be made from moneys originating from non-state sources.

Sec. 49 [136A.1701] [SUPPLEMENTAL AND ADDITIONAL LOANS.]

Subdivision 1. [ESTABLISHMENT OF PROGRAM.] The higher education coordinating board may provide for programs of loans which may be made in lieu of or in addition to loans authorized under sections 136A.14 to 136A.17 and applicable provisions of federal law as provided in this section.

Subd. 2. [PURPOSE OF PROGRAM.] The purpose of the loan programs under this section is to provide financial assistance for the postsecondary education of students who are eligible students whether or not such students qualify for a loan or loans under other provisions of sections 136A.14 to 136A.17. Loans granted to students shall be used solely for educational purposes.

Subd. 3. [COMPLIANCE WITH CIVIL RIGHTS ACT.] The student loan programs shall be administered in compliance with Title VI of the Civil Rights Act of 1964.

Subd. 4. [TERMS AND CONDITIONS OF LOANS.] The board may loan money upon such terms and conditions as the board may prescribe. The principal amount of a loan to an undergraduate student for a single academic year may not exceed \$4,000. The aggregate principal amount of all loans made under this section to an undergraduate student may not exceed \$16,000. The principal amount of a loan to a graduate student for a single academic year shall not exceed \$6,000. The aggregate principal amount of all loans made under this section to a student as a graduate student shall not exceed \$25,000.

Subd. 5. [MAXIMUM LOANS FOR STUDENTS.] Loans made under this section or sections 136A.14 to 136A.17 to an

individual eligible student for vocational study may be made for a maximum of three academic years or their equivalent and loans made to any other individual eligible student may be made for a maximum of eight academic years or their equivalent.

Subd. 6. [RATE OF INTEREST.] *The board shall determine the rate of interest to be charged on loans. The rate of interest on student loans however computed, shall not be subject to any provision of state law limiting the rate of interest to be charged for a loan of money.*

Subd. 7. [REPAYMENT OF LOANS.] *The board shall establish repayment procedures for loans made under this section, but in no event shall the period of permitted repayment exceed ten years from the eligible student's termination of his post-secondary academic or vocational program, or 15 years from the date of his first loan under this section, whichever is less.*

Subd. 8. [BOARD POWERS.] *The board may take, hold, and administer for any of its purposes, real or personal property and money, or any interest therein, and the income therefrom, either absolutely or in trust, for any purposes of the board. The board may acquire real or personal property or money for its purposes by purchase or lease and by gift, grant, bequest, devise, or loan, and may enter into contracts with profit or nonprofit corporations or institutions with the same or similar purposes as will benefit and improve the operation of the board and its loan programs.*

Subd. 9. [VARIABLE REPAYMENT SCHEDULES.] *The board may establish variable loan repayment schedules consistent with the need and anticipated income streams of borrowers.*

Subd. 10. [PROHIBITION ON USE OF STATE MONEY.] *No money originating from state sources in the state treasury shall be made available for student loans under this section and all student loans shall be made from money originating from nonstate sources.*

Sec. 50. [136A.1702]

The board shall obtain approval from the legislative advisory commission prior to taking the following actions with regard to student loan programs described in this act:

(1) *implementing a loan program for parents and students eligible for auxiliary loans as defined in section 136A.15, subdivision 7;*

(2) *acquiring student loans from other lenders to facilitate student loan programs provided for in section 136A.17; and*

(3) *providing for programs of supplemental and additional loans as defined in section 49.*

Sec. 51. Minnesota Statutes 1982, section 136A.18, is amended to read:

136A.18 [(CONTRACTUAL ARRANGEMENTS WITH) PRIVATE COLLEGES; PURPOSE.]

The legislature has found and hereby declares that private colleges in Minnesota have the (POTENTIAL) capacity for educating (LARGER) *significant* numbers of Minnesota residents and that providing for the education of (ADDITIONAL) Minnesota residents in private colleges, rather than in state institutions of higher education, (WOULD RESULT) *results* in a savings of tax moneys. The (CONTRACTUAL ARRANGEMENTS WITH) Minnesota private colleges (AUTHORIZED HEREIN) are (DESIGNED TO ENCOURAGE AND) *encouraged* to facilitate the education of (LARGER) *significant* numbers of Minnesota residents in private colleges located in Minnesota.

Sec. 52. Minnesota Statutes 1982, section 136A.26, is amended to read:

136A.26 [MEMBERSHIPS; OFFICERS; COMPENSATION; REMOVAL.]

Subdivision 1. The Minnesota higher education facilities authority shall consist of six members appointed by the governor with the advice and consent of the senate, and the executive director of the Minnesota higher education coordinating board. *The executive director of the coordinating board may designate a member of the director's staff to sit in the director's place as a member of the authority.*

All members to be appointed by the governor shall be residents of the state. At least one of the members shall be a person having a favorable reputation for skill, knowledge, and experience in the field of state and municipal finance; and at least one shall be a person having a favorable reputation for skill, knowledge, and experience in the building construction field; and at least one of the members shall be a trustee, director, officer, or employee of an institution of higher education.

Subd. 2. The membership terms, compensation, removal of members, and filling of vacancies for authority members other than the executive director of the higher education coordinating board *or the director's designee* shall be as provided in section 15.0575.

Sec. 53. Minnesota Statutes 1982, section 136A.29, subdivision 2, is amended to read:

Subd. 2. The authority shall annually elect one of its members as chairman, (AND) one as vice-chairman, *and one as secretary*, as well as (TO) elect additional officers deemed necessary by the authority. (THE EXECUTIVE DIRECTOR OF THE HIGHER EDUCATION COORDINATING BOARD SHALL BE SECRETARY OF THE AUTHORITY.)

Sec. 54. Minnesota Statutes 1982, section 136A.29, subdivision 9, is amended to read:

Subd. 9. The authority is authorized and empowered to issue revenue bonds whose aggregate principal amount at any time shall not exceed (\$100,000,000) *\$150,000,000* and to issue notes, bond anticipation notes, and revenue refunding bonds of the authority under the provisions of sections 136A.25 to 136A.42, to provide funds for acquiring, constructing, reconstructing, enlarging, remodeling, renovating, improving, furnishing, or equipping one or more projects or parts thereof.

Sec. 55. Minnesota Statutes 1982, section 136A.42, is amended to read:

136A.42 [ANNUAL REPORT.]

The authority shall keep an accurate account of all of its activities and all of its receipts and expenditures and shall annually make a report thereof to the higher education coordinating board. (THE AUTHORITY'S REPORT SHALL BE INCLUDED IN) The higher education coordinating (BOARD'S BIENNIAL REPORT) *board shall review and comment upon the report and make such recommendations as it deems necessary to the governor and the legislature.*

Sec. 56. [INTENTION OF THE LEGISLATURE.]

It is the intention of the legislature to create a state board of vocational technical education to govern post-secondary and adult vocational education administered by an area vocational technical institute.

Further, it is the intention of the legislature that secondary vocational education be governed by the state board of education as an essential and integral part of the secondary instructional program.

Further, it is the intention of the legislature that adult vocational education not administered by an area vocational technical institute be governed by the state board of education.

Further, it is the intention of the legislature that the state board of education and the state board of vocational technical education conduct their affairs cooperatively to continue the coordination of secondary, post-secondary, and adult vocational education.

Further, it is the intention of the legislature, with respect to post-secondary and adult vocational education administered by an area vocational technical institute, that the present balance of powers, duties, and functions between school boards and the state be retained except as provided in this act.

Further, it is the intention of the legislature to allow for flexibility and the opportunity for participation by affected parties during the time preceding the assumption of governing responsibilities.

Finally, it is the intention of the legislature that the state board of vocational technical education commence its proceedings with due deliberation, demonstrating concern for existing successful programs; concern for present diverse programs, needs, and methods of delivery, and thoughtful consideration of the complexities of governing and coordinating the affected parties and programs.

Sec. 57. [136C.01] [ESTABLISHMENT.]

A state board of vocational technical education is established to govern post-secondary vocational education. It shall also govern adult vocational education administered by an area vocational technical institute.

Sec. 58. [136C.02] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purpose of this chapter, the following terms have the meanings given them.

Subd. 2. [AREA VOCATIONAL TECHNICAL INSTITUTE.] "AVTI" means an area vocational technical institute.

Subd. 3. [POST-SECONDARY VOCATIONAL EDUCATION.] "Post-secondary vocational education" means post-secondary and adult vocational education administered by an AVTI.

Subd. 4. [STATE BOARD.] "State board" means the state board of vocational technical education.

Subd. 5. [STATE DIRECTOR.] "State director" means the state director of vocational technical education.

Subd. 6. [DISTRICT.] "District" means a school district providing post-secondary vocational education or an intermediate district.

Subd. 7. [INTERMEDIATE DISTRICT.] "Intermediate district" means a district with a cooperative program which has been established under Laws 1967, chapter 822, as amended; Laws 1969, chapter 775, as amended; and Laws 1969, chapter 1060, as amended, offering integrated services for secondary, post-secondary, and adult students in the areas of vocational education, special education, and other authorized services.

Subd. 8. [SCHOOL BOARD.] "School board" means the school board of a district and, in the case of an intermediate district, the board of the intermediate district.

Sec. 59. [136C.03] [STATE BOARD MEMBERSHIP.]

Subdivision 1. [COMPOSITION AND SELECTION.] The state board shall consist of 11 members. One shall be from each congressional district, two shall represent the state at large, and one shall be a student to represent the state at large. The members shall be appointed by the governor with the advice and consent of the senate. Ten members shall be selected for their interest in vocational technical education, and consideration shall be given to applicants based on their knowledge of agriculture, business, economic development, industry, labor, and service for the handicapped. The student member shall be a full-time student enrolled in an area vocational technical institute or so enrolled within one year before appointment to the state board. Except for the student member, no member while serving on the state board may be an employee of or receiving compensation from a public or private institution providing post-secondary vocational education.

Subd. 2. [TERMS.] The membership terms, compensation, removal of members, and filling of vacancies on the state board shall be as provided in section 15.0575, except that the term of the student member shall be two years.

Subd. 3. [ADMINISTRATION.] The state board shall elect a chair and other officers as it may desire. It shall determine its meeting dates and places. The commissioner of administration shall provide the state board with appropriate offices.

Sec. 60. [FIRST STATE BOARD.]

Subdivision 1. [APPOINTMENT AND TERMS.] By July 1, 1983, the state board of vocational technical education shall be appointed by the governor according to the provisions of section 59, subdivision 1. The state board shall assume full responsibility for governance on January 1, 1984. The terms of

the members of the first state board shall be as follows: the terms of two members shall end on the first Monday in January, 1988; the terms of three members shall end on the first Monday in January, 1987; the terms of three members shall end on the first Monday in January, 1986; and the terms of three members shall end on the first Monday in January, 1985.

Subd. 2. [DEVELOPMENT OF PROCEDURES AND REPORT.] The state board shall develop procedures to transfer governance with the advice and consultation of the state board for vocational education, state board of education, appropriate state agencies, school boards, and other affected parties. The state board of vocational technical education and the state board of education shall cooperatively determine:

- (a) allocation of federal moneys;*
- (b) permanent designation of the sole state agency;*
- (c) provision of operational support services;*
- (d) assignment of operational support and adult vocational staff; and*
- (e) agreements involving the two boards.*

The state board of vocational technical education and the state board of education shall report their findings and recommendations, including proposals for statutory changes, to the education committees of the legislature by December 1, 1983.

Subd. 3. [TEMPORARY SOLE STATE AGENCY.] From January 1, 1984, to June 30, 1984, the state board of education shall serve as the sole state agency for the purpose of receiving federal vocational money. All federal money for post-secondary vocational education, as defined in section 58, shall be reallocated to the state board of vocational technical education.

Subd. 4. [FIRST STATE DIRECTOR.] Notwithstanding the provisions of section 61, subdivision 2, the governor, with the advice and consent of the senate, shall appoint the first state director.

Subd. 5. [STAFF.] The state board may employ necessary staff to carry out its duties under this section. On request of the state board, the department of education may temporarily assign any of its staff to assist the state board.

Sec. 61. [136C.04] [POWERS AND DUTIES OF THE STATE BOARD.]

Subdivision 1. [GENERAL.] The state board shall possess all powers necessary and incident to the management, jurisdiction, and governance of post-secondary vocational education. These powers shall include, but are not limited to, those enumerated in this section.

Subd. 2. [APPOINTMENT OF STATE DIRECTOR.] The state board shall appoint a state director of vocational technical education who shall serve in the unclassified service. The state director shall be qualified by training and experience in the field of education, vocational education, or administration. The state director shall possess powers and perform duties as delegated by the state board. The state board shall set the salary of the state director. The state director may be paid an allowance not to exceed \$2,000 annually for miscellaneous expenses in connection with duties of the office. The provisions of chapter 16A shall not apply to these expenditures, but the state board shall prescribe the manner, amount, and purpose of the expenditures and report to the legislature on the expenditures by December 1 of each even-numbered year.

Subd. 3. [STAFF.] The state board shall employ all subordinate staff and prescribe their duties consistent with chapter 43A.

Subd. 4. [BUDGET REQUESTS.] The state board shall review and approve, disapprove, or modify the biennial budget requests for post-secondary vocational education operations and facilities submitted by the state director. The state board shall submit the approved biennial budget requests to the governor.

Subd. 5. [PLANNING.] The state board shall develop a long-range plan for post-secondary vocational education which shall include goals and objectives for instructional programs, facilities, and use of resources. The plan shall be developed with the advice of appropriate state agencies, school boards, and other affected parties. The state board shall review this plan biennially to evaluate its success in meeting these goals and objectives.

Subd. 6. [ACCOUNTING AND REPORTING STANDARDS.] The state board shall maintain the uniform financial accounting and reporting system according to the provisions of sections 121.90 to 121.917.

Subd. 7. [ATTENDANCE AND COMPLETION.] The state board shall prescribe conditions of admission, tuition, fees, and other related matters. The state board shall prescribe requirements for completion of programs and approve the awarding of appropriate certificates or associate degrees consistent with the provisions of section 121.218. Chapter 14 shall not apply to the matters in this subdivision.

Subd. 8. [CONTRACTS AND COOPERATIVE AGREEMENTS.] *The state board may enter into contracts or cooperative agreements with the state board of education, higher education governing boards, educational institutions, or appropriate state agencies.*

Subd. 9. [LICENSURE.] *The state board may promulgate rules, according to the provisions of chapter 14, for licensure of teaching, support, and supervisory personnel in post-secondary and adult vocational education.*

Subd. 10. [ALLOCATION.] *The state board shall allocate state and federal money for post-secondary vocational education. Money received from federal sources other than as provided in chapter 124, and money received from other sources, not including the state, shall not be taken into account in determining appropriations or allocations.*

Subd. 11. [SHORT TERM PROGRAMS.] *The state board may approve a short term program of two years or less, as an economic development initiative, which will not become a permanent part of the curriculum. The short term program shall have an approved program length of not more than two years and be operated for a specified duration.*

Subd. 12. [PROGRAMS.] *The state board shall approve, disapprove, and coordinate programs. After consultation with affected school boards, the state board may add, eliminate, transfer, or change programs as it determines advisable. The state board shall consider the integrated services of secondary, post-secondary, and adult vocational education when it reviews intermediate district programs.*

In the case of intermediate districts, the state board may apply the following criteria when adding, eliminating, transferring, or changing programs: (a) the school board may be allowed to continue offering integrated secondary, post-secondary, and adult programs; and (b) the school board may determine the use of facilities and equipment for secondary, post-secondary, adult, and special education programs and educational services for low incidence populations.

Subd. 13. [CLOSING AUTHORITY.] *The state board, after consultation with the affected school board, may require that school board to discontinue operation of its AVTI. The state board shall first hold a public hearing on the issue in that geographic area. Affected parties shall have an opportunity to present testimony. At the request of the school board, the hearing shall be conducted by a hearing examiner of the office of administrative hearings. The hearing examiner shall prepare a summary of testimony for the state board. The state board shall publish notice in the State Register and in a newspaper of gen-*

eral circulation in the geographic area at least 30 days before the scheduled hearing.

Subd. 14. [REORGANIZATION.] The state board, after consulting with the affected school boards, may merge or reorganize institutes or establish regional service areas for the purpose of increased efficiency, use of personnel, placement of programs, student access, and other needs as determined by the state board.

Subd. 15. [PUBLIC HEARINGS.] The state board shall conduct public hearings when merging or reorganizing institutions and when allocating money. Notice shall be given to affected persons in the manner determined by the state board. All affected persons shall be given the opportunity to be heard, but the state board may impose reasonable restrictions on time. The state board shall take final action at a meeting held at least seven days after the public hearing.

Subd. 16. [TIMING OF ACTIONS.] The state board may consider the provisions of sections 125.12, subdivision 4, and 125.17, subdivision 3, when it takes actions under subdivisions 12, 13, and 14.

Subd. 17. [COOPERATION FOR VOCATIONAL EDUCATION.] The state board of education shall cooperate with the state board of vocational technical education to promote establishment of policies and methods to improve the quality and efficiency of secondary, post-secondary, and adult vocational education in the state.

Sec. 62. [136C.05] [POWERS AND DUTIES OF THE SCHOOL BOARD.]

Subdivision 1. [PERSONNEL.] The school board shall employ instructors, support personnel, and supervisory personnel for post-secondary vocational education. The school board may appoint the local director.

Subd. 2. [FINANCE.] The school board shall prepare and submit budgets as required by the state board. The school board shall approve all expenditures.

Subd. 3. [INSTRUCTIONAL PROGRAM.] The school board shall operate and maintain post-secondary vocational education, subject to the supervision of the state board as provided in section 61. The school board may determine area employment needs and make recommendations to the state board.

Subd. 4. [FACILITIES AND EQUIPMENT.] The school board shall operate and maintain all facilities and equipment and shall employ personnel to do so.

Sec. 63. [EFFECT OF TRANSFER.]

Subdivision 1. [BOARD TRANSFER.] The state board for vocational education is abolished on December 31, 1983. Except as explicitly provided otherwise in this act, the powers, duties, and functions of the state board for vocational education relating to post-secondary and adult vocational education are transferred to the state board of vocational technical education. Rules of the state board for vocational education relating to adult vocational education, other than licensure rules, are not affected by this transfer with respect to adult vocational education not administered by area vocational technical institutes. Rules of the state board for vocational education relating to post-secondary vocational education, as defined in section 58, other than licensure rules, shall have no force and effect on January 1, 1984, and thereafter. Rules of the state board for vocational education for post-secondary and adult vocational education licensure are transferred to the state board of vocational technical education.

Subd. 2. [TRANSFER NOT TO AFFECT LEGAL ACTION.] The transfer of powers, duties, and functions shall not affect any action or proceeding, whether administrative, civil, or criminal, pending at the time of the transfer. The action shall be continued in the name of the state board of vocational technical education which, upon application to the appropriate court, shall be substituted as a party to the action or proceeding.

Subd. 3. [TRANSFER OF PROPERTY.] All books, maps, plans, papers, records, contracts, documents, and property of every description in the possession or control of the state board for vocational education or the state board of education, relating to post-secondary vocational education, as defined in section 58, shall be transferred to the state board of vocational technical education. The transfer shall be made in accordance with the directions of the state board of vocational technical education.

Subd. 4. [TRANSFER OF FUNDS.] The unencumbered and unexpended balance of all funds appropriated to the state board for vocational education for post-secondary vocational education, as defined in section 58, shall be transferred and reappropriated to the state board of vocational technical education. All federal money for post-secondary vocational education, as defined in section 58, shall be transferred to the state board of vocational technical education.

Subd. 5. [CONSTRUCTION OF STATUTES, CONTRACTS, AND DOCUMENTS.] Whenever the state board for vocational education or its officer is referred to or designated in a statute, contract, or document, in the context of post-secondary vocational education, as defined in section 58, the reference or designation shall be construed to mean the state board of vocational technical education or its officer.

Subd. 6. [TRANSFER OF POSITIONS.] Notwithstanding any law to the contrary, the positions of the managers of vocational relations, adult vocational extension, post-secondary vocational section, and operational services of the vocational technical education division of the department of education shall be declassified effective July 1, 1983. Incumbent employees may exercise layoff rights within the department of education provided by the applicable plan pursuant to Minnesota Statutes, section 43A.18. The layoff rights shall be exercised no later than December 31, 1983. The provisions of Minnesota Statutes, sections 43A.08, subdivision 6 and 43A.081 shall not apply to the declassification of these positions.

All classified positions and incumbent employees in the adult vocational technical education, post-secondary vocational technical education, and operational services sections of the vocational technical education division of the department of education, including the confidential secretary to the assistant commissioner of vocational technical education, are transferred to the state board of vocational technical education on January 1, 1984. The position of assistant commissioner of vocational technical education and the positions declassified in this subdivision are transferred to the state board of vocational technical education on January 1, 1984. The board of vocational technical education and the commissioner of education in consultation with the commissioner of employee relations and the commissioner of finance shall determine which additional positions shall be transferred. The positions transferred to the board of vocational technical education are abolished in the department of education. The approved staff complement for that agency is decreased accordingly.

Except as specifically provided, nothing in this subdivision shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the managerial or commissioner's plans or the terms of an agreement between the exclusive representatives of public employees and the state or one of its appointing authorities.

Sec. 64. [PLAN FOR COOPERATION.]

Subdivision 1. [PLAN.] For increased financial efficiency and effectiveness in serving its community and in responding to changing enrollment needs, each AVTI and community college located in the same community or in nearby communities shall jointly develop a plan for cooperation. The institutions included are those located in Thief River Falls, Hibbing, Virginia-Eveleth, Brainerd, Willmar, Rochester, Austin, White Bear Lake, Minneapolis, Brooklyn Park, Anoka-Coon Rapids, Rosemount-Inver Grove Heights, and Bloomington-Eden Prairie.

Subd. 2. [CONTENTS OF PLAN.] Each plan shall propose a strategy for sharing of facilities, personnel, and resources.

These strategies may include campus reorganizations, discontinuation of programs, changes in governance, and other such methods. Each plan shall identify estimated savings and the manner in which the savings will be achieved.

Subd. 3. [SUBMISSION OF PLANS.] Each plan shall be submitted to the chancellor for community colleges and the state director of vocational technical education by November 1, 1983. They shall review the plans and approve or disapprove them. A disapproved plan shall be returned to the institutions where it shall be modified and resubmitted to the chancellor and state director. The chancellor and state director shall submit all approved plans to their governing boards for review.

Subd. 4. [REVIEW AND COMMENT.] By January 1, 1984, the governing boards shall submit all approved plans to the higher education coordinating board for review and comment. The higher education coordinating board, the state board for community colleges, and the state board of vocational technical education shall report the plans to the legislature by February 1, 1984.

Sec. 65. Minnesota Statutes 1982, section 158.05, is amended to read:

158.05 [ACTUAL COST TO BE CHARGED PATIENTS.]

The University of Minnesota hospitals shall treat patients admitted on certificate of the board of county commissioners of any county at rates based on actual cost, as determined by the board of regents of the University of Minnesota. (SEVENTY) Sixty percent of the first (\$5,000) \$11,000 in charges against a patient, and all of the charges against a patient in excess of (\$5,000) \$11,000, will be paid by the state from appropriations made to the university for this purpose. Before charges are billed to this program, the University of Minnesota hospitals and clinics shall seek payment from any third-party insurance that is liable for coverage of the patients care. This program shall be billed for the balance after the third-party payment according to the formula noted above. Any resident of the state, upon a proper showing to the board of regents of the University of Minnesota that he is unable to pay ordinary physician's fees and hospital charges, may be received upon paying the same rate as charged for county patients. It shall be the duty of the board of regents to investigate applications made for such treatment under this section; and, if satisfied of the truth of the allegations made and of the necessity for treatment, the board of regents shall admit such patients when there is room in the hospitals.

Students of the University of Minnesota and such other patients as the board of regents, to an extent that will not interfere

with the primary purpose of the hospitals, as set forth in section 158.02, may direct, may be received in the hospitals when there is room and any fees received from such patients shall be used for the purposes of the hospitals.

Sec. 66. [STUDY OF STUDENT PROGRESS.]

Subdivision 1. [HIGHER EDUCATION COORDINATING BOARD.] The higher education coordinating board shall conduct a study of policies and standards relating to student progress toward completion of programs in Minnesota higher education systems and institutions. This study shall result in a report and recommendations for improving policies on student progress. The report shall be submitted to the legislature by December 1, 1983.

Subd. 2. [FACTORS.] The study shall consider such factors as trends toward longer academic residency of students, the relationship between the retention of students and sources of institutional revenue, the retention of students whose grades are below average, counseling and advising of students regarding completion of programs, changes in standards which measure performance and progress, and other factors relevant to student progress.

Sec. 67. [ADOPT TEMPORARY RULES.]

The higher education coordinating board shall adopt temporary rules pursuant to Minnesota Statutes, sections 14.29 to 14.36 to implement the provisions of section 49, for the 1983-1984 academic year. Notwithstanding Minnesota Statutes, section 14.35, the temporary rules may be effective until permanent rules are adopted or June 30, 1984, whichever is earlier.

Sec. 68. [CONGRESSIONAL DISTRICTS FOR REGENTS.]

The provisions of Minnesota Statutes, section 137.024, requiring at least one member of the board of regents of the University of Minnesota to be a resident of each congressional district, shall not apply from the effective date of this act until the first Monday in February of 1985.

Sec. 69. [UNIFORM FINANCIAL ACCOUNTING AND REPORTING STANDARDS ADVISORY COUNCIL.]

Notwithstanding the provisions of any other law to the contrary, the uniform financial accounting and reporting advisory council shall not terminate before June 30, 1985.

Sec. 70. [ESV COMPUTER COUNCIL.]

Notwithstanding the provisions of any other law to the contrary, the elementary-secondary-vocational computer council shall not terminate before June 30, 1985.

Sec. 71. [HIGHER EDUCATION ADVISORY COUNCIL.]

Notwithstanding the provisions of any other law to the contrary, the higher education advisory council shall not terminate before June 30, 1985.

Sec. 72. [REPEALER.]

Subdivision 1. Minnesota Statutes 1982, sections 120.82 and 136.034 are repealed.

Subd. 2. Minnesota Statutes 1982, sections 121.902, subdivision 1a; 121.936, subdivision 6; 136A.144; 136A.145; 136A.146; 136A.161; 136A.19; 136A.20; 136A.21; 136A.22; 136A.236; and 136A.237, are repealed.

Subd. 3. Minnesota Statutes 1982, sections 121.11, subdivision 1, and 124.53, are repealed.

Sec. 73. [EFFECTIVE DATE.]

Subdivision 1. Except where the language of this act explicitly provides otherwise, the sections of this act are effective as provided in this section.

Subd. 2. Sections 9, 10, 14 to 21, 35, 56, 60, 65, and 72, subdivision 1, are effective the day after final enactment.

Subd. 3. Sections 1 to 8, 11, 12, 13, 22 to 34, 36 to 55, 57, 58 64, 66 to 71, and 72, subdivision 2, are effective July 1, 1983.

Subd. 4. Sections 59, 61, 62, 63, and 72, subdivision 3, are effective January 1, 1984."

Delete the title in its entirety and insert:

"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 certain powers and duties relating to vocational technical education to the state board and school districts; changing the authority and duties of agencies and their advisory councils with respect to governance, membership, duration of existence, funding policy, dis-

position of property, employment and compensation of personnel, tuition, institutional closings, gifts, expenditure approval, regent residency, appropriations, parking fees, subscription fees, scholarships, grants-in-aid, planning, hospital charges, relations with private colleges, augmented bonding authority, and related educational matters; requiring certain reports and studies with respect thereto; amending Minnesota Statutes 1982, sections 3.732, subdivision 1; 10A.01, subdivision 18; 43A.08, subdivision 1a; 43A.18, subdivision 4; 120.17, subdivision 7a; 120.81; 121.11, by adding a subdivision; 121.212, subdivision 2; 121.931, subdivision 7; 121.934, subdivision 2; 123.742, by adding a subdivision; 123.743; 124.48; 136.03; 136.144; 136.62, by adding a subdivision; 136.67, by adding a subdivision; 136A.121; 136A.14; 136A.141; 136A.143; 136A.15; 136A.16; 136A.17; 136A.18; 136A.26; 136A.29, subdivisions 2 and 9; 136A.42; 158.05; proposing new law coded in Minnesota Statutes, chapters 120, 136, and 136A; proposing new law coded as Minnesota Statutes, chapters 135A and 136C; repealing Minnesota Statutes 1982, sections 120.82; 121.11, subdivision 1; 121.902, subdivision 1a; 121.936, subdivision 6; 124.53; 136.034; 136A.144; 136A.145; 136A.146; 136A.161; 136A.19; 136A.20; 136A.21; 136A.22; 136A.236; and 136A.237."

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

House Conferees: LYNDON R. CARLSON, JAMES I. RICE, DICK WELCH, JAMES C. SWANSON and WENDELL O. ERICKSON.

Senate Conferees: GENE WALDORF, TOM A. NELSON, RONALD R. DICKLICH, JEROME M. HUGHES and GLEN TAYLOR.

Carlson, L., moved that the report of the Conference Committee on H. F. No. 1283 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

The Speaker called Wynia to the Chair.

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

The question was taken on the repassage of the bill and the roll was called. There were 107 yeas and 17 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dempsey	Heinitz	Ludeman	Sherman	Welker
DenOuden	Hokr	McDonald	Stadum	
Dimler	Jennings	Olsen	Sviggum	
Fjoslien	Kvam	Schafer	Thiede	

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

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Rice requested immediate consideration of S. F. No. 253; H. F. Nos. 674 and 857; S. F. No. 132; and H. F. Nos. 1222, 1025 and 737.

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

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 674, A bill for an act relating to insurance; providing for a program of continuing education; authorizing a continuing insurance education advisory task force; authorizing the commissioner of insurance to promulgate rules to implement the program; requiring certain disclosures on credit insurance policies and application; providing license and renewal fees for agents; increasing fees for insurance companies; regulating self-insurance plans and pools; appropriating money; amending Minnesota Statutes 1982, sections 60A.02, subdivision 7; 60A.03, subdivision 5; 60A.17, subdivision 1 and by adding a subdivision; 60A.14, subdivision 1; 60A.198, subdivision 3; 60A.23, subdivision

8; 471.982, subdivision 2; and proposing new law coded in Minnesota Statutes, chapter 60A.

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

The question was taken on the passage of the bill and the roll was called. There were 94 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Kelly	Onnen	Segal
Anderson, G.	Eloff	Knickerbocker	Osthoff	Shaver
Battaglia	Ellingson	Kostohryz	Otis	Shea
Beard	Evans	Larsen	Peterson	Simoneau
Begich	Findlay	Levi	Piepho	Skoglund
Bennett	Forsythe	Long	Piper	Solberg
Berkelman	Greenfield	Mann	Price	Staten
Bishop	Gruenes	McEachern	Quinn	Swanson
Blatz	Gustafson	Metzen	Rice	Tomlinson
Brandl	Halberg	Minne	Riveness	Tunheim
Brinkman	Haukoos	Munger	Rodosovich	Valan
Burger	Heap	Murphy	Rodriguez, C.	Valento
Carlson, L.	Himle	Nelson, D.	Rodriguez, F.	Vanasek
Clark, J.	Hoffman	Nelson, K.	Rose	Vellenga
Clark, K.	Jacobs	Neuenschwander	Sarna	Welch
Clawson	Jennings	Norton	Scheid	Welle
Cohen	Jensen	O'Connor	Schoenfeld	Wenzel
Coleman	Kahn	Ogren	Schreiber	Speaker Sieben
Dempsey	Kalis	Olsen	Seaberg	

Those who voted in the negative were:

DenOuden	Gutknecht	McDonald	Schafer	Waltman
Dimler	Heinitz	Omann	Sherman	Welker
Erickson	Johnson	Pauly	Stadum	Wigley
Fjoshien	Krueger	Quist	Sviggun	Wynia
Frerichs	Kvam	Redalen	Thiede	
Graba	Ludeman	St. Onge	Uphus	

The bill was passed and its title agreed to.

H. F. No. 857 was reported to the House.

Brandl moved to amend H. F. No. 857, as follows:

Page 3, line 26, delete "\$2,000,000" and insert "\$1,500,000"

The motion prevailed and the amendment was adopted.

H. F. No. 857, A bill for an act relating to labor; establishing the job skills partnership; creating a board; appropriating money; proposing new law coded as Minnesota Statutes, chapter 116K.

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 113 yeas and 12 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DenOuden	Frerichs	Ludeman	Valento	Zaffke
Erickson	Jennings	Schafer	Welker	
Findlay	Kvam	Thiede		

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

S. F. No. 132, A bill for an act relating to state government; providing for chiropractic positions in state government civil service; providing for the provision of chiropractic services; proposing new law coded in Minnesota Statutes, chapters 43A and 148.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Berkelman	Cohen	Fjoslien	Heinitz
Anderson, G.	Bishop	Coleman	Frerichs	Himle
Anderson, R.	Brandl	Dempsey	Greenfield	Hoffman
Battaglia	Brinkman	DenOuden	Gruenes	Jacobs
Beard	Burger	Eken	Gustafson	Jennings
Begich	Carlson, L.	Elioff	Halberg	Jensen
Bennett	Clark, J.	Ellingson	Haukoos	Johnson
Bergstrom	Clawson	Erickson	Heap	Kahn

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

Those who voted in the negative were:

Forsythe Gutknecht

The bill was passed and its title agreed to.

Bishop was excused while in conference.

H. F. No. 1222 was reported to the House.

Norton moved to amend H. F. No. 1222, as follows:

Page 2, line 1, delete "*the projects of*"; delete "*are*" and insert "*is*"

Page 2, line 8, delete "*the*"

Page 2, after line 14, insert:

"The scope of this review shall be limited to an evaluation of the economic impacts of the above mentioned state development programs and shall not include an evaluation of specific state or local projects undertaken pursuant to these programs."

Page 2, line 25, after "*The*" insert "*state*"

The motion prevailed and the amendment was adopted.

H. F. No. 1222, A bill for an act relating to government operations; requiring a review of certain capital improvement programs; requiring reports and capital improvement plans; expanding the scope of the capital budget.

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 81 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Coleman	Kostohryz	Osthoff	Staten
Anderson, R.	Elioff	Krueger	Otis	Swanson
Battaglia	Ellingson	Levi	Peterson	Tomlinson
Beard	Graba	Long	Piper	Valento
Begich	Greenfield	Mann	Quist	Vanasek
Bennett	Gruenes	Marsh	Reif	Vellenga
Bergstrom	Gustafson	McDonald	Rice	Voss
Berkelman	Heap	Metzen	Riveness	Welch
Blatz	Heinitz	Minne	Rodosovich	Welle
Brandl	Himle	Munger	Rodriguez, C.	Wenzel
Brinkman	Hoffman	Murphy	Rodriguez, F.	Wynia
Burger	Hokr	Nelson, D.	St. Onge	Zaffke
Carlson, L.	Jacobs	Neuenschwander	Scheid	Speaker Sieben
Clark, J.	Jensen	Norton	Schoenfeld	
Clark, K.	Kahn	O'Connor	Skoglund	
Clawson	Kelly	Ogren	Solberg	
Cohen	Knuth	Omann	Sparby	

Those who voted in the negative were:

Bishop	Fjoslien	Kvam	Rose	Waltman
Dempsey	Forsythe	Ludeman	Schafer	Welker
DenOuden	Gutknecht	McKasy	Seaberg	Wigley
Dimler	Halberg	Olsen	Shaver	
Erickson	Haukoos	Pauly	Sviggum	
Evans	Jennings	Piepho	Thiede	
Findlay	Johnson	Redalen	Uphus	

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

H. F. No. 1025 was reported to the House.

Burger moved to amend H. F. No. 1025, as follows:

Page 2, line 7, delete "\$60,000" and insert "\$57,000"

Page 2, line 7, delete "\$60,000" and insert "\$57,000"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 71 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Heap	Ludeman	Quist
Anderson, R.	Findlay	Heinitz	Marsh	Redalen
Bennett	Fjoslien	Himle	McDonald	Reif
Berkelman	Forsythe	Hoffman	McKasy	Rodriguez, C.
Blatz	Frerichs	Hokr	Metzen	Rose
Brandl	Graba	Jennings	Olsen	Sarna
Burger	Greenfield	Johnson	Omann	Schafer
Carlson, L.	Gruenes	Kalis	Onnen	Schreiber
Dempsey	Gustafson	Knickerbocker	Pauly	Seaberg
DenOuden	Gutknecht	Krueger	Piepho	Shaver
Dimler	Halberg	Kvam	Price	Shea
Erickson	Haukoos	Larsen	Quinn	Sherman

Stadum	Thiede	Waltman	Wigley	Zaffke
Sviggum	Uphus	Welch		
Swanson	Valento	Welker		

Those who voted in the negative were:

Bishop	Jensen	Nelson, K.	Rodosovich	Tomlinson
Brinkman	Kahn	Neuenschwander	Rodriguez, F.	Vanasek
Clark, J.	Knuth	Norton	St. Onge	Vellenga
Clark, K.	Kostohryz	O'Connor	Scheid	Welle
Cohen	Long	Ogren	Schoenfeld	Wenzel
Coleman	Mann	Osthoff	Simoneau	Wynia
Eken	Minne	Otis	Skoglund	Speaker Sieben
Elioff	Munger	Peterson	Solberg	
Ellingson	Murphy	Piper	Sparby	
Jacobs	Nelson, D.	Riveness	Staten	

The motion prevailed and the amendment was adopted.

H. F. No. 1025, A bill for an act relating to economic development; appropriating money for a grant for development of the motion picture and television industry; creating an advisory council.

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 76 yeas and 49 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, R.	Fjoslien	Hokr	Omann	Thiede
Bennett	Forsythe	Jennings	Onnen	Uphus
Berkelman	Frerichs	Johnson	Quist	Valan
Blatz	Graba	Knickerbocker	Redalen	Valento
Dempsey	Gruenes	Krueger	Rodriguez, C.	Voss
DenOuden	Gutknecht	Kvam	Schafer	Waltman
Dimler	Halberg	Ludeman	Schoenfeld	Welker
Erickson	Haukoos	Marsh	Seaberg	Wigley
Evans	Heinitz	McDonald	Stadum	Zaffke
Findlay	Himle	Olsen	Sviggum	

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

H. F. No. 737 was reported to the House.

Burger moved to amend H. F. No. 737, as follows:

Page 2, line 12, delete "\$40,000" and insert "\$38,000"

Page 2, line 13, delete "\$40,000" and insert "\$38,000"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 50 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Bennett	Fjoslien	Hokr	Onnen	Sviggum
Blatz	Forsythe	Jennings	Pauly	Thiede
Burger	Frerichs	Johnson	Piepho	Uphus
Cohen	Gruenes	Knickerbocker	Quist	Valan
Dempsey	Gutknecht	Kvam	Redalen	Valento
DenOuden	Halberg	Ludeman	Rose	Waltman
Dimler	Haukoos	Marsh	Schafer	Welker
Erickson	Heap	McDonald	Schreiber	Wenzel
Evans	Heinitz	McKasy	Shaver	Wigley
Findlay	Himle	Omann	Stadum	Zaffke

Those who voted in the negative were:

Battaglia	Ellingson	Minne	Piper	Skoglund
Beard	Graba	Munger	Price	Solberg
Begich	Gustafson	Murphy	Quinn	Sparby
Bergstrom	Hoffman	Nelson, D.	Riveness	Staten
Berkelman	Jacobs	Nelson, K.	Rodosovich	Swanson
Brinkman	Jensen	Neuenschwander	Rodriguez, F.	Tomlinson
Carlson, L.	Kahn	Norton	St. Onge	Vanasek
Clark, J.	Knuth	O'Connor	Scheid	Vellenga
Clark, K.	Kostohryz	Ogren	Schoenfeld	Voss
Clawson	Krueger	Olsen	Seaberg	Welch
Coleman	Larsen	Osthoff	Segal	Welle
Eken	Mann	Otis	Sherman	Wynia
Elioff	Metzen	Peterson	Simoneau	Speaker Sieben

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

The Speaker resumed the Chair.

H. F. No. 737, A bill for an act relating to the collection and dissemination of data; requiring the bureau of criminal apprehension to compile criminal history data relating to misdemeanor assaults; requiring law enforcement agencies to collect and furnish misdemeanor assault data to the bureau; appropriating money; proposing new law coded in Minnesota Statutes, chapter 299C.

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

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Quinn Zaffke

The bill was passed and its title agreed to.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 521, A bill for an act relating to financial institutions; providing for the payment of hearing costs on contested applications; including credit union share insurance corporations and industrial loan and thrift guarantee issuers in the group of organizations permitted to receive examination reports; remov-

ing the requirement that a financial institution's board of directors hold qualifying shares; clarifying limitations on junior mortgage loans by banks; establishing application fees; removing a certain filing requirement; reducing the number of savings association incorporators; clarifying the notice requirements for savings association conversions; clarifying the industrial loan and thrift company lending limit and increasing the capital to deposit limitation; providing first installment requirements for regulated lenders and motor vehicle sales finance companies; providing credit insurance disclosure requirements for regulated lenders; clarifying financial corporation organizational requirements; providing that no employee, officer, director, or shareholder of a financial institution, or a corporation, partnership, or association in which these persons have an interest, may retain income from the sale of credit insurance in connection with a loan made by the financial institution; providing that the income must be turned over to the financial institution; regulating the use of terminals by financial institutions located outside the state; amending Minnesota Statutes 1982, sections 45.04, subdivision 1; 46.07, subdivision 2; 47.54, subdivision 1; 47.64, subdivision 6; 48.06; 48.19, subdivision 1; 48.68; 49.36, subdivision 1; 49.37; 51A.03, subdivisions 1 and 4; 51A.065, subdivision 4; 51A.13, subdivisions 2 and 2a; 51A.51, subdivisions 2 and 3a; 52.203; 53.01; 53.03, subdivisions 1, 5, and 6; 53.04, subdivision 3a; 53.05; 53.06; 56.001, subdivision 3; 56.131, subdivision 1; 56.155, subdivision 1; 168.72, subdivision 1; 300.025; and 300.20; proposing new law coded in Minnesota Statutes, chapter 47.

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 has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1233.

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

Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1233

A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other agencies with certain conditions; fixing and limiting fees; providing for adjustments of responsibilities of the department of agriculture for soil and water conservation; allowing limited donation of accumulated vacation time by certain law enforcement employees to their union representative; providing for deposit of proceeds of assessment by the assigned risk review board; regulating financial assistance to public transit systems; limiting certain hearing functions of the transportation regulation board; transferring certain rules authority to the transportation regulation board; reducing membership and establishing terms of members of the public utilities commission; defining enforcement powers of the hazardous material specialists and transportation representatives of the department of transportation; defining terms and requirements for building movers; crediting certain receipts of the commissioner of transportation to the trunk highway fund; providing for certain costs to be paid from the trunk highway fund; authorizing the commissioner of transportation to enforce certain carrier regulations; extending retirement coverage of certain employees of the department of transportation from age 60 to age 62 and providing for disability benefits; transferring and renaming the air transportation revolving account; instructing the commissioner of transportation to charge users of certain air transportation services for certain costs; limiting fare increases by the metropolitan transit commission; basing taxing for the metropolitan transit taxing district upon the level of transit service provided; providing for the disposition of proceeds of certain trunk highway bonds; reducing the amount appropriated from the bridge construction account in the trunk highway fund to the department of transportation; amending Minnesota Statutes 1982, sections 12.14; 17A.04, subdivision 5; 18.51, subdivision 2; 18.52, subdivision 5; 18.53; 18.54; 18A.22, subdivisions 5 and 7; 18A.26; 27.041, subdivision 2; 28A.08; 28A.09; 32.075; 32.59; 34.02; 34.05, subdivision 1; 40.03, subdivision 2, as amended; 43A.04, by adding a subdivision; 79.251, subdivision 1; 155A.07, subdivision 7; 155A.08, subdivision 5; 169.81, subdivision 3b; 169.86, subdivision 5; 169.862; 170.23; 171.26; 171.29, subdivision 2; 173.07, subdivision 2; 173.08, subdivision 1; 173.13, subdivision 4; 174.24, subdivision 3; 174A.02, subdivision 2; 174A.06; 216A.03, subdivision 1; 221.061; 221.071; 221.131; 221.221; 221.296, subdivision 5; 221.64; 221.81; 296.17, subdivisions 10, 17, and 20; 296.25, subdivision 1; 299C.46, subdivision 3; 352.86, subdivisions 1, 2, and by adding a subdivision; 360.018, subdivision 1; 360.63; 473.408, subdivision 3 and by adding a subdivision; 473.446, subdivision 1, as amended; 500.221, subdivision 4; 626.88, subdivision 2; Laws 1975, chapter 235, section 2; Laws 1977, chapter 277, sections 1 and 3; subdivision 1; and Laws 1983, chapter 17, section 12; proposing new law coded in Minnesota Statutes, chapters 10A; 221; 229C; and 360; repealing Minnesota Statutes 1982, sections 24.-

24; 24.25; 24.26; 24.27; 24.28; 24.29; 24.30; 24.31; 160.26, subdivision 3; 174.265; and 174A.07.

May 18, 1983

The Honorable Jerome M. Hughes
President of the Senate

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

We, the undersigned conferees for S. F. No. 1233, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 1233 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [TRANSPORTATION AND OTHER AGENCIES; APPROPRIATIONS.] The sums set forth in the columns designated "APPROPRIATIONS" are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1983", "1984", and "1985", wherever used in this act, mean that the appropriation or appropriations listed thereunder are available for the year ending June 30, 1983, June 30, 1984, or June 30, 1985, respectively.

SUMMARY BY FUND

	1983	1984	1985	TOTAL
General	\$10,000	\$ 82,717,500	\$ 80,685,200	\$ 163,412,700
Special		335,500	372,700	708,200
Airports		9,356,900	10,335,400	19,712,300
M.S.A.S.		51,500,000	54,100,000	105,600,000
C.S.A.H.		154,900,000	163,400,000	318,300,000
Tr. Hwy.		603,211,800	598,162,700	1,201,374,500
Hwy. User ...		7,618,100	7,477,700	15,095,800
TOTAL	\$10,000	\$909,639,800	\$914,553,700	\$1,824,203,500

APPROPRIATIONS
Available for the Year
Ending June 30

	1984	1985
\$		\$

Sec. 2. TRANSPORTATION

Subdivision 1. Total Department Appropriation	798,913,700	804,853,200
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Approved Complement—4425

General—16

State Airports—37

Trunk Highway—4371

Federal—1

The appropriations in this section are from the trunk highway fund, except where another fund is designated.

Of this appropriation, \$24,862,800 the first year and \$23,933,800 the second year is from the general fund; \$9,311,900 the first year and \$10,310,400 the second year is from the state airports fund; \$51,500,000 the first year and \$54,100,000 the second year is from the municipal state aid street fund; \$154,900,000 the first year and \$163,400,000 the second year is from the county state aid highway fund; \$558,339,000 the first year and \$553,109,000 the second year is from the trunk highway fund.

Subd. 2. Highway Development	566,923,700	573,418,700
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Trunk Highway Development

1984	1985
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\$342,824,000	\$335,308,700
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It is estimated that this appropriation will be funded as follows:

	1984	1985
	\$	\$

Federal Highway Aid

\$212,500,000	\$204,000,000
---------------	---------------

Highway User Taxes

\$ 95,323,700	\$ 91,308,700
---------------	---------------

Bond Proceeds

\$ 35,000,000	\$ 40,000,000
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The bond proceeds in this appropriation are the same as those appropriated by Laws 1977, chapter 277, section 1, and Laws 1983, chapter 17, section 12, both as amended by this act.

The commissioner of transportation shall notify the chairman of the senate finance committee and chairman of the house appropriations committee promptly of any events that should cause these estimates to change.

This appropriation is for the actual construction, reconstruction, and improvement of trunk highways. This includes the cost of actual payment to land owners for lands acquired for highway right of way, payment to lessees, interest subsidies, and relocation expenses.

County State Aids

\$154,900,000	\$163,400,000
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This appropriation is from the county state-aid highway fund and is available until expended.

Municipal State Aids

\$ 51,500,000	\$ 54,100,000
---------------	---------------

This appropriation is from the municipal state-aid street fund and is available until expended.

	1984	1985
\$		\$

Of the above appropriation, \$155,000 the first year and \$163,500 the second year shall be allocated to those communities where the population fell below 5,000 according to the 1980 federal census.

If an appropriation for either county state aids or municipal state aids is insufficient to exhaust the balance in the fund from which it is made in the year for which it is made, the commissioner of finance, upon request of the commissioner of transportation, shall notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the amount of the remainder and shall then add that amount to the appropriation. The amount added is appropriated for the purposes of county state aids or municipal state aids, as appropriate.

Highway Debt Service

\$ 17,700,000 \$ 20,610,000

For transfer to the state bond fund.

If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the amount of the deficiency and shall then transfer that amount pursuant to the statutory open appropriation.

Any excess appropriation shall be canceled to the trunk highway fund.

Subd. 3. Highway Operations 144,188,200 145,306,300

The amounts that may be expended from this appropriation for each activity are as follows:

	1984	1985
	\$	\$

Maintenance

\$ 99,572,600	\$100,685,400
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Maintenance Preservation

\$ 7,503,000	\$ 7,501,000
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Construction Support

\$ 37,112,600	\$ 37,119,900
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Subd. 4. Technical Services	28,573,600	28,158,500
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The amounts that may be expended from this appropriation for each activity are as follows:

Engineering Services

\$ 18,024,800	\$ 17,629,100
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This appropriation includes \$1,400,000 each year for the purpose of delivery of an expanded highway development program. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Engineering Development

\$ 6,890,400	\$ 6,872,600
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\$75,000 the first year and \$75,000 the second year is for a transportation research contingent account to finance research projects that are reimbursable from the federal government or from other sources. Expenditures from this account are subject to the approval of the commissioner of finance. Reimbursements shall be deposited in the trunk highway fund. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

	1984	1985
	\$	\$

State Aid Technical Assistance

\$	656,000	\$	656,000
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The variance committee shall be continued during the biennium ending June 30, 1985.

Electronic Communications

\$	1,796,400	\$	1,794,900
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Environmental Services

\$	1,206,000	\$	1,205,900
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For the fiscal biennium ending June 30, 1985, the commissioner shall spend no money to acquire or condemn outdoor advertising devices as defined in Minnesota Statutes, chapter 173.

Subd. 5. Public
Transportation Assistance

23,352,600	22,452,600
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The appropriations in this subdivision are from the general fund.

Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

The amounts that may be expended from these appropriations for each activity are as follows:

(a) Rail Service Improvements

\$	400,000	\$	400,000
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This appropriation is for the purpose of supporting AMTRAK operation of the Northstar line between Minneapolis-St. Paul and Duluth.

	1984	1985
	\$	\$
(b) Metro Mobility		
\$ 5,000,000	\$ 5,000,000	

The commissioner of transportation shall evaluate the financial benefits and service consequences of seeking competitive bids for the provision of services for metro mobility. If the commissioner concludes that competitive bidding may reduce the cost of providing service, he should pursue the use of competitive bidding where appropriate during the biennium ending June 30, 1985.

(c) Private Operators

\$ 965,100 \$ 965,100

(d) Non-MTC Assistance Statewide

\$ 5,434,200 \$ 5,434,200

(e) Metropolitan Transit Commission

\$ 11,553,300 \$ 10,653,300

\$6,565,800 the first year and \$5,665,800 the second year is for state operating assistance grants.

Of this appropriation, \$200,000 the second year is available to the metropolitan transit commission only upon certification to the commissioner of transportation that the additional allocation will be used for the purpose of reducing the overall peak or off-peak fare rates below the level existing on June 30, 1983. This restriction shall not prevent the metropolitan transit commission from certifying to the commissioner the necessity of this additional allocation in fiscal year 1985 due to reductions in the overall peak or off-peak fare rates occurring after June 30, 1983 and before July 1, 1984. In the event that less

	1984	1985
	\$	\$

than \$200,000 is required, the commissioner shall transfer only the amount certified.

\$4,987,500 the first year and \$4,987,500 the second year is for social fare reimbursement grants.

For the fiscal biennium ending June 30, 1985, the metropolitan transit commission may continue the existing \$.15 surcharge on fares during the peak hours. The metropolitan transit commission shall not increase its base fare beyond the level existing on June 30, 1983.

During the biennium ending June 30, 1985, the chairman of the metropolitan transit commission may appoint five persons in the unclassified service, not to exceed any other statutory complement limitation.

Subd. 6. Program Management	5,774,200	5,766,500
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The amounts that may be expended from this appropriation for each activity are as follows:

Highway Programs

\$ 1,355,300	\$ 1,355,300
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Of this amount \$175,000 the first year and \$175,000 the second year is available for grants to regional development commissions outside the seven-county metropolitan area for transportation studies to identify critical concerns, problems, and issues.

Motor Carrier Safety and Compliance

\$ 902,200	\$ 869,300
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This appropriation is from the general fund.

	1984	1985
	\$	\$

Railroads and Waterways

\$	749,400	\$	749,700
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\$223,100 the first year and \$223,300 the second year is from the general fund.

Transit Administration

\$	543,400	\$	543,400
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\$345,300 the first year and \$345,300 the second year is from the general fund.

Transportation Information and Support

\$	2,223,900	\$	2,248,800
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Subd. 7. General Support	20,851,800	19,500,700
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The amounts that may be expended from this appropriation for each activity are as follows:

Finance and Administration

\$	8,051,500	\$	8,054,700
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General Services

\$	3,635,900	\$	3,939,000
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\$36,100 the first year and \$37,900 the second year is from the general fund.

\$56,200 the first year and \$58,600 the second year is from the state airports fund.

If an appropriation in this section for data processing development for either year is insufficient, the appropriation for the other year is available for it.

Equipment

\$	8,273,400	\$	6,566,800
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	1984	1985
	\$	\$

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$3,500 the first year and \$5,400 the second year is from the general fund.

\$6,100 the first year and \$1,900 the second year is from the state airports fund.

Legal Services

\$	891,000	\$	940,200
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This appropriation is for the purchase of legal services from or through the attorney general.

Subd. 8. Aeronautics	9,249,600	10,249,900
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The appropriations in this subdivision are from the state airports fund.

The amounts that may be expended from this appropriation for each activity are as follows:

Aeronautics Operations

\$	439,600	\$	447,300
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During the biennium ending June 30, 1985, the commissioner shall not require the registration of personal use airports except for those within five miles of a public airport, whether privately or publicly owned.

Aeronautics Development and Assistance

\$	8,479,700	\$	9,660,100
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\$971,500 the first year and \$1,014,200 the second year is for navigational aids.

	1984	1985
	\$	\$

\$5,092,300 the first year and \$6,269,400 the second year is for airport construction grants.

\$1,400,000 the first year and \$1,400,000 the second year and is for airport maintenance grants.

If the appropriation for either year for navigational aids, airport construction grants, or airport maintenance grants is insufficient, the appropriation for the other year is available for it. These appropriations shall be expended only for grant-in-aid programs for airports that are not state owned.

These appropriations are to be expended in accordance with Minnesota Statutes, section 360.305, subdivision 4, clauses (1), (2), (4), and (5).

The commissioner of transportation may transfer unencumbered balances among these appropriations with the approval of the governor after consultation with the legislative advisory commission.

\$16,900 the first year and \$7,500 the second year is for maintenance of the Pine Creek Airport.

Air Transportation Services

\$	330,300	\$	142,500
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The commissioner of transportation shall expend no money for pilot uniforms.

During the biennium ending June 30, 1985, the commissioner of transportation shall establish the position of state air dispatcher.

Subd. 9. Transfers

The commissioner of transportation with the approval of the commissioner

	1984	1985
\$		\$

of finance may transfer unencumbered balances among the appropriations from the trunk highway fund made in this section. No transfer shall be made from the appropriation for trunk highway development. No transfer shall be made from the appropriations for debt service to any other appropriation. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Subd. 10. Contingent Appropriations

(a) The commissioner of transportation, with the approval of the governor after consultation with the legislative advisory commission, may transfer all or part of the unappropriated balance in the state airports fund to an appropriation for state airports purposes in order to meet an emergency or to take advantage of an unanticipated receipt of income to the state airports fund. The amount transferred is appropriated for the purpose of the account to which it is transferred.

(b) The commissioner of transportation, with the approval of the governor after consultation with the legislative advisory commission, may transfer all or part of the unappropriated balance in the trunk highway fund to an appropriation for trunk highway purposes in order to meet an emergency or to take advantage of an unanticipated receipt of income to the trunk highway fund. The amount transferred is appropriated for the purpose of the account to which it is transferred.

Sec. 3. TRANSPORTATION REGULATION BOARD

375,200

375,200

Approved Complement—8

Four support positions, with their incumbents, are transferred from the pub-

	1984	1985
\$		\$

lic utilities commission to the transportation regulation board.

One support position and its incumbent are transferred from the department of transportation to the transportation regulation board.

This appropriation is from the trunk highway fund.

Sec. 4. PUBLIC SAFETY

Subdivision 1. General Operations and Management

68,134,000	68,181,700
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	1984	1985
Approved Complement—		
	1,631.9	1,630.8
General—	385.0	385.0
Special—	.5	.5
Trunk Highway—	1,039.3	1,039.3
Highway User—	174.6	174.6
Federal—	32.5	31.4

The above approved complement includes 511 for state funded unclassified patrol officers and supervisors of the highway patrol.

Nothing in this provision is intended to limit the authority of the commissioner of public safety to transfer personnel, with the approval of the commissioner of finance, among the various units and divisions within this section provided that the above complement shall be reduced accordingly.

No new highway patrol supervisory positions shall be established, with the

1984

1985

\$

\$

exception of special duty assigned ranks for the length of assignment only.

The commissioner of public safety, in cooperation with the departments of revenue and transportation, shall submit a report to the legislature outlining the costs and benefits of establishing ports of entry on Minnesota trunk highways. The study shall include, but is not necessarily limited to, an evaluation of the financial requirements for establishing ports of entry, the feasibility of ports of entry, the optimum location of ports of entry, and the impact ports of entry might have on the revenues collected for road and street purposes in Minnesota. The report shall be submitted to the chairman of the house appropriations committee and the chairman of the senate finance committee by November 1, 1983.

Of this appropriation, \$17,274,400 the first year and \$17,281,200 the second year is from the general fund; \$45,000 the first year and \$45,000 the second year is from the state airports fund; \$43,446,900 for the first year and \$43,627,800 the second year is from the trunk highway fund; and \$7,368,100 the first year and \$7,227,700 the second year is from the highway user tax distribution fund.

The amounts that may be expended from this appropriation for each program are specified in the following subdivisions of this section.

Subd. 2. Administration and Related Services

\$ 2,715,000 \$ 2,739,800

\$2,581,600 the first year and \$2,603,000 the second year is from the trunk highway fund.

1984

\$

1985

\$

\$133,400 the first year and \$136,800 the second year is from the highway user tax distribution fund.

Subd. 3. Emergency Services

\$ 878,800 \$ 784,900

Subd. 4. Criminal Apprehension

\$ 10,022,000 \$ 9,816,600

The commissioner may use this appropriation for the purpose of matching private donations for conducting research on driver impairment.

Of this appropriation, \$1,060,100 the first year and \$735,000 the second year is from the trunk highway fund for blood alcohol analysis.

\$212,700 the first year and \$219,100 the second year is for use by the bureau of criminal apprehension for the purpose of investigating cross-jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

\$59,500 the first year and \$59,700 the second year is for the bureau of criminal apprehension to continue to provide in-service training for peace officers on a regional basis.

\$171,000 the first year and \$171,000 the second year is for grants to local officials for the cooperative investigation of cross-jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

\$38,000 the first year and \$38,000 the second year is for reimbursing political subdivisions for training peace officers

	1984	1985
	\$	\$

and firefighters in the conduct of arson investigations.

Any unliquidated balance of data processing development money remaining in the first year does not cancel but is available for the second year of the biennium.

Subd. 5. Fire Safety

\$ 1,474,500 \$ 1,484,300

\$11,700 the first year and \$12,200 the second year is for reimbursing political subdivisions who enter into agreements to perform uniform fire code inspections.

Subd. 6. State Patrol

\$ 29,538,800 \$ 29,914,800

Except for \$330,600 the first year and \$345,800 the second year from the general fund for executive protection, this appropriation is from the trunk highway fund.

The commissioner may assign up to 11 pilots to the air patrolling of highways.

This appropriation provides sufficient money to operate the mobile truck weighing program on a 12 month basis.

No more than five positions in the state patrol support activity shall be filled by state troopers.

The commissioner may not require the use of gasohol in the operation of state patrol vehicles.

Subd. 7. Capitol Security

\$ 728,500 \$ 722,300

	1984	1985
	\$	\$

Subd. 8. Driver and Vehicle Licensing

\$ 21,234,600 \$ 21,435,000

Of this appropriation, \$10,459,000 the first year and \$10,583,700 the second year is from the trunk highway fund, and \$7,090,900 the first year and \$7,234,700 the second year is from the highway user tax distribution fund.

\$500,000 the first year and \$500,000 the second year is for alcohol assessment reimbursements to counties.

Any unliquidated balance of data processing development money remaining in the first year does not cancel but is available for the second year of the biennium.

Subd. 9. Liquor Licensing

\$ 506,000 \$ 506,200

During the biennium ending June 30, 1985, the liquor control program shall concentrate its activities along the border areas of Minnesota.

Subd. 10. Ancillary Services

\$ 892,400 \$ 921,600

\$137,100 the first year and \$137,100 the second year is from the trunk highway fund for traffic safety and research.

\$654,000 the first year and \$683,100 the second year is for the crime victims reparations board. Any unencumbered balance remaining the first year does not cancel but is available for the second year of the biennium.

\$45,000 the first year and \$45,000 the second year is from the state airports fund for the civil air patrol.

1984

1985

\$

\$

\$56,300 the first year and \$56,400 the second year is for the expenses of the Private Detective and Protective Agency Licensing Board.

Subd. 11. Transfers

The commissioner of public safety with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs within funds. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Subd. 12. Reimbursements

(a) The sums of \$382,500 for the first year and \$385,900 for the second year are appropriated from the general fund for transfer by the commissioner of finance to the trunk highway fund on January 1, 1984 and January 1, 1985 respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for general fund purposes in the administration and related services program.

(b) The sums of \$384,400 for the first year and \$411,300 for the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the general fund on January 1, 1984 and January 1, 1985 respectively, in order to reimburse the general fund for expenses not related to the fund. These represent amounts appropriated out of the general fund for operation of the criminal justice data network related to driver and motor vehicle licensing.

	1984	1985
	\$	\$

(c) The sums of \$333,200 for the first year and \$329,400 for the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the trunk highway fund on January 1, 1984 and January 1, 1985 respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for highway user fund purposes in the administration and related services program.

Sec. 5. AGRICULTURE

General Operations and Management. 14,760,600 13,734,700

Approved Complement—453.8

General—222.3

Special/Revolving—216.5

Federal—15

Of this appropriation, \$14,610,400 the first year and \$13,556,000 the second year is from the general fund; and \$150,200 the first year and \$178,700 the second year is from the special revenue fund.

The amounts that may be expended from this appropriation for each program are as follows:

Agricultural Protection Service

\$ 3,441,200 \$ 3,461,300

Notwithstanding Laws 1981, chapter 356, section 23, the commissioner of agriculture need transfer from the grain inspection account to the general fund by June 30, 1983 only the amount of the unobligated balance in the account not needed to provide working capital during the fiscal year ending June 30, 1984, as

1984

1985

\$

\$

determined by the commissioner of finance. Any amounts due under Laws 1981, chapter 356, section 23, and not transferred to the general fund by June 30, 1983 shall be transferred to the general fund by June 30, 1984. It is estimated that this delay will reduce general fund transfers from other funds by \$250,000 for fiscal year 1983.

The commissioner of agriculture shall not initiate any new weigh stations until the recommendations of a select committee on livestock weighing have been received by the legislature. The committee shall be made up of three members of the house agriculture committee appointed by the speaker and three members of the senate agriculture and natural resources committee appointed by the subcommittee on committees of the committee on rules and administration. The committee shall report no later than January 30, 1984.

There is appropriated to the Department of Agriculture \$10,000 for fiscal year 1983 for the purpose of implementing a gypsy moth control program. These funds are available until expended.

Agricultural Promotion Service

\$ 5,771,600 \$ 4,632,000

\$150,200 the first year and \$178,700 the second year is from the commodities research and promotion account in the special revenue fund.

\$500,000 the first year and \$500,000 the second year is for the agriculture development grant program to be expended in accordance with Minnesota Statutes, section 17.101. The commissioner shall submit a work program and semi-annual progress reports to the chairman of the senate finance committee and the chairman of the house appropriations committee.

	1984	1985
	\$	\$

For the biennium ending June 30, 1985, the commissioner of agriculture may provide money to assist in the implementation of research and promotional orders pursuant to Minnesota Statutes, sections 17.51 to 17.69 from the appropriation provided for agriculture development grants. This money shall be provided in accordance with Minnesota Statutes, section 17.101.

No more than \$15,000 may be spent for implementing a barley research and promotion order.

No more than \$30,000 may be spent for implementing a corn research and promotion order.

\$1,500,000 the first year is for transfer to the special family farm security program account created by Minnesota Statutes, section 41.61, subdivision 1, for the purpose of paying lenders for defaulted loans.

\$2,846,200 the first year and \$3,164,600 the second year is for family farm security interest payment adjustments. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Administration and Financial Aids Service

\$ 2,512,400	\$ 2,553,200
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The appropriation for administration and financial aids service includes the following amounts for grants to agricultural societies and associations:

(a) For aid to the northeastern Minnesota junior livestock show association

\$ 1,200	\$ 1,200
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	1984	1985
	\$	\$

(b) For aid to Minnesota livestock breeders association

\$	14,200	\$	14,200
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(c) For aid to northern sheep growers associations

\$	1,000	\$	1,000
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(d) For aid to southern sheep growers associations

\$	400	\$	400
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(e) For Red River valley livestock associations

\$	6,000	\$	6,000
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The amount appropriated by clause (e) shall be disbursed pursuant to provisions of Minnesota Statutes, section 38.02.

(f) For the Red River Valley Dairymen's Association, Inc., for the purpose of promoting better dairying

\$	1,200	\$	1,200
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Clauses (b), (c), (d), (e), and (f) shall be expended under provisions of Minnesota Statutes, section 17.07.

(g) Aid to county and district agricultural societies

\$	260,200	\$	257,600
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Of this amount, \$2,600 in fiscal year 1984 is for reimbursing Morrison County for cost incurred in fiscal year 1982;

Of the amount appropriated by clause (g), \$3,800 each year is for livestock premiums to county fair associations for carrying on boys' and girls' club work.

	1984	1985
\$		\$

The amount appropriated by clause (g) shall be disbursed according to Minnesota Statutes, section 38.02.

Of the amounts appropriated by clause (g), \$900 each year shall be available for agricultural aid to the Red Lake Band of Chippewa Indians, to be expended as may be directed by the Indian council for the purpose of encouraging activities and arts that will advance the economic and social interest of their people and particularly to promote a program of agricultural development that will utilize to the greatest possible extent the lands and forest owned by them. This appropriation may be used to help maintain an agricultural extension service, to promote 4-H club work, or for premiums for the competitive display of exhibits at any fair or exposition that may be arranged under the direction of the council.

(h) For aid in payment of premiums at exhibitions of poultry for the poultry associations

\$	2,800	\$	2,800
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Out of the amounts appropriated by clause (h) the amount of \$827 shall be allotted each fiscal year to aid the Minnesota state poultry association in the payment of premiums and other necessary expenses, exclusive of salaries or wages of any kind, at its annual exhibition.

\$8,800 the first year and \$9,200 the second year is for payment of claims relating to livestock damaged by endangered animal species.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

The commissioner of agriculture shall submit a report to the chairman of the

	1984	1985
	\$	\$

house appropriations committee and the chairman of the senate finance committee by January 15, 1984 outlining the costs and benefits of continuing the building lease beyond October 30, 1984.

Soil and Water Conservation Board

\$ 3,035,400 \$ 3,088,200

\$420,700 the first year and \$420,700 the second year is for general purpose grants in aid to soil and water conservation districts.

\$99,200 the first year and \$152,300 the second year is for grants to districts for technical assistance, education, and demonstrations of conservation tillage.

\$198,500 the first year and \$198,500 the second year is for grants to watershed districts and other local units of government in the southern Minnesota river basin study area 2 for flood plain management.

\$1,541,400 the first year and \$1,541,400 the second year is for grants to soil and water conservation districts for cost-sharing contracts for erosion control and water quality management.

\$158,700 the first year and \$158,700 the second year is for grants in aid to soil and water conservation districts and local units of government to assist them in solving sediment and erosion control problems. Grants shall not exceed 50 percent of total project costs or 50 percent of the local share if federal money is used. Priority shall be given to projects designed to solve lakeshore, stream bank, and roadside erosion and to projects eligible for federal matching money.

\$12,400 the first year and \$12,400 the second year is for grants to soil and

	1984	1985
	\$	\$

water conservation districts for review and comment on water permits.

The commissioner of agriculture with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 6. BOARD OF ANIMAL HEALTH

General Operations and Management	1,237,600	1,198,000
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Approved Complement—35

This appropriation includes \$40,000 the first year and \$40,000 the second year for payment of indemnities. If the appropriation for indemnities for either year is insufficient, the appropriation for the other year is available for it. Indemnities of less than \$1 shall not be paid.

For the biennium ending June 30, 1985, the board of animal health may request additional funding from the legislative advisory commission for the purpose of implementing the provisions of a bill known as H. F. 512, tentatively coded as Minnesota Statutes, section 35.255.

Sec. 7. COMMERCE

General Operations and Management	7,501,900	7,530,300
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Approved Complement—220

General—217

Special—3

	1984	1985
	\$	\$

Of this appropriation, \$7,316,600 the first year and \$7,336,300 the second year are from the general fund; and \$185,300 the first year and \$194,000 the second year are from the special revenue fund.

The amounts that may be expended from this appropriation for each program are as follows:

Supervision of State-Chartered
Financial Institutions

\$ 2,599,100 \$ 2,612,000

During the biennium ending June 30, 1985, the commissioner of banks shall cooperate with the state treasurer in the conduct of audits relating to unclaimed property.

Investment Protection

\$ 1,127,600 \$ 1,135,900

\$185,300 the first year and \$194,000 the second year is from the real estate education, research and recovery account in the special revenue fund for the purpose of Minnesota Statutes, section 82.34, subdivision 6. If the appropriation from the special revenue fund for either year is insufficient, the appropriation for the other year is available for it.

Consumer Services

\$ 1,043,300 \$ 1,050,600

Regulation of Insurance Companies

\$ 2,042,900 \$ 2,042,900

This appropriation includes \$35,000 the first year and \$35,000 the second year for costs associated with the assigned risk plan review board.

	1984	1985
	\$	\$

During the biennium ending June 30, 1985, the commissioner of insurance shall cooperate with the state treasurer to improve procedures for notifying beneficiaries of the death of life insurance policyholders.

General Support

\$	689,000	\$	688,900
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The commission with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 8. [NON-HEALTH RELATED BOARDS.]

Subdivision 1. Total for this section	2,665,100	2,644,100
Subd. 2. Board of Abstractors	3,800	3,700
Subd. 3. Board of Accountancy	238,500	218,200

If the department of administration has not approved purchase of a microcomputer and related software by July 1, 1983, the board of accountancy, notwithstanding any other law to the contrary, may purchase a microcomputer and related software.

Approved Complement—4

Subd. 4. Board of Architecture, Engineering and Land Surveying	257,600	256,800
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Approved Complement—5

Subd. 5. Board of Barber Examiners	106,200	106,200
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	1984	1985
\$		\$
Approved Complement—3		
Subd. 6. Board of Boxing	25,600	25,700
Approved Complement—1		
Subd. 7. Board of Electricity	677,300	677,500
Approved Complement—18		
Subd. 8. Board of Peace Officer Standards and Training		
General Operations and Management	1,356,100	1,356,000
Approved Complement—9		
\$1,000,000 the first year and \$1,000,- 000 the second year is for peace officers training pursuant to Minnesota Stat- utes, section 626.86.		
Sec. 9. PUBLIC UTILITIES COMMISSION	1,122,400	1,120,500
Approved Complement—27		
Sec. 10. PUBLIC SERVICE		
General Operations and Management	3,267,300	3,272,900
Approved Complement—86		
The amounts that may be expended from this appropriation for each pro- gram are as follows:		
Utility Regulation		
\$ 1,259,700	\$ 1,265,700	
Weights and Measures		
\$ 1,572,600	\$ 1,572,400	
Administrative Services		
\$ 435,000	\$ 434,800	

	1984	1985
	\$	\$
<p>The public service department with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations in the house of representatives.</p>		
Sec. 11. ETHICAL PRACTICES BOARD	172,100	171,900
Approved Complement—5		
Sec. 12. MINNESOTA MUNICIPAL BOARD	192,200	200,700
Approved Complement—4		
Sec. 13. MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION	65,800	67,600
Sec. 14. UNIFORM LAWS COMMISSION	12,300	11,600
Sec. 15. VOYAGEURS NATIONAL PARK CITIZENS COMMITTEE	53,700	50,800
Sec. 16. SOUTHERN MINNESOTA RIVERS BASIN BOARD	52,400	52,300
Sec. 17. MINNESOTA HISTORICAL SOCIETY	7,341,200	7,294,600

The amounts that may be expended from this appropriation for each program are as follows:

(a) Minnesota Historical Society Operations

\$ 6,898,800 \$ 6,891,400

This appropriation includes money for a seven-day-a-week tour program in the capitol and historical buildings. The historical building shall remain open for

	1984	1985
	\$	\$

public use on Saturdays and, if necessary, adjustments in the remainder of the weekday schedule may be effected by the Minnesota historical society.

Any unencumbered balance remaining at the end of the first year shall be returned to the state treasury and credited to the general fund.

The appropriation in this subdivision includes no money for compensation increases. The Minnesota historical society will draw on the salary supplement appropriation for that purpose. Employees of the Minnesota historical society will be paid in accordance with the appropriate pay plan.

(b) Historic Grant-in-Aid

\$	246,200	\$	246,200
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For historic site grants to encourage local historic preservation projects.

To be eligible for a grant, a county or local project group must provide a 50 percent match, in accordance with the historical society's guidelines.

(c) Fiscal Agent

\$	196,200	\$	157,000
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\$51,100 the first year and \$51,900 the second year is for the Sibley House Association.

This appropriation is available for operation and maintenance of the Sibley House and related buildings on the Old Mendota state historic site owned by the Sibley House association.

The historical society should seek an agreement with the Sibley House association whereby the historical society will make payments to the association for

	1984	1985
\$		\$

this purpose and will provide the association with technical assistance in applying for federal grants.

Notwithstanding any laws to the contrary, the Sibley House association may purchase fire, wind, hail, and vandalism insurance, and insurance coverage for fine art objects from this appropriation.

\$55,000 the first year and \$55,000 the second year is for the Government Learning Center.

\$32,100 the first year and \$32,100 the second year is for the Minnesota Humanities Commission.

\$18,000 the first year and \$18,000 the second year is for the Minnesota International Center.

\$40,000 in the first year is for the purpose of maintaining Minnesota military history museums at Fort Snelling and Camp Ripley.

Any unencumbered balance remaining in (b) or (c) the first year does not cancel but is available for the second year of the biennium.

Sec. 18. BOARD OF THE ARTS	2,020,600	2,068,900
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Approved Complement—11

General—8

Federal—3

The amounts that may be expended from this appropriation for each program are as follows:

(a) Administrative Services

\$	232,200	\$	232,200
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	1984	1985
	\$	\$

(b) Subsidies and Grants

\$ 1,788,400	\$ 1,836,700
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\$75,000 the first year and \$75,000 the second year is for individual artist grants.

The board of the arts shall report to the chairman of the senate finance committee and the chairman of the house appropriations committee by January 1, 1984 concerning its success at obtaining money from federal, private, and other sources to match state money appropriated for individual artists grants.

\$50,000 the first year and \$50,000 the second year is for arts in education.

\$688,800 the first year and \$737,100 the second year is for the support of regional arts councils throughout the state.

Any unencumbered balance remaining in (a) or (b) the first year does not cancel but is available for the second year of the biennium.

Sec. 19. MINNESOTA HUMANE SOCIETY

43,800

No state money shall be expended for the care, feeding, housing, or disposal of animals.

Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

Sec. 20. MINNESOTA HORTICULTURAL SOCIETY

67,900

67,900

Sec. 21. MINNESOTA ACADEMY OF SCIENCE

20,400

20,500

	1984	1985
	\$	\$
Sec. 22. SCIENCE MUSEUM OF MINNESOTA	273,400	290,500
Sec. 23. MINNESOTA SAFETY COUNCIL	50,700	50,700

This appropriation is from the trunk highway fund.

Sec. 24. DISABLED AMERICAN VETERANS	20,100	20,100
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For salaries, supplies, and expenses to be expended as provided by Laws 1941, chapter 425.

Sec. 25. VETERANS OF FOREIGN WARS	25,000	25,000
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For carrying out the provisions of Laws 1945, chapter 455.

Sec. 26. GENERAL CONTINGENT ACCOUNTS	650,000	650,000
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The appropriations in this section shall be expended with the approval of the governor after consultation with the legislative advisory commission pursuant to Minnesota Statutes, section 3.30.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it. This appropriation for each purpose are more specifically described in the following subdivisions of this section.

Trunk Highway Fund

\$ 400,000 \$ 400,000

Highway User Tax Distribution Fund

\$ 250,000 \$ 250,000

	1984	1985
	\$	\$
Sec. 27. TORT CLAIMS	600,000	600,000

To be disbursed by the commissioner of finance.

This appropriation is from the trunk highway fund.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 28. Minnesota Statutes 1982, section 12.14, is amended to read:

12.14 [ASSESSMENT FOR NUCLEAR SAFETY PREPAREDNESS ACT.]

Any person, firm, corporation or association in the business of owning or operating a nuclear fission electrical generating plant located in Minnesota, shall pay an assessment (OF \$250,000 PER PLANT) to cover the (INITIAL) cost of (UPGRADING) nuclear power plant emergency response plans and other programs necessary to deal with incidents resulting from the operation of nuclear fission electrical generating plants. (THIS ASSESSMENT SHALL BE PAID TO THE STATE FOR DEPOSIT IN THE GENERAL FUND WITHIN 90 DAYS OF APRIL 25, 1980. THEREAFTER,) An assessment of (\$75,000) \$100,000 per plant shall be paid (ANNUALLY) on July 1 of each year (, BEGINNING WITH JULY 1, 1981, TO COVER ONGOING COSTS RELATED TO THE EMERGENCY RESPONSE PLAN).

Sec. 29. Minnesota Statutes 1982, section 17.101, is amended to read:

17.101 [PROMOTIONAL ACTIVITIES.]

Subdivision 1. [DEPARTMENTAL DUTIES.] For the purposes of expanding, improving, and developing the markets for products of Minnesota agriculture, the commissioner of agriculture shall encourage and promote the marketing of these products by means of (PROMOTIONAL ACTIVITIES SUCH AS ADVERTISING AND OTHER APPROPRIATE ACTIVITIES):

- (a) advertising Minnesota agricultural products;
- (b) assisting state agricultural commodity organizations;

(c) *developing methods to increase processing and marketing of agricultural commodities including commodities not being produced in Minnesota on a commercial scale but which may have economic potential in national and international markets;*

(d) *investigating and identifying new marketing technology and methods to enhance the competitive position of Minnesota agricultural products;*

(e) *evaluating livestock marketing opportunities;*

(f) *assessing and developing national and international markets for Minnesota agricultural products;*

(g) *studying the conversion of raw agricultural products to manufactured products including ethanol;*

(h) *hosting the visits of foreign trade teams to Minnesota and defraying the teams' expenses;*

(i) *assisting Minnesota agricultural businesses desiring to sell their products in national and international markets; and*

(j) *other activities the commissioner deems appropriate to promote Minnesota agricultural products in national and international markets.*

Subd. 2. [AGRICULTURAL DEVELOPMENT GRANTS.]

In order to carry out the duties in subdivision 1, the commissioner, in addition to whatever other resources the department may commit, shall make grants and enter into contracts to fulfill the obligations of subdivision 1. The commissioner may contract with, among others, agricultural commodity organizations and agriculture related businesses to fulfill the duties. The commissioner shall make permanent or temporary rules for the administration of these grants and contracts. The rules shall specify at a minimum:

(a) *eligibility criteria;*

(b) *application procedures;*

(c) *provisions for application review and project approval;*

(d) *provisions for program monitoring and review for all approved grants and contracts; and*

(e) *other provisions the commissioner finds necessary.*

Contracts entered into by the commissioner pursuant to this subdivision shall not exceed 75 percent of the cost of the project

supported by the commissioner's grant. In any biennium, no organization shall receive more than \$70,000 in grants from the commissioner.

Subd. 3. [AUDITS.] The books, records, documents, and accounting procedures and practices of any organization receiving a grant from the commissioner under the provisions of subdivision 2 shall be subject to examination by the department. The commissioner may prescribe uniform methods of accounting to be used by grant recipients.

Subd. 4. [ADVISORY GROUP.] The commissioner may establish an ad hoc advisory group to assist him in evaluating grant requests made pursuant to subdivision 2.

Sec. 30. Minnesota Statutes 1982, section 17A.04, subdivision 5, is amended to read:

Subd. 5. [LICENSE FEE.] The applicant shall submit to the commissioner the following applicable (FEE OR) fees and penalties for late renewal:

((1) \$120) (a) \$150 for each livestock market agency and public stockyard license, penalty \$38; ((2) \$42 FOR EACH LIVESTOCK DEALER LICENSE; AND (3) \$24 FOR EACH AGENT LICENSE)

(b) \$50 for each livestock dealer license, penalty \$13;

(c) \$30 for each agent of a livestock dealer license, penalty \$10;

(d) \$50 for each meat packing company license, penalty \$13;

(e) \$30 for each agent of a meat packing company license, penalty \$10.

Sec. 31. Minnesota Statutes 1982, section 18.51, subdivision 2, is amended to read:

Subd. 2. [FEES; PENALTY.] (EACH) A nurseryman shall (BE REQUIRED TO) pay an annual fee before the commissioner shall issue a certificate of inspection. This fee shall be based on the area of all of his nurseries as follows:

Nurseries:

(1) 1/2 acre or less (\$25) \$30 per nurseryman

(2) Over 1/2 acre to and including 2 acres (\$35) \$50 per nurseryman

- (3) Over 2 acres to and including 10 acres (\$60) \$100 per nurseryman
- (4) Over 10 acres to and including 50 acres (\$160) \$300 per nurseryman
- (5) Over 50 acres (\$400) \$600 per nurseryman

In addition to the above fees, a minimum penalty of \$10 or 25 percent of the fee due, whichever is greater, shall be charged for any application for renewal not received by January 1 of the year following expiration of a certificate.

Sec. 32. Minnesota Statutes 1982, section 18.52, subdivision 5, is amended to read:

Subd. 5. [FEES; PENALTY.] (EACH) A dealer (IS REQUIRED TO) *shall* pay an annual fee (. THE FEE CHARGED SHALL BE) based on the *dealer's* gross sales (OF THE DEALER) during the preceding certificate year. (IN THE CASE OF) A dealer operating for the first year (,) *will pay* the minimum fee (WILL SUFFICE).

Dealers:

- | | |
|--|--|
| (1) Gross sales up to \$1,000 | at a location (\$20) \$30 per location |
| (2) Gross sales over \$1,000 and up to \$5,000 | at a location (\$30) \$40 per location |
| (3) Gross sales over \$5,000 up to \$10,000 | at a location (\$45) \$70 per location |
| (4) Gross sales over \$10,000 up to \$25,000 | at a location (\$70) \$100 per location |
| (5) Gross sales over \$25,000 up to \$75,000 | at a location (\$115) \$150 per location |
| (6) Gross sales over \$75,000 up to \$100,000 | at a location (\$175) \$220 per location |
| (7) Gross sales over \$100,000 | at a location (\$250) \$330 per location |

In addition to the above fees, a minimum penalty of \$10 or 25 percent of the fee due, whichever is greater, shall be charged for any application for renewal not received by January 1 of the year following expiration of a certificate.

Sec. 33. Minnesota Statutes 1982, section 18.53, is amended to read:

18.53 [GREENHOUSE CERTIFICATION.]

The commissioner or his employee may inspect and certify greenhouses and greenhouse plants as being free from plant pests upon request of the greenhouse operator and issue a greenhouse certificate. The fee is (\$25) *\$30* for each greenhouse operator. (SAID) *The certificate (SHALL EXPIRE) expires* on November 15 next following the date of issue.

Sec. 34. Minnesota Statutes 1982, section 18.54, is amended to read:

18.54 [LOCAL SALES AND MISCELLANEOUS.]

Subdivision 1. The commissioner or his employee may make small lot inspections or perform other necessary services for which another charge is not specified. For these services the commissioner shall (CHARGE A FEE OF \$10; IN ADDITION, A CHARGE MAY BE MADE FOR THE NECESSARY EXPENSES INCURRED BY THE INSPECTOR) *set a fee plus expenses that will recover the cost of performing this service, as provided in section 16A.128.* The commissioner may set an additional acreage fee for inspection of seed production fields for exporters in order to meet domestic and foreign plant quarantine requirements.

Subd. 2. The commissioner shall have the authority to provide special services such as virus disease-free certification and other similar programs. Participation by nurserymen shall be voluntary. Plants offered for sale as certified virus-free must be grown according to certain procedures in a manner defined by the commissioner for the purpose of eliminating viruses and other injurious disease or insect pests. The commissioner (MAY) *shall* collect reasonable fees from participating nurserymen for services and materials that are necessary to conduct this type of work, *as provided in section 16A.128.*

Sec. 35. Minnesota Statutes 1982, section 18A.22, subdivision 5, is amended to read:

Subd. 5. [FEE.] Each application for registration and renewal shall be accompanied by a registration fee of (\$10) *\$25* for each pesticide registered. (ALL SUCH) *These* registrations (SHALL) expire on December 31 (OF ANY ONE) *each* year, unless cancelled *sooner*.

Sec. 36. Minnesota Statutes 1982, section 18A.22, subdivision 7, is amended to read:

Subd. 7. [LATE REGISTRATION.] If the renewal of a pesticide registration is filed after December 31, or an original application is filed after the first month the pesticide is first manufactured or sold within this state, an additional fee of (\$5) \$10 shall be paid by the applicant before the registration for that pesticide may be issued or renewed.

Sec. 37. Minnesota Statutes 1982, section 18A.26, is amended to read:

18A.26 [LICENSE, REGISTRATION, DEALER, APPLICATOR, FEE.]

Subdivision 1. [RESTRICTED USE PESTICIDE DEALER LICENSE.] (a) Any person offering for sale or having in his possession with intent to distribute to the ultimate user a restricted use pesticide and any private applicator purchasing from an unlicensed source for his own use any restricted use pesticide shall obtain a license from the commissioner. Application for a restricted use pesticide dealer license shall be made upon the forms and in the manner, which may include an examination, as the commissioner requires to determine if the applicant is qualified to sell restricted use pesticides.

(b) Application for a license requires payment of a fee of (\$35) \$50. Licenses shall be renewed annually prior to January 1, upon receipt of a (\$35) \$50 fee and the completed application form.

(c) If an application for renewal of a restricted use pesticide dealer license is not filed prior to January 1 of any one year, an additional fee of (\$10) \$13 shall be paid by the applicant before the renewal license may be issued.

(d) The dealer license shall not be transferable to another person or to another location.

(e) Each licensed restricted use pesticide dealer shall be responsible for the acts of each person employed by him in the solicitation and sale of restricted use pesticides.

(f) Provisions of this subdivision shall not apply to:

(1) A licensed commercial applicator, noncommercial applicator or structural pest control applicator who sells or uses pesticides only as an integral part of his pesticide application service;

(2) A federal, state, county, or municipal agency which provides pesticides only for its own programs; and

(3) A duly licensed pharmacist, physician, dentist, or veterinarian when administering or dispensing a restricted use pesticide for use in man or other animal in his practice.

Subd. 2. [COMMERCIAL APPLICATOR LICENSE.] (a) No commercial applicator shall use or supervise the use of any pesticide without a commercial applicator's license issued by the commissioner. Application for the license shall be made upon forms and in such manner, which may include an examination, as the commissioner may require. An aerial applicator shall secure an endorsement to his license showing that he has been licensed for commercial spraying or dusting operations, or both, in accordance with chapter 360, and that he has passed an examination prepared by the department of transportation and administered by the department of agriculture, testing whether he is knowledgeable in the aerial application of pesticides. A person intending to apply pesticides in any public waters shall secure an endorsement to his license showing that he has passed an examination prepared by the department of natural resources and administered by the department of agriculture, testing whether he is knowledgeable in the application of pesticides in water.

(b) The commissioner may renew any applicator's license, subject to reexamination or other requirements imposed by the commissioner to ensure that the applicator understands changing technology and to assure a continuing level of competence and ability to use pesticides safely and properly.

(c) Each application for a license shall require payment of an annual fee of (\$10) \$40 and an identification card fee of (\$7.50) \$10 for the applicant and (\$7.50) \$10 for each additional identification card desired.

(d) If the renewal application is not filed prior to March 1 in any year, an additional fee of (\$5) \$10 shall be paid by the applicant before the renewal license may be issued.

(e) The license issued shall not be transferable to another person.

(f) Every licensee or his designated operator shall have an identification card when applying pesticides for hire and shall display it upon demand of an authorized representative of the commissioner or a law enforcement officer. The identification card shall contain such information as the commissioner may by rule require.

(g) A person required to be licensed under this subdivision who carries on spraying or dusting operations for hire or who employs or engages an applicator to carry on spraying or dusting operations for hire, shall be responsible for proper application

of the material or device. He shall use materials, dosages, formulas, devices and methods of application acceptable to the commissioner based upon registered approved uses of the material or device within limits prescribed by state and federal laws and regulations. He shall not be held liable for the actions of a chemical when applied in accordance with the recommendation of the manufacturer or the commissioner.

Subd. 3. [STRUCTURAL PEST CONTROL APPLICATOR LICENSE, REGISTRATION.] (a) No person shall engage in structural pest control applications for hire unless registered or licensed by the commissioner. Before any person shall engage in structural pest control application he shall apply on forms supplied by the commissioner for a registration or license to engage in such activities. The commissioner shall determine from the application and the statements contained therein if such applicant is qualified to be registered or to receive a license. The commissioner shall require the applicant to pass a written or an oral examination, or both, and may also require a practical demonstration regarding structural pest control. The examination procedure, including all the phases and contents of the examination, shall be established by the commissioner.

(b) A registration or license is effective until January 1 next following the date of its issuance, and may be renewed annually on or before that date. Registrations or licenses are not transferable to any other person.

(c) (AN) *No annual fee (OF \$15 MUST) need accompany an application for registration or renewal where the applicant is licensed by a political subdivision or municipality to engage in structural pest control (OR \$75). An annual fee of \$100 must accompany an application for registration or renewal if the applicant is not so licensed.* Employees of a person who is registered or licensed under this subdivision shall pay a fee of (\$10) \$20 for an initial license or registration and a fee of (\$6) \$20 for each renewal thereof. The commissioner may establish other requirements for renewal as are necessary to assure competence of registrants or licensees.

(d) In case a delinquency in the payment of the license or registration renewal fee extends beyond three months the licensee or registrant will be required to obtain a new license or registration subject to all the requirements, procedures and fees required for an initial license or registration.

(e) The commissioner shall establish categories of master, journeyman, and apprentice in structural pest control applications. No person shall engage in structural pest control applications as a sole proprietorship, company, partnership, or corporation unless he is licensed or registered as a master in structural pest control applications or unless he employs a person so licensed or registered.

(f) The commissioner shall notify each licensee or registrant by mail that his fee is due and payable and if not received before the expiration date of the registration or license 50 percent will be added to the required annual renewal fee or fees.

Subd. 4. [NONCOMMERCIAL APPLICATOR.] (a) No noncommercial applicator may use a restricted use pesticide or supervise the use of a restricted use pesticide without having a valid noncommercial applicator license issued by the commissioner for use categories or subcategories for which the pesticide application is made.

(b) License applications shall be made upon forms and in the manner, which may include an examination, as the commissioner may prescribe to determine if the applicant is qualified.

(c) The commissioner may renew a license subject to re-examination or other requirements designed to ensure that the applicator continues to understand changing technology and to assure a continuing level of competence and ability to use pesticides safely and properly.

(d) Each application for a license shall require payment of an annual fee of (\$10) \$40 and an identification card fee of (\$7.50) \$10 for the applicant and (\$7.50) \$10 for each additional identification card desired. Governmental agencies shall be exempt from the fee. The license shall be renewed annually prior to January upon payment of applicable fees and compliance with any other requirement.

(e) If an application for renewal of license is not filed prior to March 1, in any year, an additional fee of (\$5) \$10 shall be paid by the applicant before the renewal license may be issued.

Sec. 38. [PURPOSE.]

It is the policy of the legislature that consumers should be able to purchase truthfully and adequately labeled seeds for planting. Sections 39 to 51 establish a uniform labeling system for agricultural, vegetable, flower, tree or shrub seeds whereby consumers can be protected from inadequately or illegally labeled seed and also whereby fair competition can be achieved.

Sec. 39. [21.80] [MINNESOTA SEED LAW.]

Sections 39 to 51 may be cited as the "Minnesota Seed Law."

Sec. 40. [21.81] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The terms used in sections 39 to 51 have the meanings given them in this section.

Subd. 2. [ADVERTISEMENT.] "Advertisement" means any representation, other than on a label, disseminated in any manner or by any means, relating to seed within the scope of sections 39 to 51.

Subd. 3. [AGRICULTURAL SEEDS.] "Agricultural seeds" includes the seeds of grass, forage, cereal, oil, fiber crops, seeds of vegetables grown for processing, and any other kinds of seeds commonly recognized within this state as agricultural or field seeds, lawn seeds, or mixtures of those seeds, and may include noxious weed seed when the commissioner determines that the seed is being used as agricultural seed.

Subd. 4. [BLEND.] "Blend" means seed consisting of more than one variety of a kind, each in excess of five percent of the whole.

Subd. 5. [CERTIFIED SEED.] "Certified seed" means certified, registered, or foundation seed, or any other term conveying a similar meaning when referring to seed that has been produced, conditioned, and labeled in compliance with the rules of an officially recognized seed certification agency.

Subd. 6. [COMMISSIONER.] "Commissioner" means the commissioner of agriculture or his authorized agent and may include a county agricultural inspector.

Subd. 7. [CONDITIONING.] "Conditioning" means cleaning to remove chaff, sterile florets, immature seeds, weed seeds, inert matter, and other crop seeds, scarifying, combining to obtain uniform quality, or any other operation which would change the purity or germination of the seed and require retesting to determine the quality of the seed. Conditioning does not include such operations as packaging, labeling, combining uniform lots of the same kind or variety without cleaning or preparing a mixture without cleaning, if it would not require retesting to determine the quality of the seed.

Subd. 8. [FLOWER SEEDS.] "Flower seeds" includes seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts and commonly known and sold under the name of flower seeds in this state.

Subd. 9. [GENUINE GROWER'S DECLARATION.] A "genuine grower's declaration" is a statement signed by the grower which gives for a lot of agricultural seed, the lot number, kind, variety, origin, weight, year of production, date of shipment, and to whom it was sold, shipped, or delivered.

Subd. 10. [GERMINATION.] "Germination" means the percentage of seeds other than hard seeds which are capable of producing normal seedlings under favorable growing conditions.

Broken, weak, diseased, malformed, or abnormal seedlings shall not be considered as having germinated.

Subd. 11. [HYBRID.] "Hybrid" when applied to kinds or varieties of seed means the first generation seed of a cross produced by controlling the pollination and by combining (a) two or more inbred lines; (b) one inbred or a single cross with an open pollinated variety; or (c) two selected clones, seed lines, varieties, or species. "Controlling the pollination" means to use a method of hybridization which will produce pure seed which is at least 75 percent hybrid seed. The second generation or subsequent generations from these crosses are not hybrids. Hybrid designations shall be treated as variety names.

Subd. 12. [INITIAL LABELER.] "Initial labeler" means a person who is the first to label for sale within this state an agricultural, vegetable, flower, tree, or shrub seed.

Subd. 13. [KIND.] "Kind" means one or more related species or subspecies which singly or collectively is known by one common name, such as wheat, oats, or sweet clover.

Subd. 14. [LABEL.] "Label" includes a tag or other device attached to or written, stamped, or printed on any container or accompanying any lot of bulk seeds purporting to set forth the kind of seeds contained, or any other information relating to the labeled seed and includes invoices under which any seed is imported into the state.

Subd. 15. [LOT.] "Lot" means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which appear in the labeling.

Subd. 16. [MIXTURE.] "Mixture" means seeds consisting of more than one kind, each in excess of five percent of the whole.

Subd. 17. [NOXIOUS WEED SEEDS.] "Noxious weed seeds" includes prohibited and restricted noxious weed seeds.

Subd. 18. [PERSON.] "Person" means an individual, partnership, corporation, company, society, association, or firm.

Subd. 19. [PROHIBITED NOXIOUS WEED SEEDS.] "Prohibited noxious weed seeds" are those weed seeds which are prohibited from being present in any agricultural, vegetable, flower, tree or shrub seed. They are the seeds of weeds which are highly destructive and difficult to control by good cultural practices or by the use of herbicides. They not only reproduce by seed but also may spread by underground reproductive parts

such as roots and rootstocks and aboveground reproductive parts such as runners and stolons.

Subd. 20. [PURE LIVE SEED.] *"Pure live seed" means the product of the percent germination multiplied by the percent pure seed divided by 100 percent.*

Subd. 21. [PURE SEED.] *"Pure seed" means seed exclusive of inert matter and all other seeds not of the kind of seed being considered as defined by the rules for testing seeds of the association of official seed analysts.*

Subd. 22. [RECORD.] *"Record" includes all information relating to seed shipments and includes a file sample of each lot of seed. For tree and shrub seed, the record includes all documents regarding statement of origin and elevation where the seed originated.*

Subd. 23. [RESTRICTED NOXIOUS WEED SEEDS.] *"Restricted noxious weed seeds" are those weed seeds which, if present in agricultural, vegetable, flower, tree or shrub seed, shall be named on the label together with the number per pound of seed specified and which shall not exceed the legal limit. They are seeds of weeds which are objectionable in fields, lawns, and gardens of this state and can be controlled by good cultural practice and use of herbicides.*

Subd. 24. [SCREENINGS.] *"Screenings" means chaff, sterile florets, immature seed, weed seeds, inert matter, and other material removed from seeds in any kind of conditioning and which contains less than 25 percent by weight of live agricultural or vegetable seed.*

Subd. 25. [SEIZURE.] *"Seizure" means a legal process carried out by a court order against a definite amount of seed.*

Subd. 26. [SELL.] *"Sell," when applying to agricultural, vegetable, flower, tree or shrub seed, and seed samples, includes:*

- (a) selling or transferring ownership;*
- (b) offering and exposing for sale, exchange, distribution, giving away, and transportation in or into this state;*
- (c) having in possession with intent to sell, exchange, distribute, give away, or transport in or into this state;*
- (d) storing, carrying, and handling in aid of traffic in seeds, whether done in person or through an agent, employee, or other person; and*

(e) receiving, accepting, and holding on consignment for sale.

Subd. 27. [STOP SALE.] "Stop sale" means an administrative order restraining the sale, use, disposition, and movement of a definite amount of seed.

Subd. 28. [TREATED.] "Treated" means that the seed has received an application of a substance or that it has been subjected to a process for which a claim is made.

Subd. 29. [TREE AND SHRUB SEEDS.] "Tree and shrub seeds" includes seeds of woody plants commonly known and sold as tree and shrub seeds in this state.

Subd. 30. [TREE SEED COLLECTOR'S DECLARATION.] A "tree seed collector's declaration" is a statement signed by a grower or person having knowledge of the place of collection which gives for a lot of seed: the lot number, common or scientific name of the species, subspecies if appropriate, origin, elevation, and quantity of tree and shrub seed.

Subd. 31. [TYPE.] "Type" means a group of varieties so nearly similar that individual varieties cannot be clearly differentiated except under special conditions.

Subd. 32. [VEGETABLE SEEDS.] "Vegetable seeds" includes the seeds of those crops which are grown in gardens and on truck farms that are generally known and sold under the name of vegetable or herb seeds in this state.

Subd. 33. [VARIETY.] "Variety" means a subdivision of a kind characterized by growth, yield, plant, fruit, seed, or other characteristics by which it can be differentiated from other plants of the same kind.

Subd. 34. [WEED SEEDS.] "Weed seeds" includes the seeds of all plants generally recognized as weeds within this state, including noxious weed seeds.

Sec. 41. [21.82] [LABEL REQUIREMENTS; AGRICULTURAL, VEGETABLE, OR FLOWER SEEDS.]

Subdivision 1. [FORM.] Each container of agricultural, vegetable, or flower seed which is offered for sale for sowing purposes shall bear or have attached in a conspicuous place a plainly written or printed label or tag in the English language giving the information required by this section. This statement shall not be modified or denied in the labeling or on another label attached to the container.

Subd. 2. [CONTENT.] For agricultural, vegetable, or flower seeds, except as otherwise provided in subdivisions 4, 5, 6, 7 and 8, the label shall contain:

(a) The name of the kind or kind and variety for each agricultural or vegetable seed component in excess of five percent of the whole and the percentage by weight of each in order of its predominance. The commissioner shall by rule designate the kinds that are required to be labeled as to variety. If the variety of those kinds generally labeled as to variety is not stated and it is not required to be stated, the label shall show the name of the kind and the words: "Variety not stated."

(1) The percentage that is hybrid shall be at least 95 percent of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds or varieties are present in excess of five percent and are named on the label, each that is hybrid shall be designated as hybrid on the label. Any one kind or kind and variety that has pure seed which is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to show the percentage of pure seed that is hybrid seed or a statement such as "contains from 75 percent to 95 percent hybrid seed." No one kind or variety of seed shall be labeled as hybrid if the pure seed contains less than 75 percent hybrid seed. The word hybrid shall be shown on the label in conjunction with the kind.

(2) Blends shall be listed on the label using the term "blend" in conjunction with the kind.

(3) Mixtures shall be listed on the label using the term "mixture," "mix," or "mixed."

(b) Lot number or other lot identification.

(c) Origin, if known, or that the origin is unknown.

(d) Percentage by weight of all weed seeds present in agricultural, vegetable, or flower seed. This percentage may not exceed one percent. If weed seeds are not present in vegetable or flower seeds, the heading "weed seeds" may be omitted from the label.

(e) Name and rate of occurrence per pound of each kind of restricted noxious weed seeds present. They shall be listed under the heading "noxious weed seeds." If noxious weed seeds are not present in vegetable or flower seeds, the heading "noxious weed seeds" may be omitted from the label.

(f) Percentage by weight of agricultural, vegetable, or flower seeds other than those required to be named on the label.

They shall be listed under the heading "other crop." If "other crop" seeds are not present in vegetable or flower seeds, the heading "other crop" may be omitted from the label.

(g) *Percentage by weight of inert matter.*

(h) *Net weight of contents, to appear on either the container or the label, except that in the case of vegetable or flower seed containers with contents of 200 seeds or less, a statement indicating the number of seeds in the container may be listed along with or in lieu of the net weight of contents.*

(i) *For each named agricultural or vegetable seed:*

(1) *percentage of germination, exclusive of hard seed;*

(2) *percentage of hard seed, if present; and*

(3) *the calendar month and year the percentages were determined by test.*

(j) *Name and address of the person who labeled the seed or who sells the seed within this state, or a code number which has been registered with the commissioner.*

Subd. 3. [TREATED SEED.] *For all named agricultural, vegetable, or flower seeds which are treated, for which a separate label may be used, the label shall contain:*

(a) *a word or statement to indicate that the seed has been treated;*

(b) *the commonly accepted, coined, chemical, or abbreviated generic chemical name of the applied substance;*

(c) *the caution statement "Do not use for food, feed, or oil purposes" if the substance in the amount present with the seed is harmful to human or other vertebrate animals;*

(d) *in the case of mercurials or similarly toxic substances, a poison statement and symbol;*

(e) *a word or statement describing the process used when the treatment is not of pesticide origin; and*

(f) *the date beyond which the inoculant is considered ineffective if the seed is treated with an inoculant. It shall be listed on the label as "inoculant: expires (month and year)" or wording that conveys the same meaning.*

Subd. 4. [HYBRID SEED CORN.] For hybrid seed corn purposes a label shall contain:

(a) a statement indicating the number of seeds in the container may be listed along with or in lieu of the net weight of contents; and

(b) for each variety of hybrid seed field corn, the day classification as determined by the originator or owner. The day classification shall approximate the number of days of growing season necessary from emergence of the corn plant above ground to relative maturity and shall conform to the day classification established by the director of the Minnesota agricultural experiment station for the appropriate zone.

Subd. 5. [GRASS SEED.] For grass seed and mixtures of grass seeds intended for lawn and turf purposes, the requirements in clauses (a) to (c) must be met.

(a) The label shall contain the percentage by weight of inert matter, up to ten percent by weight except for those kinds specified by rule. The percentage by weight of foreign material not common to grass seed must be listed as a separate item in close association with the inert matter percentage.

(b) If the seed contains no "other crop" seed, the following statement may be used and may be flagged: "contains no other crop seed."

(c) When grass seeds are sold outside their original containers, the labeling requirements are met if the seed is weighed from a properly labeled container in the presence of the purchaser.

Subd. 6. [COATED AGRICULTURAL SEEDS.] For coated agricultural seeds the label shall contain:

(a) percentage by weight of pure seeds with coating material removed;

(b) percentage by weight of coating material shown as a separate item in close association with the percentage of inert matter; and

(c) percentage of germination determined on 400 pellets with or without seeds.

Subd. 7. [VEGETABLE SEEDS.] For vegetable seeds prepared for use in home gardens or household plantings the requirements in clauses (a) to (d) apply. The origin may be omitted from the label.

(a) *The label shall contain the following:*

(1) *the year for which the seed was packed for sale listed as "packed for (year)," or the percentage of germination and the calendar month and year that the percentages were determined by test; and*

(2) *for vegetable seeds which germinate less than the standard last established by the commissioner:*

(i) *percentage of germination, exclusive of hard seed;*

(ii) *percentage of hard seed, if present; and*

(iii) *the words "below standard" in not less than eight point type and the month and year the percentages were determined by test.*

(b) *The percentage by weight of pure seed may be omitted from a label if the total is more than 90 percent.*

(c) *The percentage by weight of inert matter may be omitted from a label if it is less than ten percent.*

(d) *The labeling requirements for vegetable seeds sold outside their original containers are met if the seed is weighed from a properly labeled container in the presence of the purchaser.*

Subd. 8. [FLOWER SEEDS.] (a) *All flower seed labels shall contain:*

(1) *the name of the kind and variety or a statement of type and performance characteristics as prescribed by rules;*

(2) *the year for which the seed was packed for sale listed as "packed for (year)," or the percentage of germination and the calendar month and year that the percentage was determined by test; and*

(3) *for flower seeds which germinate less than the standard last established by the commissioner:*

(i) *the percentage of germination exclusive of hard seed; and*

(ii) *the words "below standard" in not less than eight point type and the month and year this percentage was determined by test.*

(b) *The origin may be omitted from the label.*

(c) *The percentage by weight of pure seed may be omitted from a label if the total is more than 90 percent.*

(d) *The percentage by weight of inert matter may be omitted from a label if it is less than ten percent.*

Sec. 42. [21.83] [LABEL REQUIREMENTS; TREE OR SHRUB SEEDS.]

Subdivision 1. [FORM.] Each container of tree or shrub seed which is offered for sale for sowing purposes shall bear or have attached in a conspicuous place a plainly written or printed label or tag in the English language giving the information required by this section. This label statement shall not be modified or denied in the labeling or on another label attached to the container, except that labeling of seed supplied under a contractual agreement may be made by an invoice accompanying the shipment or by an analysis tag attached to the invoice if each bag or other container is clearly identified by a lot number stenciled on the container. Each bag or container that is not so stenciled must carry complete labeling.

Subd. 2. [LABEL CONTENT.] For all tree or shrub seed subject to this section the label shall contain:

(a) *the common name of the species, and the subspecies if appropriate;*

(b) *the scientific name of the genus and species, and the subspecies if appropriate;*

(c) *the lot number or other lot identification;*

(d) *for seed collected from a predominantly indigenous stand, the area of collection given by latitude and longitude, or geographic description, or political subdivision such as state or county;*

(e) *for seed collected from a predominantly nonindigenous stand, the identity of the area of collection and the origin of the stand or the words "origin not indigenous;"*

(f) *the elevation or the upper and lower limits of elevation within which the seed was collected;*

(g) *the percentage of pure seed by weight;*

(h) *for those kinds of seed for which standard testing procedures are prescribed:*

(1) *the percentage of germination exclusive of hard seed;*

- (2) the percentage of hard seed, if present; and
- (3) the calendar month and year the percentages were determined by test; or
- (4) in lieu of the requirements of clauses (1) to (3), the seed may be labeled "test is in progress, results will be supplied upon request;"
- (i) for those species for which standard germination testing procedures have not been prescribed by the commissioner, the calendar year in which the seed was collected; and
- (j) the name and address of the person who labeled the seed or who sells the seed within this state.

Subd. 3. [TREATED SEED.] For all treated tree and shrub seeds for which a separate label may be used the label shall contain:

- (a) a word or statement to indicate that the seed has been treated;
- (b) the commonly accepted, coined, chemical, or abbreviated generic chemical name of the applied substance;
- (c) the caution statement "Do not use for food, feed, or oil purposes" if the substance in the amount present with the seed is harmful to human or other vertebrate animals;
- (d) in the case of mercurials or similarly toxic substances, a poison statement and symbol;
- (e) a word or statement describing the process used when the treatment is not of pesticide origin;
- (f) if the seed has been treated with an inoculant, the date beyond which the inoculant is considered ineffective. It shall be listed on the label as "inoculant: expires (month and year)" or wording which conveys the same meaning.

Sec. 43. [21.84] [RECORDS.]

Each person whose name appears on the label of agricultural, vegetable, flower, tree or shrub seeds subject to section 41 or 42 shall keep for three years complete records of each lot of agricultural, vegetable, flower, tree or shrub seed sold in this state and shall keep for one year a file sample of each lot of seed after disposition of the lot. In addition, the grower shall have as a part of the record a "genuine grower's declaration" or a "tree seed collector's declaration."

Sec. 44. [21.85] [DUTIES OF THE COMMISSIONER.]

Subdivision 1. [ENFORCEMENT.] The commissioner shall administer and enforce sections 39 to 51.

Subd. 2. [SEED LABORATORY.] The commissioner shall establish and maintain a seed laboratory for seed testing, employing necessary agents and assistants to administer and enforce sections 39 to 51, none of whom, except those who are employed on a regular full-time basis, shall come within or be governed by chapter 43A. The compensation for the unclassified employees shall be on the basis of a rating and salary scale determined by the commissioner's plan of the department of employee relations or the appropriate bargaining unit contract.

Subd. 3. [ENTRY UPON PREMISES.] For the purpose of administering and enforcing sections 39 to 51 the commissioner may enter upon any public or private premises during regular business hours in order to have access to seeds and the records concerning the seeds that are subject to sections 39 to 51, and to enter any truck or other conveyer by land, water, or air at any time when the conveyer is accessible, for the same purpose.

Subd. 4. [INSPECTION AND SAMPLING.] The commissioner shall sample, inspect, make analysis of and test seeds subject to sections 39 to 51 that are offered for sale for sowing purposes at the time and place and to the extent necessary to determine whether the seeds are in compliance with sections 39 to 51.

Subd. 5. [NOTICE OF VIOLATION.] The commissioner shall promptly notify the person who sold, labeled, or transported seed that has been:

- (1) found to be in violation of sections 39 to 51;*
- (2) placed under a stop sale order; or*
- (3) seized on complaint of the commissioner to a court of competent jurisdiction.*

Subd. 6. [STOP SALE ORDERS.] The commissioner may issue and enforce a written or printed "stop sale" order to the owner or custodian of any lot of seed which he finds to be in violation of sections 39 to 51. The order shall prohibit further sale, conditioning, and movement of the seed, except on approval of the enforcing officer, until the officer has evidence that the law has been complied with and has issued a release from the "stop sale" order. With respect to seed which has been denied sale, conditioning, or movement, the owner or custodian of the seed may appeal from the order to a court where the seeds are

found, for the discharge of the seeds from the order prohibiting the sale, conditioning, or movement in accordance with the findings of the court. This subdivision does not limit the right of the enforcement officer to proceed in a different fashion.

Subd. 7. [SEIZURE.] Any lot of seed not in compliance with sections 39 to 51 is subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the locality where the seed is located. If the court finds the seed to be in violation and orders the condemnation of the seed, it shall be denatured, destroyed, relabeled, or otherwise disposed of in compliance with law. In no instance shall the court order dispose of the seed without first giving the claimant an opportunity to apply to the court for the release of the seed or permission to condition or relabel it into compliance.

Subd. 8. [INJUNCTION.] When the commissioner applies to any court for a temporary or permanent injunction restraining any person from violating or continuing to violate sections 39 to 51, the injunction shall be issued without requiring a bond.

Subd. 9. [PROSECUTIONS.] When the commissioner finds that a person has violated any part of sections 39 to 51, he may initiate court proceedings in the locality in which the violation occurred. No prosecution shall be instituted without a person having an opportunity to appear in person or by a representative before the commissioner to provide evidence. Either a county attorney or the attorney general may prosecute actions under sections 39 to 51.

Subd. 10. [COMMISSIONER MAY ALTER REQUIREMENTS IN EMERGENCIES.] In the event of acute shortages of any seed or seeds, or the occurrence of other conditions which in the opinion of the commissioner create an emergency which would make impractical the enforcement of any requirement of sections 39 to 51 relating to the percentage of purity and weed seed content of any seed or seeds, the commissioner may temporarily change and alter any requirement relating to percentage of purity and weed seed content for the duration of the emergency.

Subd. 11. [RULES.] The commissioner may make necessary rules, including temporary rules, for the proper enforcement of sections 39 to 51. Existing rules shall remain in effect unless temporary or permanent rules are made that supercede them.

Subd. 12. [SERVICE TESTING AND IDENTIFICATION.] The commissioner shall provide for purity and germination tests of seeds and identification of seeds and plants for farmers, dealers, and others. He may establish and collect fees for testing and identification.

Subd. 13. [SAMPLING EXPORT SEED.] *The commissioner may sample agricultural, vegetable, flower, tree or shrub seeds which are destined for export to other countries. He may establish and collect suitable fees from the exporter for this service.*

Subd. 14. [COOPERATION WITH UNITED STATES DEPARTMENT OF AGRICULTURE.] *The commissioner shall cooperate with the United States department of agriculture in seed law enforcement.*

Sec. 45. [21.86] [UNLAWFUL ACTS.]

Subdivision 1. [PROHIBITIONS.] *A person may not advertise or sell any agricultural, vegetable, flower, or tree and shrub seed if:*

(a) *A test to determine the percentage of germination required by sections 41 and 42 has not been completed within a nine-month period, exclusive of the calendar month in which the test was completed. This prohibition does not apply to tree, shrub, agricultural, or vegetable seeds packaged in hermetically sealed containers. Seeds packaged in hermetically sealed containers under the conditions defined by rule may be offered for sale for a period of 36 months after the last day of the month that the seeds were tested for germination prior to packaging. If seeds in hermetically sealed containers are offered for sale more than 36 months after the last day of the month in which they were tested prior to packaging, they must be retested within a nine-month period, exclusive of the calendar month in which the retest was completed;*

(b) *It is not labeled in accordance with sections 41 and 42 or has false or misleading labeling;*

(c) *False or misleading advertisement has been used in respect to its sale;*

(d) *It contains prohibited noxious weed seeds;*

(e) *It consists of or contains restricted noxious weed seeds in excess of 25 seeds per pound or in excess of the number declared on the label attached to the container of the seed or associated with the seed;*

(f) *It contains more than one percent by weight of all weed seeds;*

(g) *It contains less than the stated net weight of contents;*

(h) *It contains less than the stated number of seeds in the container;*

(i) *It contains any labeling, advertising, or other representation subject to sections 41 and 42 representing the seed to be certified unless:*

(1) *it has been determined by a seed certifying agency that the seed conformed to standards of purity and identity as to kind, species, subspecies, or variety, and also that tree seed was found to be of the origin and elevation claimed, in compliance with the rules pertaining to the seed; and*

(2) *the seed bears an official label issued for it by a seed certifying agency stating that the seed is of a certified class and a specified kind, species, subspecies, or variety;*

(j) *It is labeled with a variety name but not certified by an official seed certifying agency when it is a variety for which a United States certificate of plant variety protection has been granted under United States Code, title 7, sections 2481 to 2486, specifying sale by variety name only as a class of certified seed. Seed from a certified lot may be labeled as to variety name when used in a blend or mixture by or with approval of the owner of the variety; or*

(k) *The person whose name appears on the label does not have complete records including a file sample of each lot of agricultural, vegetable, flower, tree or shrub seed sold in this state as required in section 43.*

Subd. 2. [MISCELLANEOUS VIOLATIONS.] *No person may:*

(a) *detach, alter, deface, or destroy any label required in sections 41 and 42 or alter or substitute seed in a manner that may defeat the purposes of sections 41 and 42;*

(b) *hinder or obstruct in any way any authorized person in the performance of duties under sections 39 to 51;*

(c) *fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed held under a stop sale order or attached tags, except with express permission of the enforcing officer for the purpose specified;*

(d) *use the word "type" in any labeling in connection with the name of any agricultural seed variety;*

(e) *use the word "trace" as a substitute for any statement which is required; or*

(f) *plant any agricultural seed which the person knows contains weed seeds or noxious weed seeds in excess of the limits for that seed.*

Sec. 46. [21.87] [EXEMPTION.]

Sections 41 and 42 do not apply:

- (a) to seed or grain not intended for sowing purposes;*
- (b) to seed in storage in or being transported or consigned to a conditioning establishment for conditioning, provided that the invoice or label accompanying any shipment of the seeds bears the statement "seeds for conditioning," and provided that any labeling or other representation which may be made with respect to the unconditioned seed is subject to the provisions of sections 41 and 42; or*
- (c) to any carrier with respect to seed transported or delivered for transportation in the ordinary course of its business as a carrier, provided that the carrier is not engaged in producing, conditioning, or marketing seeds subject to sections 41 and 42.*

Sec. 47. [21.88] [PENALTIES.]

Subdivision 1. [MISDEMEANOR; GROSS MISDEMEANOR.] A violation of sections 39 to 51 or a rule adopted under section 44 is a misdemeanor. Each additional day of violation is a separate offense. A subsequent violation by a person is a gross misdemeanor.

Subd. 2. [UNLAWFUL PRACTICE.] In addition to other penalties provided by law, a person who violates a provision of sections 39 to 51 or a rule adopted under section 44 has committed an unlawful practice under sections 325F.68 and 325F.69 and is subject to the remedies provided in sections 8.31 and 325F.70.

Subd. 3. [PENALTIES NOT TO APPLY.] A person is not subject to the penalties in subdivision 1 or 2 for having sold seeds which were incorrectly labeled or represented as to kind, species, subspecies, if appropriate, variety, type, origin and year, elevation or place of collection if required, if the seeds cannot be identified by examination unless he has failed to obtain an invoice or genuine grower's or tree seed collector's declaration or other labeling information and to take other reasonable precautions to ensure the identity is as stated.

Sec. 48. [21.89] [SEED FEE PERMITS.]

Subdivision 1. [SEED FEE.] In order to pay for administering and enforcing sections 39 to 51, the commissioner shall establish the fees charged for various seeds and shall collect the fees on all seeds covered by sections 39 to 51.

Subd. 2. [PERMITS; ISSUANCE, REVOCATION.] The commissioner shall issue a permit to the initial labeler of agricultural, vegetable, or flower seeds which are offered for sale in Minnesota and which conform to and are labeled under sections 39 to 51. The person shall furnish to the commissioner an itemized statement of all seeds sold in Minnesota for the periods established by the commissioner. This statement shall be delivered, along with the payment of the fee, to the commissioner no later than 30 days after the end of each reporting period. Any person holding a permit shall show as part of the analysis labels or invoices on all agricultural, vegetable, flower, tree or shrub seeds all information the commissioner requires. The commissioner may revoke any permit in the event of failure to comply with applicable laws and rules.

Subd. 3. [PENALTY.] A penalty fee established by the commissioner shall be assessed any permit holder who fails to submit a statement and pay the fee due within the 30 days following the end of each reporting period.

Subd. 4. [EXEMPTIONS.] A person who labels for sale agricultural, vegetable, or flower seeds must have a seed fee permit unless:

(a) The person labels and sells less than 50,000 pounds of agricultural seed in Minnesota each calendar year. If more than 50,000 pounds are labeled and sold in Minnesota by any person, the person must have a seed fee permit and pay fees on all seed sold. A person who labels and sells grass seeds and mixtures of grass seeds intended for lawn or turf purposes is not exempted from having a permit and paying seed fees on all seeds in this category sold in Minnesota; or

(b) The agricultural, vegetable, or flower seeds are of the breeder or foundation seed classes of varieties developed by publicly financed research agencies intended for the purpose of increasing the quantity of seed available.

Sec. 49. [21.90] [HYBRID SEED FIELD CORN VARIETY REGISTRATION.]

Subdivision 1. [GROWING ZONES.] The director of the agricultural experiment station at the University of Minnesota shall determine, establish, and number or otherwise identify corn growing zones of the state and determine and publish a list of day classifications for each zone which will approximate the number of days growing season necessary for corn from emergence of the corn plants above ground after planting to relative maturity.

Subd. 2. [FEES.] A record of each hybrid seed field corn variety to be sold in Minnesota shall be registered with the com-

missioner by February 1 of each year by the originator or owner. The commissioner shall establish the annual fee for registration for each variety. The record shall include the permanent designations of the hybrid as well as the day classification and zone of adaptation, as determined under subdivision 1, which the originator or owner declares to be the zone in which the variety is adapted. In addition, at the time of the first registration of a hybrid seed field corn variety, the originator or owner shall include a sworn statement that his declaration of the zone of adaptation was based on actual field trials in that zone and that the field trials substantiate his declaration as to the day and zone classifications to which the variety is adapted. The name or number used to designate a hybrid seed field corn variety in the registration is the only name of all seed corn covered by or sold under that registration.

Subd. 3. [TESTS OF VARIETIES.] If the commissioner needs to verify that a hybrid seed field corn variety is adapted to the corn growing zone declared by the originator or owner, it must, when grown in several official comparative trials by the director of the Minnesota agricultural experiment station in the declared zone of adaptation, have an average kernel moisture at normal harvest time which does not differ from the average kernel moisture content of three or more selected standard varieties adapted for grain production in that particular growing zone by more than four percentage points. If a new variety when tested has more than six percentage points of moisture over the standard variety, it must have the relative maturity increased by five days in the correct zone of adaptation before it can be sold the second year. If it does not exceed the standard varieties by more than five percentage points of moisture the second year tested, it can be sold the third year with the same relative maturity. If upon being tested the third year the moisture percentage points are found to be over the four percentage points allowed, the variety then must have the relative maturity increased by five days in the correct zone. The varieties to be used as standard varieties for determining adaptability to a zone shall be selected for each zone by the director of the Minnesota agricultural experiment station with the advice and consent of the commissioner of agriculture. Should a person, firm, originator, or owner of a hybrid seed field corn variety wish to offer hybrid seed for sale or distribution in this state, the person, firm, originator, or owner not having distributed any products in Minnesota during the past ten years, or not having any record of testing by an agency acceptable to the commissioner, then after registration of the variety the commissioner is required to have the variety tested for one year by the director of the Minnesota agricultural experiment station before it may be distributed in Minnesota. Should any person, firm, originator, or owner of a seed field corn variety be guilty of two successive violations with respect to the declaration of relative maturity date and zone number, then the violator must commence a program of pretesting for varieties as determined by the commissioner. The list of varieties to be used as standards in each growing zone shall be

sent by the commissioner not later than February 1 of each year to each seed firm registering hybrid varieties with the commissioner as of the previous April 1. To assist in defraying the expenses of the Minnesota agricultural experiment station in carrying out the provisions of this section, there shall be transferred annually from the seed inspection fund to the agricultural experiment station a sum which shall at least equal 80 percent of the total revenue from all hybrid seed field corn variety registrations.

Sec. 50. [21.91] [SEED CERTIFICATION AGENCIES.]

Subdivision 1. [MINNESOTA.] The official seed certification agency for Minnesota shall be determined by the commissioner of agriculture and the director of the Minnesota agricultural experiment station.

Subd. 2. [OTHER JURISDICTIONS.] The official seed certification agency for other jurisdictions shall be determined and the identity filed as a public record in the office of the commissioner of agriculture. The determination shall be made by the commissioner of agriculture and the director of the Minnesota agricultural experiment station.

Sec. 51. [21.92] [SEED INSPECTION FUND.]

There is established in the state treasury an account known as the seed inspection fund. Fees and penalties collected by the commissioner under sections 39 to 51 shall be deposited into this account. The rates at which the fees are charged may be adjusted pursuant to section 16A.28. Money in this account, including interest earned and any appropriations made by the legislature for the purposes of sections 39 to 51, is annually appropriated to the commissioner for the administration and enforcement of sections 39 to 51.

Sec. 52. Minnesota Statutes 1982, section 27.041, subdivision 2, is amended to read:

Subd. 2. [LICENSES.] The license, or a certified copy (THEREOF) of the license, (SHALL) must be kept posted in the office of the licensee at each place within the state where he transacts business. Every license shall expire June 30 following its issuance and thereafter be renewed July 1 each year. Any license issued under this subdivision (SHALL) is automatically (BE) void upon the termination of the surety bond covering the licensed operation. The fee for each license shall be based on the following schedule:

License Fee	Penalty for Late Renewal	Dollar Volume of Business
\$ 30	(\$ 9.60) \$10	\$10,000 or less per month
\$ 60	(\$18) \$15	Over \$10,000 to \$50,000 per month
(\$ 90) \$180	(\$26.40) \$45	Over \$50,000 to \$100,000 per month
(\$120) \$240	(\$36) \$60	Over \$100,000 per month

A fee of (\$5) \$10 shall be charged for each certified copy of a license, \$2 for each license identification card, and \$2 for each license identification truck decal. The commissioner shall make appropriate license fee adjustments for up to one year from July 1, 1975 for persons required to be licensed hereunder, who hold validly issued licenses as of the effective date of Laws 1975, Chapter 227 under the provisions of law amended or repealed herein. When the licensee sells, disposes of, or discontinues his business during the lifetime of his license he shall at the time the action is taken, notify the commissioner in writing, and upon demand produce before the commissioner a full statement of all assets and liabilities as of the date of transfer or discontinuance of the business.

(ALL MONEYS) Money collected from license fees shall be deposited in the state treasury.

Sec. 53. Minnesota Statutes 1982, section 28A.08, is amended to read:

28A.08 [LICENSE FEES; PENALTIES.]

The fees for licenses and the penalties for late renewal (THEREOF PRESCRIBED HEREIN SHALL) of licenses set in this section apply to the sections named except as provided under section 28A.09. Except as specified herein, bonds and assessments based on number of units operated or volume handled or processed which are provided for in said laws shall not be affected, nor shall any penalties for late payment of said assessments, nor shall inspection fees, be affected by this chapter.

Type of food handler	License Fee	Penalty
1. Retail food handler		
(a) Having gross sales of less than (\$250,000) \$50,000 for the immediately previous license or fiscal year	(\$ 18) \$ 25	(\$ 6) \$10

(b) Having \$50,000 to \$250,000 gross sales for the immediately previous license or fiscal year

\$ 50

\$13

((B)) (c) Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year

(\$ 36) \$100

(\$12) \$25

((C)) (d) Having over \$1,000,000 gross sales for the immediately previous license or fiscal year

(\$.60) \$200

(\$18) \$50

2. Wholesale food handler

(\$ 36) \$100

(\$12) \$25

3. Food broker

(\$ 18) \$ 50

(\$ 6) \$13

4. ((A)) Wholesale food processor or manufacturer

(\$120)

(\$36)

(a) Having gross sales of less than \$250,000 for the immediately previous license or fiscal year

\$150

\$38

(b) Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year

\$200

\$50

(c) Having over \$1,000,000 gross sales for the immediately previous license or fiscal year

\$250

\$63

5. ((B)) Wholesale food processor of meat or poultry products under supervision of the U.S. Department of Agriculture

(\$60)

(\$18)

(a) Having gross sales of less than \$250,000 for the immediately previous license or fiscal year

\$ 75

\$19

(b) Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year

\$ 90

\$23

(c) Having over \$1,000,000 gross sales for the immediately previous license or fiscal year

\$105

\$27

6. ((C)) Wholesale food manufacturer having the permission of the commissioner to use the name Minnesota farmstead cheese \$ 30 (\$12) \$10

Sec. 54. Minnesota Statutes 1982, section 28A.09, is amended to read:

28A.09 [INSPECTION FEES FOR VENDING MACHINES.]

Subdivision 1. [ANNUAL FEE; EXCEPTIONS.] Every coin operated food vending machine (SHALL BE) is subject to an annual state inspection fee of (\$2) \$5 for each nonexempt machine, provided that:

(a) Food vending machines may be inspected by either a home rule charter or statutory city, or a county, but not both, and if inspected by a home rule charter or statutory city, or a county they shall not be subject to the state inspection fee, but the home rule charter or statutory city, or the county may impose a reasonable inspection or license fee. A home rule charter or statutory city or county that does not inspect food vending machines shall not impose a food vending machine inspection or license fee.

(b) Vending machines dispensing only bottled or canned soft drinks or ice manufactured and packaged by another shall be exempt from the state inspection fee, but may be inspected by the state, or by a home rule charter city or statutory city or a county which may impose a reasonable inspection or license fee.

Subd. 2. [IDENTIFICATION; RULES.] The commissioner may require that (ANY) a vending machine (SHALL) *must* be identified in accordance with rules promulgated pursuant to chapter 14.

Sec. 55. Minnesota Statutes 1982, section 32.075, is amended to read:

32.075 [TERM OF LICENSE; TRANSFERABILITY; FEES AND PENALTIES.]

Every license issued by the commissioner shall be for a period ending on the thirty-first day of December next following, and shall not be transferable. The fee for each such initial license shall be (\$18) \$25 and each renewal thereof shall be (\$7.20) \$10 and shall be paid to the commissioner before any license or renewal thereof is issued. If a license renewal is not applied for on or before January 1 of each year, a penalty of (25 PERCENT OF THE LICENSE FEE) \$10 shall be imposed. A person who does not renew his license within one year following its Decem-

ber 31 expiration date, except those persons who do not renew such license while engaged in active military service, shall be required to prove his competency and qualification pursuant to section 32.073, before a license is issued. The commissioner may require any other person who renews his license to prove his competency and qualification in the same manner. All license fees and penalties received by the commissioner shall be paid into the state treasury.

Sec. 56. Minnesota Statutes 1982, section 32.59, is amended to read:

32.59 [NONRESIDENT MANUFACTURER LICENSE.]

Any person who manufactures frozen foods, mix, ice cream mix, mix base, or ice cream mix base outside of the state, for sale within the state, shall apply for registration with the department of agriculture in (SUCH) *the form (,) and (FURNISH SUCH) with the information (, AS IT MAY REQUIRE) the commissioner requires*. Samples of all frozen foods, mix, ice cream mix, mix base, or ice cream mix base, so manufactured for sale and sold within this state, (SHALL) *must* be submitted to the department. Each application for registration (SHALL) *must* be accompanied by a fee of (\$120) *\$150*, which (SHALL CONSTITUTE) *is* the registration fee (IN CASE) *if a certificate of registration is granted*. If the department of agriculture (SHALL FIND) *finds* that the samples (SO) submitted are up to the accepted standards (,) and otherwise comply with the laws of this state, it shall issue to *the* applicant a certificate of registration. *The penalty for a late registration application is \$38 if the registration is not renewed by January 1 of any year.*

Sec. 57. Minnesota Statutes 1982, section 34.02, is amended to read:

34.02 [LICENSES; EXCEPTIONS.]

No person (SHALL) *may* manufacture, mix, or compound any soft drinks or other non-alcoholic beverage, to be sold in bottles, barrels, kegs, jars, coolers, cans, glasses or tumblers, or other containers, without first having obtained a license (THEREFOR) from the commissioner. *License fees shall be established in accordance with section 28A.05, clause (c).* Sections 34.02 to 34.11 (SHALL) *do not* apply to beverages manufactured, mixed, or compounded in quantities of one quart or less at one time.

Sec. 58. Minnesota Statutes 1982, section 34.05, subdivision 1, is amended to read:

Subdivision 1. Any person who distributes soft drinks or other non-alcoholic beverages manufactured outside of this state, for sale within this state, shall apply for registration with the

commissioner in (SUCH) *the* form and (FURNISH SUCH) *accompanied by* information (AS HE MAY REQUIRE) *the commissioner requires*. Samples of all soft drinks or other non-alcoholic beverages manufactured for sale and sold within this state (SHALL) *must* be submitted to the commissioner once each year for laboratory examination. Each application (SHALL) *must* be accompanied by a registration fee (OF \$100) *established in accordance with section 28A.05, clause (c), which* (SHALL CONSTITUTE) is the registration fee in case registration is granted, and one-half of which may be retained to reimburse the state for inspection (SHOULD) *if* registration (BE) *is* refused. If the commissioner finds that the samples submitted are up to accepted standards (,) and otherwise comply with the laws of this state (,) he shall issue to the applicant a certificate of registration.

Sec. 59. Minnesota Statutes 1982, section 40.03, subdivision 2, as amended by Laws 1983, chapter 66, section 1, is amended to read:

Subd. 2. [EMPLOYEES.] The department of agriculture shall provide administrative functions of this section. The commissioner of agriculture shall make available (BY SEPARATE BUDGET) to the state soil and water conservation board (THE) staff (SERVICES), funds for operation, and office space necessary for the administration and coordination of its functions. The state board shall be responsible to the commissioner (FOR REPORTING PURPOSES IN REGARD TO STAFF FUNCTIONS AND OPERATIONS WHICH RELATE TO DEPARTMENT ACTIVITIES).

The commissioner of agriculture shall (, SUBJECT TO APPROVAL OF THE STATE BOARD,) provide an administrative officer and other necessary permanent and temporary technical experts, agents and employees. (THE STATE BOARD SHALL DETERMINE THE PERSONNEL'S QUALIFICATIONS AND DUTIES, AND RECOMMEND COMPENSATION TO THE COMMISSIONER OF EMPLOYEE RELATIONS.) The state board may call upon the attorney general for necessary legal services. It shall have authority to delegate to its chairman or to one or more of its other officers or members or administrative officer any of its own powers and duties it may deem proper. (THE ADMINISTRATIVE OFFICER IS RESPONSIBLE TO THE STATE BOARD AND MAY BE DISMISSED BY THE COMMISSIONER OF AGRICULTURE ONLY UPON THE ADVICE AND RECOMMENDATION OF THE STATE BOARD.) All permanent personnel of the state board are employees of the department of agriculture and are in the classified service of the state except as otherwise required by statute. In order to perform its duties, the state board may request information from the supervising officer of any state agency or state institution of higher education, including the state universities, the community colleges, and the post-secondary vocational

technical schools. (THE SUPERVISING OFFICER SHALL COMPLY WITH THE STATE BOARD'S REQUEST TO THE EXTENT POSSIBLE CONSIDERING AVAILABLE APPROPRIATIONS AND MAY ASSIGN AGENCY OR INSTITUTION EMPLOYEES TO COMPILE EXISTING INFORMATION AND TO COMPLETE SPECIAL REPORTS, SURVEYS, OR STUDIES CONCERNING THE PROBLEMS SPECIFIED IN SECTION 40.02.)

Sec. 60. Minnesota Statutes 1982, section 41.61, subdivision 1, as amended by H. F. No. 1308, enacted at the 1983 regular session, is amended to read:

Subdivision 1. *There is created a special account in the state treasury for the purposes of financing the family farm security program.*

Such sums as may be needed from time to time to pay lenders for defaulted loans *and make other payments authorized by this chapter* are appropriated from the (GENERAL FUND) *special account* to the commissioner. The sum of all outstanding family farm security loans guaranteed by the commissioner at any time shall not exceed \$100,000,000.

Sec. 61. Minnesota Statutes 1982, section 43A.04, is amended by adding a subdivision to read:

Subd. 8. [DONATION OF TIME BY STATE PATROL.] Notwithstanding any law to the contrary, the commissioner shall authorize the appointing authority to permit the donation of up to three hours of accumulated vacation time in each year by each employee who is a member of law enforcement unit number 1 to their union representative for the purpose of carrying out the duties of his or her office.

Sec. 62. Minnesota Statutes 1982, section 70A.06, is amended by adding a subdivision to read:

Subd. 5. (1) Rates and changes and amendments of rates for policies of insurance against damage by hail must be filed with the commissioner 30 days prior to their effective date.

(2) An insurer increasing the rate charged for a policy of insurance against damage by hail shall notify the insured 30 days prior to a renewal, if applicable.

Sec. 63. Minnesota Statutes 1982, section 79.251, subdivision 1, is amended to read:

Subdivision 1. [ASSIGNED RISK PLAN REVIEW BOARD.] (1) An assigned risk plan review board is created for the purposes of review of the operation of sections 79.24 to

79.27. The board shall have all the usual powers and authorities necessary for the discharge of its duties under this section and may contract with individuals in discharge of those duties.

(2) The board shall consist of five members to be appointed by the commissioner of insurance. Two members shall be insureds holding policies issued pursuant to section 79.25. Two members shall be members of the association. The commissioner shall be the fifth member and shall vote.

Initial appointments shall be made by September 1, 1981 and terms shall be for three years duration. Removal, the filling of vacancies and compensation of the members other than the commissioner shall be as provided in section 15.059.

(3) The assigned risk review board shall audit the reserves established by insurers (a) for individual cases arising under policies issued under section 79.25 and (b) for the total book of business issued under section 79.25.

(4) The assigned risk review board shall monitor the operations of sections 79.24 to 79.27 and shall periodically make recommendations to the commissioner, and to the governor and legislature when appropriate, for improvement in the operation of those sections.

(5) All members of the association issuing policies under section 79.25 shall pay (AND) to the commissioner (SHALL RECEIVE AND DISBURSE, ON BEHALF OF THE BOARD,) a .25 percent assessment on premiums for policies issued under section 79.25 for the purpose of defraying the costs of the assigned risk review board. *Proceeds of the assessment shall be deposited in the state treasury and credited to the general fund.*

Sec. 64. Minnesota Statutes 1982, section 155A.07, subdivision 7, is amended to read:

Subd. 7. [FEES.] Examination and licensing fees shall be established and adjusted, by rule, so that the total amount of fee income at least meets the anticipated costs, as provided in section (214.06) 16A.128.

Sec. 65. Minnesota Statutes 1982, section 155A.08, subdivision 5, is amended to read:

Subd. 5. [FEES.] Licensing and inspection fees shall be established and adjusted, by rule, so that the total amount of fee income at least meets the anticipated costs, as provided in section (214.06) 16A.128.

Sec. 66. Minnesota Statutes 1982, section 169.81, subdivision 3b, is amended to read:

Subd. 3b. [PERMITS FOR CERTAIN SEMITRAILERS; FEES.] The commissioner may issue an annual permit for a semitrailer in excess of 45 feet in length, if the distance from the kingpin to the center of the rearmost axle of the semitrailer does not exceed 40 feet, and if a combination of vehicles, which includes a semitrailer in excess of 45 feet for which a permit has been issued pursuant to this subdivision, does not exceed the length limits set out in this section. The annual fee for a permit issued under this subdivision is (\$36) \$40.

Sec. 67. Minnesota Statutes 1982, section 169.86, subdivision 5, is amended to read:

Subd. 5. [FEES.] The commissioner, with respect to highways under his jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

(a) (\$12) \$15 for each single trip permit.

(b) (\$12) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) (TRUCK CRANES;)

(2) CONSTRUCTION EQUIPMENT, MACHINERY, AND SUPPLIES;)

(3) MANUFACTURED HOMES;)

(4) FARM EQUIPMENT WHEN THE MOVEMENT IS NOT MADE ACCORDING TO THE PROVISIONS OF SECTION 169.80, SUBDIVISION 1, CLAUSES (A) TO (F).)

(5) refuse compactor vehicles that carry a gross weight up to but not in excess of 22,000 pounds on a single rear axle and not in excess of 38,000 pounds on a tandem rear axle;

(6) (2) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(7) (3) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a (;

(d) \$120 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

- (1) truck cranes;
- (2) construction equipment, machinery, and supplies;
- (3) manufactured homes;
- (4) farm equipment when the movement is not made according to the provisions of section 169.80, subdivision 1, clauses (a) to (f);
- (5) double-deck buses;
- (6) commercial boat hauling.

Sec. 68. Minnesota Statutes 1982, section 169.862, is amended to read:

169.862 [PERMITS FOR WIDE LOADS OF BAILED HAY.]

The commissioner of transportation, with respect to highways under his jurisdiction, and local authorities, with respect to highways under their jurisdiction, may issue an annual permit to enable a vehicle carrying round bailed hay, with a total outside width of the vehicle or the load thereon not exceeding 11-1/2 feet, to be operated on public streets and highways. Permits issued pursuant to this section shall be governed by the applicable provisions of section 169.86 except as otherwise provided herein, and in addition shall carry the following restrictions:

(a) The vehicles shall not be operated between sunset and sunrise, when visibility is impaired by weather, fog or other conditions rendering persons and vehicles not clearly visible at a distance of 500 feet, or on Saturdays, Sundays and holidays.

(b) The vehicles shall not be operated on interstate highways.

(c) The vehicles shall not be operated on a trunk highway with a pavement less than 24 feet wide.

(d) A vehicle operated under the permit shall be equipped with a retractable or removable mirror on the left side so located that it will reflect to the driver a clear view of the highway for a distance of at least 200 feet to the rear of the vehicle. Simultaneous flashing amber lights, as provided in section 169.59, subdivision 4, shall be displayed to the front and rear of the vehicle. The flashing amber lights shall be lighted only when the width of the load exceeds eight feet. The flashing amber light

system shall be in addition to and separate from the turn signal system and the hazard warning light system.

(e) A vehicle operated under the permit shall display red, orange or yellow flags, 12 inches square, as markers at the front and rear, and on both sides of the load. The load shall be securely bound to the transporting vehicle.

The fee for the permit shall be (\$25) \$24.

Sec. 69. Minnesota Statutes 1982, section 170.23, is amended to read:

170.23 [ABSTRACTS; FEE; ADMISSIBLE IN EVIDENCE.]

The commissioner shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, and, if there shall be no record of any conviction of such person of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the commissioner shall so certify. Such abstracts shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident. A fee of (\$2.50) \$5 shall be paid for each such abstract. *The commissioner shall permit a person to inquire into the operating record of any person by means of the inquiring person's own computer facilities for a fee to be determined by the commissioner of at least \$2 for each inquiry. The commissioner shall furnish an abstract that is not certified for a fee to be determined by the commissioner in an amount less than the fee for a certified abstract but more than the fee for an inquiry by computer.*

Sec. 70. Minnesota Statutes 1982, section 171.26, is amended to read:

171.26 [MONEYS CREDITED TO TRUNK HIGHWAY FUND AND TO GENERAL FUND.]

All money received under the provisions of this chapter shall be paid into the state treasury with 90 percent of such money credited to the trunk highway fund, and ten percent credited to the general fund, *except as provided in section 171.29, subdivision 2.*

Sec. 71. Minnesota Statutes 1982, section 171.29, subdivision 2, is amended to read:

Subd. 2. Any person whose drivers license has been revoked as provided in subdivision 1, *except under section 169.121 or 169.123*, shall pay a \$30 fee before his drivers license is reinstated.

A person whose drivers license has been revoked as provided in subdivision 1 under section 169.121 or 169.123 shall pay a \$100 fee before his drivers license is reinstated; 75 percent of this fee shall be credited to the trunk highway fund and 25 percent shall be credited to the general fund.

Sec. 72. Minnesota Statutes 1982, section 173.07, subdivision 2, is amended to read:

Subd. 2. The commissioner of transportation may renew each permit for additional one year periods upon the receipt of an application therefor made within 30 days of the expiration date of such permit together with the payment of an annual fee of (\$15) \$30. The permit or renewal thereof shall be revocable for any violation of sections 173.01 to 173.11 or regulations adopted thereunder at any time by the commissioner of transportation on 30 days written notice to the permit holder. All fees collected shall be paid into the trunk highway fund.

Sec. 73. Minnesota Statutes 1982, section 173.08, subdivision 1, is amended to read:

Subdivision 1. [ADVERTISING DEVICES RESTRICTED.] No advertising device, excepting the advertising devices described and permitted under (LAWS 1971, CHAPTER 883) *sections 173.01 to 173.27*, shall be erected or maintained in an adjacent area, after June 8, 1971, except the following:

(a) Directional and other official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, and which comply with regulations which shall be promulgated by the commissioner relative to their lighting, size, spacing and other requirements as may be appropriate to implement (LAWS 1971, CHAPTER 883) *sections 173.01 to 173.27*;

(b) Advertising devices advertising the sale or lease of property upon which they are located, provided that there shall not be more than one such sign, advertising the sale or lease of the same property, visible to traffic proceeding in any one direction on any one interstate or primary highway;

(c) Advertising devices advertising activities conducted on the property on which they are located, including, without limiting the generality of the foregoing, goods (,) sold, stored, manufactured, processed or mined thereon, services rendered thereon, and entertainment provided thereon;

(d) Advertising devices stating the name and address of the owner, lessee or occupant of such property or information otherwise required or authorized by law to be posted or displayed thereon;

(e) Public utility signs;

(f) Service club and religious notices (, EXCEPT THAT A PERMIT WITH A FEE OF \$2 SHALL BE REQUIRED.);

(g) Advertising devices of which the advertising copy or the name of the owner thereof is in no part visible from the traveled way of the aforesaid highways;

(h) Advertising devices which are located, or which are to be located, in business areas and which comply, or will comply when erected, with the provisions of (LAWS 1971, CHAPTER 883) sections 173.01 to 173.27.

Sec. 74. Minnesota Statutes 1982, section 173.13, subdivision 4, is amended to read:

Subd. 4. The annual fee for each such permit or renewal thereof shall be as follows:

(1) If the advertising area of the advertising device does not exceed 50 square feet, the fee shall be (\$10) \$20.

(2) If the advertising area exceeds 50 square feet but does not exceed 300 square feet, the fee shall be (\$20) \$40.

(3) If the advertising area exceeds 300 square feet, the fee shall be (\$40) \$80.

(4) No fee shall be charged for a permit for directional and other official signs and notices as they are defined in section 173.02.

Sec. 75. Minnesota Statutes 1982, section 174.24, subdivision 3, is amended to read:

Subd. 3. [FINANCIAL ASSISTANCE.] Payment of financial assistance shall be by contract between the commissioner and an eligible recipient. The commissioner shall determine the total operating cost of any public transit system receiving or applying for assistance in accordance with generally accepted accounting principles. To be eligible for financial assistance, an applicant or recipient shall provide to the commissioner all financial records and other information and shall permit any inspection reasonably necessary to determine total operating cost and correspondingly the amount of assistance which may be paid to the applicant or recipient. Where more than one county or municipality contributes assistance to the operation of a public transit system, the commissioner shall identify one as lead agency for the purpose of receiving moneys under this section.

The commissioner shall adopt rules establishing uniform performance standards for private operators of regular route tran-

sit systems in the transit taxing district, as defined in section 473.446, subdivision 2. The rules are subject to the provisions in the administrative procedure act of sections 14.01 to 14.70. Payments to those private operators shall be based on the uniform performance standards and operating deficit and shall not exceed 100 percent of the operating deficit as determined by the commissioner. Payments shall be based on approved estimates of expenditures during the contract period and shall be subject to audit and adjustment after any payment has been made.

Prior to distributing operating assistance to eligible recipients for any contract period, the commissioner shall place all recipients into one of the following classifications: large urbanized area service, urbanized area service, small urban area service, rural area service, and elderly and handicapped service. The commissioner shall distribute funds under this section so that the percentage of total operating cost paid by any recipient from local sources will not exceed the percentage for that recipient's classification, *except as provided in an undue hardship case*. The percentages shall be: for large urbanized area service, 55 percent; for urbanized area service and small urban area service, 40 percent; for rural area service, 35 percent; and for elderly and handicapped service, 35 percent. The remainder of the total operating cost will be paid from state funds less any assistance received by the recipient from any federal source. For purposes of this subdivision "local sources" means all local sources of funds and includes all operating revenue, tax levies, and contributions from public funds, except that the commissioner may exclude from the total assistance contract revenues derived from operations the cost of which is excluded from the computation of total operating cost.

If a recipient informs the commissioner in writing after the establishment of these percentages but prior to the distribution of financial assistance for any year that paying its designated percentage of total operating cost from local sources will cause undue hardship, the commissioner may reduce the percentage to be paid from local sources by the recipient and increase the percentage to be paid from local sources (FOR ALL) *by one or more other recipients (IN ITS) inside or outside the classification (SO THAT THE TOTAL STATE FUNDS TO BE RECEIVED BY ALL THE RECIPIENTS IN THE CLASSIFICATION WILL NOT BE ALTERED)*, *provided that no recipient shall have its percentage thus reduced or increased for more than two years successively*. If for any year the funds appropriated to the commissioner to carry out the purposes of this section are insufficient to allow the commissioner to pay the state share of total operating cost as provided in this paragraph, the commissioner shall reduce the state share in each classification to the extent necessary.

Sec. 76. Minnesota Statutes 1982, section 174A.02, subdivision 2, is amended to read:

Subd. 2. [SPECIFIC FUNCTIONS AND POWERS.] The board shall further hold hearings and issue orders in cases brought before it by either the commissioner or by a third party in the following areas:

(a) Adequacy of services which (ALL) carriers are providing to the public, including the continuation, termination or modification of (ALL) services and facilities.

(b) The reasonableness of tariffs of rates, fares, and charges, or (ANY) a part or classification thereof (, AND PRESCRIBE THE FORM AND MANNER OF FILING, POSTING AND PUBLICATION THEREOF). The board may authorize common carriers by rail and motor carrier for hire to file tariffs of rates, fares, and charges individually or by group. (ALL SUCH) Carriers participating in group rate making (SHALL) have the free and unrestrained right to take independent action either before or after (ANY) a determination arrived at through such procedure.

(c) The issuing of franchises, permits, or certificates of convenience and necessity.

Sec. 77. Minnesota Statutes 1982, section 174A.06, is amended to read:

174A.06 [CONTINUATION OF RULES OF PUBLIC SERVICE COMMISSION, PUBLIC UTILITIES COMMISSION, AND DEPARTMENT OF TRANSPORTATION.]

(ALL RULES,) Orders and directives heretofore in force, issued or promulgated by the public service commission, *public utilities commission*, or the department of transportation under authority of chapters (174,) 216A, 218, 219, and 221 (AND 222 SHALL) remain and continue in force and effect until repealed, modified, or superseded by duly authorized (RULES,) orders or directives of the transportation regulation board. *Rules adopted by the public service commission, public utilities commission or the department of transportation under authority of the following sections are transferred to the transportation regulation board and continue in force and effect until repealed, modified, or superseded by duly authorized rules of the transportation regulation board:*

(1) *section 218.041 except rules related to the form and manner of filing railroad rates, railroad accounting rules, and safety rules;*

(2) *section 219.40;*

(3) *rules relating to rates or tariffs, or the granting, limiting, or modifying of permits or certificates of convenience and necessity under section 221.031, subdivision 1;*

(4) *rules relating to the sale, assignment, pledge, or other transfer of a stock interest in a corporation holding authority to operate as a permit carrier as prescribed in section 221.151, subdivision 1, or a local cartage carrier under section 221.296, subdivision 8;*

(5) *rules relating to rates, charges, and practices under section 221.161, subdivision 4; and*

(6) *rules relating to rates, tariffs, or the granting, limiting, or modifying of permits or certificates of convenience and necessity under section 221.296, subdivision 2.*

The board shall review the transferred rules, orders, and directives and, when appropriate, develop and adopt new rules, orders, or directives within 18 months of July 1, (1981) 1985.

Sec. 78. Minnesota Statutes 1982, section 221.061, is amended to read:

221.061 [OPERATION CERTIFICATE FOR REGULAR ROUTE COMMON CARRIER OR PETROLEUM CARRIER.]

(ANY) A person desiring a certificate authorizing operation as a regular route common carrier or petroleum carrier, or an extension of or amendment to (SUCH) *that* certificate, shall file a petition (THEREFOR) with the board which (SHALL) *must* contain (SUCH) information as the board, by rule may prescribe.

Upon the filing of a petition for a certificate, the petitioner shall pay (INTO THE STATE TREASURY) *to the commissioner* as a fee for (THE ISSUANCE THEREOF) *issuing the certificate* the sum of \$75 and for (ANY) *a transfer or lease of* (SUCH) *the certificate* the sum of \$37.50.

The petition (SHALL) *must* be processed as any other petition. The board shall cause a copy and a notice of hearing thereon to be served upon (ANY) *a competing carrier operating into* (ANY) *a city located on the proposed route of the petitioner* and to (SUCH) other persons or bodies politic which the (COMMISSION) *board* deems interested in the petition. (SUCH) *A competing carrier and other persons or bodies politic are hereby declared to be interested parties to the proceedings.*

If, during the hearing, an amendment to the petition is proposed which appears to be in the public interest, the board may allow (THE SAME) *it* when the issues and the territory are not unduly broadened by the amendment.

Sec. 79. Minnesota Statutes 1982, section 221.071, is amended to read:

221.071 [ISSUANCE OF CERTIFICATE TO REGULAR ROUTE COMMON CARRIER OR PETROLEUM CARRIER.]

If the board finds from the evidence that the petitioner is fit and able to properly perform the services proposed and that public convenience and necessity requires the granting of the petition or (ANY) a part (THEREOF) of it, it shall issue a certificate of public convenience and necessity to the petitioner. In determining whether a certificate should be issued, the board shall give primary consideration to the interests of the public that might be affected (THEREBY), to the transportation service being furnished by (ANY) a railroad which may be affected by the granting of the certificate, and to the effect which the granting of the certificate will have upon other transportation service essential to the communities which might be affected by the granting of the certificate. The board may issue a certificate as applied for or issue it for a part only of the authority sought and may attach to the authority granted (SUCH) terms and conditions as in its judgment public convenience and necessity may require.

The board may grant a temporary certificate, ex parte, valid for a period not exceeding six months, upon a showing that no regular route common carrier is then authorized to serve on the route sought, that there is no other petition on file with the board covering said route, and that there is a need for the proposed service.

A certificate which has been issued to a regular route common carrier may be amended by the board on ex parte petition and payment of a (FEE OF) \$25 fee to the commissioner so as to grant an additional or alternate route where there is no other means of transportation over (SUCH) the proposed additional route or between the termini (THEREON), and (SUCH) the proposed additional route does not exceed ten miles in length.

Sec. 80. Minnesota Statutes 1982, section 221.131, is amended to read:

221.131 [PERMITS; TERMS, FEES, IDENTIFICATION CARDS.]

Permits issued (PURSUANT TO) under the provisions of sections 221.011 to 221.291 (SHALL BE) are effective for a 12-month period. Each permit holder (SHALL HAVE) has one annual renewal date encompassing (ALL OF) the permits held by him. The permit holder shall pay (INTO THE TREASURY OF THE STATE OF MINNESOTA) to the commissioner a fee of \$25 for each kind of permit, reinstatement, or extension of authority for which a petition is filed, except on annual renewal, (PURSUANT TO) under section 221.121 and a registration fee of \$20 on each vehicle, including pickup and delivery vehicles, operated

by him under authority of the permit during the 12-month period or fraction of the 12-month period. Trailers used by petitioner in combination with power units (SHALL) *are not* (BE) counted as vehicles in the computation of fees under this section if the petitioner pays the fees for power units. The commissioner shall furnish a distinguishing identification card for each vehicle or power unit for which a fee has been paid, (WHICH) *and the* identification card (SHALL) *must* at all times be carried in the vehicle or power unit to which it has been assigned. Identification cards may be reassigned to another vehicle or power unit without fee by the commissioner upon petition of the permit holder. Identification cards issued under the provisions of this section (SHALL BE) *are* valid only for the period for which the permit is effective. The name and residence of the permit holder (SHALL) *must* be stenciled or otherwise shown on both sides of each registered vehicle operated under the permit. In the event a permit has been suspended or revoked, the board may consider a petition for reinstatement of the permit, upon the same procedure required for an original petition, and may, in its discretion, grant or deny the permit. Regular route common carriers and petroleum carriers, operating under sections 221.011 to 221.291, shall annually on or before January 1 of each calendar year, pay (INTO THE TREASURY OF THE STATE OF MINNESOTA) *to the commissioner* an annual registration fee of \$20 for each vehicle, including pickup and delivery vehicles, operated during (ANY) *a* calendar year.

The department may issue special "floater" identification cards up to a maximum of five per motor carrier. Floater cards may be freely transferred between vehicles used under short-term leases by the motor carrier. The motor carrier shall pay *to the commissioner* a fee of \$100 for each floater card issued.

A fee of \$3 (SHALL BE), *to be paid to the commissioner*, is charged for the replacement of an unexpired identification card which has been lost or damaged by the owner.

The provisions of this section are limited by the provisions of (ANY) applicable federal law.

Sec. 81. Minnesota Statutes 1982, section 221.221, is amended to read:

221.221 [ENFORCEMENT POWERS.]

Transportation representatives and hazardous material specialists of the department for the purpose of enforcing the provisions of this chapter and *section 296.17, subdivisions 10 and 17 and the applicable rules, orders, or directives of the commissioner, the commissioner of revenue, and the board issued (PURSUANT TO) under this chapter and chapter 296, but for no other purpose, (SHALL) have (ALL) the powers conferred by law upon police officers. The powers shall include the authority*

to conduct inspections at designated highway weigh stations or under other appropriate circumstances within the state for the purpose of viewing log books, licenses, health certificates and other documents or equipment required to be maintained within commercial motor vehicles operating in Minnesota pursuant to applicable state motor vehicle carrier laws and rules.

Sec. 82. Minnesota Statutes 1982, section 221.296, subdivision 5, is amended to read:

Subd. 5. [PERMIT FEES.] Upon filing (OF) a petition for a permit the petitioner shall pay to the (STATE TREASURY) *commissioner* as a fee for the issuance (THEREOF) *of the permit*, the sum of \$50, and shall thereafter pay an annual renewal fee of \$75 plus \$5 per motor vehicle if the local cartage carrier operates less than five motor vehicles, or \$100 plus \$5 per motor vehicle if the local cartage carrier operates at least five but less than 15 motor vehicles, or \$150 plus \$5 per motor vehicle if the local cartage carrier operates 15 or more vehicles provided that (SAID) *the* \$5 per motor vehicle charge (SHALL) *does not* apply to taxicabs operated (PURSUANT TO) *under* a local cartage permit. Upon issuance of the permit the commissioner shall assign the carrier a permit number, which (SHALL) *must* be painted or prominently displayed on both sides of (ALL) vehicles used by the local cartage carrier under authority of (SAID) *the* permit.

Sec. 83. Minnesota Statutes 1982, section 221.64, is amended to read:

221.64 [REGISTRATION FEE; EXEMPTIONS.]

(SUCH) Registration as herein provided (SHALL) *must* be granted upon petition, without hearing, upon payment of an initial filing fee in the amount of \$25 *to the commissioner*. Upon petition, and payment of (SAID) *the* fee if applicable, the commissioner shall furnish to the registration holder a distinguishing identification stamp for each motor vehicle included in (SAID) *the* registration (WHICH) *and the* stamp (SHALL) *must* at all times be carried in the registered vehicle of the registration holder. For each identification stamp issued, the commissioner shall establish and collect a fee of no more than \$5 (TO BE DEPOSITED IN THE STATE TREASURY), provided that a lesser fee may be collected (PURSUANT TO) *under* the terms of reciprocal agreements between the commissioner and the regulatory bodies of other states or provinces of the Dominion of Canada.

Sec. 84. Minnesota Statutes 1982, section 221.81, is amended to read:

221.81 [BUILDING MOVER REGULATION.]

Subdivision 1. [(DEFINITION) DEFINITIONS.] *For the purposes of this section, the terms used in this section have the meanings given them in this subdivision.*

(a) "Building mover" means (ANY) a person, corporation, or other entity engaged in the business of raising, supporting off the foundation, and moving buildings (, EXCLUDING MANUFACTURED HOMES) *on and over public streets and highways. Building mover does not include a person who moves manufactured homes or farmers moving farm buildings.*

(b) "Political subdivision" means a city, town, or county.

(c) "Road authority" has the meaning given it in section 160.02, subdivision 9.

Subd. 2. [LICENSE.] (ALL BUILDING MOVERS OPERATING IN MINNESOTA SHALL BE LICENSED BY THE BOARD) *No person may operate as a building mover in this state unless licensed by the commissioner.*

Subd. 3. [LICENSE APPLICATION.] To obtain a license to operate as a building mover an applicant shall file (A PETITION) *an application* with the commissioner specifying the name and address of its officers and other information as the (BOARD) commissioner may reasonably require. The (BOARD) commissioner shall issue the license upon compliance by the applicant with (BONDING AND INSURING) *insurance* requirements (SET BY RULE OF THE DEPARTMENT) and payment of an initial \$150 filing fee. A license once granted (SHALL CONTINUE) *continues* in full force and effect, subject to a \$100 annual renewal fee and compliance with (BONDING AND INSURING) *insurance* requirements, unless revoked or suspended.

The commissioner, upon approval of a license for a building mover, shall issue a sufficient number of cab cards to each licensed mover to provide one cab card for each power unit used in moving buildings. The fee is (\$50) *\$10* for each cab card issued. The cab card must be carried at all times in a readily available place in the cab of the power unit for which it was issued. The building mover may also purchase up to five floater cab cards for a fee of (\$200) *\$100* for each floater card issued. Cab cards (SHALL BE) *are* effective for a 12-month period and (SHALL) continue from year to year thereafter upon payment of the required fee. Cab cards (SHALL) *are* only (BE) good for the period for which the license is effective.

(LICENSES SHALL BE TRANSFERABLE PURSUANT TO THE PROVISIONS OF SECTION 221.151.)

Subd. 3a. [INSURANCE.] *Each building mover shall have in effect the following:*

(a) *comprehensive general liability insurance including completed operations, underground property damage, and collapse coverage in the amount of at least \$500,000 for bodily injury or property damage; and*

(b) *motor vehicle liability insurance in the amount of at least \$500,000 for bodily injury or property damage.*

The insurance must be written by an insurer licensed to do business in the state of Minnesota. Each building mover shall file with the commissioner a certificate evidencing the insurance. The insurance policy must provide that the policy may not be canceled without the insurer first giving 30 days written notice to the commissioner of the impending cancellation.

Subd. 3b. [LOCAL PERMITS.] *A building mover may not move a building on or across a street or highway without first obtaining a permit from the road authority having jurisdiction over the street or highway. A permit for the movement of a building may not be granted to a building mover who does not possess a current license issued by the commissioner.*

Subd. 3c. [LOCAL REGULATION.] *No license to move buildings or bond, cash deposit, or insurance coverage may be required by a political subdivision of the state other than the license and insurance coverage required by the commissioner. A road authority may charge a fee for services performed and may require a permit which reasonably regulates the hours, routing, movement, parking, or speed limit for a building mover operating on streets or highways under its jurisdiction. A building mover shall comply with the state building code in jurisdictions which have adopted the state building code, and with local ordinances which regulate the moving or removing of buildings. A building mover may not be required to pay a route approval fee to, or obtain a permit for the movement of a building on streets or highways from, a political subdivision which is not also the road authority. This section does not prohibit a political subdivision from charging a permit fee for regulation of activities which do not involve the use of public streets or highways. Neither the state nor a political subdivision may regulate rates charged by building movers.*

Subd. 4. [LICENSE REVOCATION, SUSPENSION, DENIAL.] *The (BOARD) commissioner, after notice and a hearing, may revoke, suspend, or deny a license for:*

(a) *failure (TO PAY APPLICATION OR RENEWAL FEES;)*

((B) *FAILURE TO COMPLY WITH BONDING AND INSURING REQUIREMENTS;)*

((C) CONDUCT) of the applicant or license holder (THAT IMPAIRS USAGE OF) *to reimburse the road authority for damage to public highways, roads, streets, or utilities which are not paid for by the license holders insurer;*

((D)) (b) conduct of the applicant or license holders that endangers the health and safety of users of the public highways, roads, streets, or utilities; (OR)

((E) A COURSE OF) (c) conduct of the applicant or license holder that (DEMONSTRATES UNSAFE OR HAZARDOUS OPERATION OF THE BUSINESS) *obstructs traffic in a manner other than as authorized in the permit;*

(d) *violation of the provisions of this section; or*

(e) *failure to obtain required local moving permits or permits required by section 169.86.*

Subd. 5. [SUSPENSION BY COMMISSIONER.] The commissioner (MAY) shall suspend a license without a hearing for the following reasons:

((1)) (a) failure to pay the (APPLICATION OR) renewal fee; or

((2)) (b) failure to comply with (BONDING AND) insurance requirements.

The suspension (SHALL CONTINUE) *continues* until the fees (HAVE BEEN) *are* paid and the (BONDING AND) insurance requirements (HAVE BEEN) *are* satisfied.

Subd. 6. [(APPLICATION OF VIOLATION AND PENALTY PROVISIONS) PENALTIES.] (THE VIOLATION AND PENALTY PROVISIONS OF SECTION 221.291 ARE APPLICABLE TO THIS SECTION) *A person who violates, or aids or abets the violation of, any of the provisions of this section is guilty of a misdemeanor. Every distinct violation is a separate offense.*

(SUBD. 7. [RULES.] THE COMMISSIONER SHALL PROMULGATE RULES ESTABLISHING BONDING AND INSURING REQUIREMENTS.)

(SUBD. 8. [LOCAL REGULATION.] NO LICENSE TO MOVE BUILDINGS, BOND OR INSURANCE COVERAGE SHALL BE REQUIRED BY A POLITICAL SUBDIVISION OF THE STATE OTHER THAN THE LICENSE, BOND AND INSURANCE COVERAGE ISSUED OR REQUIRED BY THE BOARD OR COMMISSIONER. A POLITICAL SUBDIVISION

OR THE DEPARTMENT MAY REQUIRE A PERMIT WHICH REASONABLY REGULATES THE HOURS, ROUTING, MOVEMENT, PARKING OR SPEED LIMIT FOR A BUILDING MOVER OPERATING ON STREETS OR ROADS WITHIN THE JURISDICTION OF THE POLITICAL SUBDIVISION OR HIGHWAYS WITHIN THE JURISDICTION OF THE COMMISSIONER. NEITHER THE STATE NOR A POLITICAL SUBDIVISION MAY REGULATE RATES CHARGED BY BUILDING MOVERS.)

(SUBD. 9. [FEES DEPOSITED IN GENERAL FUND.] ALL FEES COLLECTED PURSUANT TO THIS SECTION SHALL BE DEPOSITED IN THE GENERAL FUND.)

Sec. 85. [221.82] [RECEIPTS TO BE CREDITED TO TRUNK HIGHWAY FUND.]

Money received by the commissioner under the provisions of this chapter shall be paid into the state treasury and credited to the trunk highway fund.

Sec. 86. [221.83] [COSTS TO BE PAID FROM THE TRUNK HIGHWAY FUND.]

The costs of administering the provisions of this chapter shall be paid from the trunk highway fund.

Sec. 87. Minnesota Statutes 1982, section 296.17, subdivision 10, is amended to read:

Subd. 10. [LICENSE.] (a) No motor carrier (SHALL) may operate a commercial motor vehicle upon the highways of this state unless and until he has been issued a license pursuant to this section or has obtained a trip permit or temporary authorization as provided in this section.

(b) A license shall be issued to any responsible person qualifying as a motor carrier who makes application therefor and who (SHALL PAY) pays to the commissioner, at the time thereof, a license fee of (\$10) \$20. (SUCH) The license (SHALL REMAIN) is valid for a period of up to two years or until revoked by the commissioner or until surrendered by the motor carrier. All outstanding licenses will expire on March 31 of each even-numbered year beginning with 1984 and may be renewed upon application to the commissioner and payment of the \$20 fee. (SUCH) The license, photocopy, or electrostatic copy of it, shall be carried in the cab of every commercial motor vehicle while it is being operated in Minnesota by a licensed motor carrier.

Sec. 88. Minnesota Statutes 1982, section 296.17, subdivision 17, is amended to read:

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

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

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

Sec. 89. Minnesota Statutes 1982, section 296.17, subdivision 20, is amended to read:

Subd. 20. [ENFORCEMENT POWERS.] (a) The commissioner is (HEREBY) authorized and directed to enforce the provisions of subdivisions 7 to 22. In addition, the commissioner of public safety is (HEREBY) authorized and directed to (UTILIZE) *use* the Minnesota state patrol to assist in the enforcement of the provisions of subdivisions 7 to 22 *and the commissioner of transportation is authorized and directed to enforce the provisions of subdivisions 10 and 17 as provided in section 221.221.*

(b) The officers of the Minnesota state patrol shall in addition to all other powers granted to them by Minnesota Statutes have the power of making arrests, service process, and appearing in court in all matters and things relating to subdivisions 7 to 22 and the administration and enforcement thereof.

Sec. 90. Minnesota Statutes 1982, section 296.25, subdivision 1, is amended to read:

Subdivision 1. Any person who fails to comply with any provisions of sections 296.01 to 296.421, or who makes any false statement in any report, record, or sales ticket required by sections 296.12, 296.14, 296.17, subdivision 5, 296.18, subdivision 2, or 296.21, shall be guilty of a misdemeanor. *A minimum fine of \$200 shall be imposed on a person who fails to obtain a license or trip permit required under section 296.17, subdivisions 10 and 17.*

Prosecutions commenced under this section may be brought in the county in which the defendant resides or in Ramsey county.

The county attorney of any county in which (SUCH) *the action* is commenced, shall on request of the commissioner of revenue, prosecute violations of this chapter. Costs, fees, and expenses incurred by any county attorney in litigation in connection with (SUCH ACTIONS) *the action* may be paid from appropriations to the commissioner of revenue for the administration of this chapter.

Sec. 91. Minnesota Statutes 1982, section 299C.37, subdivision 3, is amended to read:

Subd. 3. The superintendent of the bureau shall, upon written application, issue a written permit, which shall be nontransferable, to (ANY) a person (OF GOOD MORAL CHARACTER), *firm, or corporation* showing good cause to use (SUCH) radio equipment capable of receiving (ANY) a police emergency frequency, as a necessity, in the lawful pursuit of a business, trade, or occupation.

Sec. 92. Minnesota Statutes 1982, section 299C.46, subdivision 3, is amended to read:

Subd. 3. The datacommunications network shall be used exclusively for criminal justice agencies of the state in connection with enforcement of the criminal or traffic laws of the state.

The commissioner of public safety (, AFTER CONSULTATION WITH REPRESENTATIVES OF PARTICIPATING CRIMINAL JUSTICE AGENCIES, MAY) *shall* establish a monthly (OPERATIONAL) *network access charge* to be paid by each participating criminal justice agency (IN THE EVENT THAT MONEY AVAILABLE TO THE COMMISSIONER FOR THIS PURPOSE IS NOT ADEQUATE TO PAY THESE COSTS). *The network access charge shall be a standard fee established for each terminal, computer, or other equipment directly addressable by the criminal justice data-communications network, as follows: January 1, 1984 to December 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50 connect fee per month.*

The commissioner of public safety is authorized to arrange for the connection of the datacommunications network with the criminal justice information system of the federal government, any adjacent state, or Canada.

Sec. 93. Minnesota Statutes 1982, section 299D.03, subdivision 8, is amended to read:

Subd. 8. [CAUSES FOR DISCHARGE.] (CAUSES FOR SUSPENSION, DEMOTION, OR DISCHARGE SHALL BE:) *A trooper who has completed six months of continuous employment shall not be suspended, demoted or discharged except for just cause. For purposes of this section, just cause includes, but is not limited to:*

(1) Conviction of any criminal offense in any court of competent jurisdiction subsequent to the commencement of such employment;

(2) Neglect of duty or wilful violation or disobedience of orders or rules;

(3) Inefficiency in performing duties;

(4) Immoral conduct or conduct injurious to the public welfare, or conduct unbecoming an officer; or

(5) Incapacity or partial incapacity affecting his normal ability to perform his official duties.

Sec. 94. Minnesota Statutes 1982, section 299D.03, subdivision 9, is amended to read:

Subd. 9. [CHARGES AGAINST TROOPERS.] (a) Charges against any state trooper shall be made in writing and signed and sworn to by the person making the same, which written charges shall be filed with the commissioner. Upon the filing of same, if the commissioner shall be of the opinion that such charges constitute a ground for suspension, demotion, or discharge, (HE SHALL ORDER) a hearing (TO BE HAD THEREON AND FIX A TIME FOR SUCH HEARING AND MAY DESIGNATE A SUBORDINATE AS HIS DEPUTY TO CONDUCT SUCH HEARING. OTHERWISE HE SHALL DISMISS THE CHARGES) *shall be held on them. The hearing shall be conducted by an arbitrator selected by the parties from a list of five arbitrators provided by the bureau of mediation services. At least (TEN) 30 days before the time appointed for the hearing, written notice specifying the charges filed and stating the name of the person making the charges, shall be served on the employee personally or by leaving a copy thereof at his usual place of abode with some person of suitable age and discretion then residing therein. If the commissioner orders a hearing he may*

suspend such employee (PENDING HIS DECISION TO BE MADE AFTER SUCH) *before the hearing.*

(b) Members of the state patrol shall have the option of utilizing either the contractual grievance procedure or the legal remedies of this section, but in no event both.

(c) The commissioner, after having been informed by the exclusive representative that the employee against whom charges have been filed desires to utilize the grievance procedure of the labor agreement, may immediately suspend, demote or discharge the employee without the hearing required by clause (a).

Sec. 95. Minnesota Statutes 1982, section 299D.03, subdivision 10, is amended to read:

Subd. 10. [HEARING ON CHARGES, DECISION, PUNISHMENT.] (THE COMMISSIONER OR HIS DESIGNATED SUBORDINATE SHALL HAVE POWER TO COMPEL THE ATTENDANCE OF WITNESSES AT ANY SUCH HEARING AND TO EXAMINE THEM UNDER OATH, AND TO REQUIRE THE PRODUCTION OF BOOKS, PAPERS, AND OTHER EVIDENCE AT ANY SUCH HEARING, AND FOR THAT PURPOSE MAY ISSUE SUBPOENAS AND CAUSE THE SAME TO BE SERVED AND EXECUTED IN ANY PART OF THE STATE. THE EMPLOYEE ACCUSED SHALL BE ENTITLED TO BE CONFRONTED WITH THE WITNESSES AGAINST HIM AND HAVE AN OPPORTUNITY TO CROSS-EXAMINE THE SAME AND TO INTRODUCE AT SUCH HEARING TESTIMONY IN HIS OWN BEHALF, AND TO BE REPRESENTED BY COUNSEL AT SUCH HEARING. IF THE HEARING IS CONDUCTED BY A DESIGNATED SUBORDINATE OF THE COMMISSIONER SUCH DESIGNATED SUBORDINATE UPON COMPLETION OF THE HEARING SHALL FORTHWITH TRANSMIT A TRANSCRIPT OF THE TESTIMONY OF THE HEARING, TOGETHER WITH HIS RECOMMENDATIONS, TO THE COMMISSIONER. THE COMMISSIONER, WITHIN 25 DAYS AFTER SUCH HEARING, SHALL RENDER HIS DECISION IN WRITING AND FILE THE SAME IN HIS OFFICE. IF AFTER SUCH HEARING HE FINDS THAT ANY SUCH CHARGE MADE AGAINST SUCH STATE EMPLOYEE IS TRUE, HE MAY PUNISH THE OFFENDING PARTY BY REPRIMAND, SUSPENSION WITHOUT PAY, DEMOTION, OR DISMISSAL. IF UPON ANY SUCH HEARING THE COMMISSIONER SHALL FIND THE CHARGES MADE AGAINST SUCH TROOPER ARE NOT TRUE, OR DISMISS SUCH CHARGES AFTER SUCH HEARING, SUCH TROOPER SHALL BE REINSTATED IN HIS POSITION AND ANY SALARY OR WAGES WITHHELD FROM HIM PENDING THE DETERMINATION OR DECISION OF THE COMMISSIONER UPON SUCH CHARGES SHALL BE PAID TO SUCH TROOPER BY THE COMMISSIONER OUT OF STATE

FUNDS.) *The arbitrator may compel the attendance of witnesses at the hearing and examine them under oath, and may require the production of books, papers, and other evidence at the hearing, and for that purpose may issue subpoenas and cause them to be served and executed in any part of the state. The employee accused is entitled to be confronted with the witnesses against him and may cross-examine them and may introduce at the hearing testimony in his own behalf, and to be represented by counsel at the hearing.*

Sec. 96. Minnesota Statutes 1982, section 299D.03, subdivision 11, is amended to read:

Subd. 11. [REVIEW (BY CERTIORARI) OF ARBITRATION AWARD.] Any state trooper who is so suspended, demoted, or dismissed may have such decision or determination of the (COMMISSIONER REVIEWED BY A WRIT OF CERTIORARI) *arbitrator reviewed pursuant to the Uniform Arbitrator Act* in the district court of the county where such trooper resides. If such decision or determination of the (COMMISSIONER) *arbitrator* shall be finally rejected or modified by the court, the trooper shall be reinstated in his position, and the commissioner shall pay to the trooper so suspended out of the funds of the state the salary or wages withheld from him pending the determination of the charges or as may be directed by the court.

Sec. 97. Minnesota Statutes 1982, section 343.01, subdivision 3, is amended to read:

Subd. 3. The society (SHALL) *must* be governed by a board of directors consisting of seven persons appointed by the governor. The governor, the commissioner of education, and the attorney general, or their designees shall serve as ex-officio, nonvoting members of the board. The membership terms, compensation, removal, and filling of vacancies of board members other than ex-officio members shall be as provided in section 15.0575; provided that the terms of two initial members shall expire in each of 1979, 1980, and 1981, and the term of the seventh initial member shall expire in 1982. The members of the board shall annually elect a chairman and other officers as deemed necessary. Meetings (SHALL) *must* be called by the chairman or at least two other members. *The governor shall appoint an executive director who shall serve in the unclassified civil service at the governor's pleasure for a term coterminous with that of the governor.* The (BOARD) *executive director* may employ other staff who shall serve in the unclassified civil service (AT THE PLEASURE OF THE BOARD). The commissioner of administration upon request of the (BOARD) *executive director* shall supply the board with necessary office space and administrative services, and the board shall reimburse the commissioner for the cost (THEREOF).

Sec. 98. Minnesota Statutes 1982, section 352.86, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY; RETIREMENT ANNUITY.] Any person who is employed by the department of transportation in the civil service employment classification of aircraft pilot or chief pilot who is covered by the general employee retirement plan of the Minnesota state retirement system pursuant to section 352.01, subdivision 23, who elects this special retirement coverage pursuant to subdivision 3, who is prohibited from performing the duties of aircraft pilot or chief pilot after attaining the age of (60) 62 years by a regulation (OF THE FEDERAL AVIATION ADMINISTRATION) adopted by the commissioner of transportation and who terminates employment as a state employee upon attaining that age shall be entitled, upon application, to a retirement annuity computed in accordance with section 352.115, subdivisions 2 and 3, without any reduction for early retirement pursuant to section 352.116, subdivision 1.

Sec. 99. Minnesota Statutes 1982, section 352.86, is amended by adding a subdivision to read:

Subd. 1a. [DISABILITY BENEFITS.] An employee described in subdivision 1, who is less than 62 years of age and who becomes disabled and physically or mentally unfit to perform his duties due to injury, sickness, or other disability, and who is found disqualified for retention as chief pilot or pilot as a result of a physical examination required by applicable federal laws or regulations, shall be entitled upon application to disability benefits for a maximum of five years in the amount of 75 percent of current monthly salary, to be paid by the appointing authority from the state airports fund. In no case shall disability benefits continue beyond the age of 62 years. These benefits are in lieu of all other state benefits for the disability, including, but not limited to, workers' compensation benefits.

Sec. 100. Minnesota Statutes 1982, section 360.018, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] The general public interest and safety, the safety of persons receiving instruction concerning or operating, using, or traveling in aircraft and of persons and property on the ground, and the interest of aeronautical progress requiring that aircraft operated within this state should be airworthy, that airmen and those engaged in air instruction should be properly qualified, and that airports, restricted landing areas, and air navigation facilities should be suitable for the purposes for which they are designed; the purposes of sections 360.013 to 360.075, requiring that the commissioner should be enabled to exercise the powers of supervision therein granted; and the advantages of uniform regulation making it desirable that aircraft operated within this state should conform with respect to design, construction and airworthiness to the standards

prescribed by the United States government with respect to civil aircraft subject to its jurisdiction and that persons engaging in aeronautics within this state should have the qualifications necessary for obtaining and holding appropriate airman certificates of the United States, the commissioner is authorized:

(1) To require the registration annually of federal licenses, permits, or certificates of civil aircraft engaged in air navigation within this state, and to issue certificates of such registration, which certificates may be the same as the certificates issued pursuant to section 360.59, subdivision 3. The application for registration made pursuant to sections 360.54 to 360.67 shall be considered as the application for registration required by this section.

(2) The certificates of registration of aircraft issued pursuant to this section shall constitute licenses of such aircraft for operations within this state to the extent permitted by the federal licenses, certificates, or permits so registered. The application for registration shall contain such information as the commissioner may by rule, regulation, or order prescribe. The first application for registration made in this state shall be verified by the applicant. The second and succeeding applications for registration need not be verified. Each application for registration of aircraft shall be made as required by sections 360.54 to 360.67.

(3) To license any person engaged in commercial operations in accordance with rules and regulations to be adopted by the commissioner and to annually renew such a license. The rules and regulations adopted hereunder shall provide for:

(a) (THE MAXIMUM FEE TO BE CHARGED ANY ONE PERSON FOR AN ORIGINAL LICENSE AND THE RENEWAL THEREOF, SUCH MAXIMUM FEE NOT TO EXCEED \$10;)

((B)) compliance with all requirements of the United States government relating to permits or certificates governing aircraft and airmen; and

((C)) (b) compliance with all laws of the state of Minnesota and rules and regulations of any state department or agency promulgated thereunder (;).

The fee for an original license or renewal license is \$30.

(4) To approve airport and restricted landing area sites and to license airports, restricted landing areas, or other air navigation facilities, in accordance with rules and regulations to be adopted by the commissioner, and to renew such licenses. Licenses granted under this subdivision or under any prior law

shall be renewed annually or every three years upon payment of the fee therefor, and licenses shall be granted for airports and restricted landing areas which were being operated under a license on the 1st day of July 1943, without requirements of a certificate of approval, unless the commissioner shall reasonably determine, after a public hearing to be called by him and held in the same manner and upon the same notice as is provided for hearings upon certificates of approval or original licenses, that the operation of such airport or restricted landing area is hazardous to persons operating, using, or traveling in aircraft or to persons and property on the ground. He shall make no charge for approval certificates of proposed property acquisition for airport or restricted landing area purposes. (HE MAY CHARGE) *The fee for the issuance of each original license for an airport or restricted landing area (NOT TO EXCEED \$10) is \$15 per year and (NOT TO EXCEED \$25) \$40 for three years (, BASED ON CLASSIFICATIONS MADE BY THE COMMISSIONER).*

(5) To suspend or revoke any license or certificate of registration of an aircraft or licensee of commercial operations issued by him, or to refuse to issue any such license or certificate of registration, when he shall reasonably determine that any aircraft is not airworthy or that any licensee of commercial operations is not qualified has engaged in advertising by means of false or deceptive statements, has been found guilty of gross incompetency or gross negligence, has been found guilty of fraud, dishonesty, forgery, or theft, has wilfully violated the provisions of sections 360.013 to 360.075, the rules and regulations prescribed pursuant thereto, or any other statute of this state relating to aeronautics, or any act of congress or any rule or regulation promulgated pursuant thereto, is addicted to the use of narcotics or other habit forming drug or to the excessive use of intoxicating liquor, has made any false statement in any application for registration of a federal license, certificate or permit, or has been guilty of other conduct, acts, or practices dangerous to the public safety and the safety of those engaged in aeronautics.

Sec. 101. [ACCOUNT TRANSFERRED.]

The air transportation revolving account in the trunk highway fund is transferred to the state airports fund and renamed the air transportation services account.

Sec. 102. [360.024] [AIR TRANSPORTATION SERVICES.]

The commissioner shall charge users of air transportation services provided by the commissioner for all direct and indirect operating costs, excluding salaries and acquisition of aircraft. All receipts for these services shall be deposited in the air transportation services account in the state airports fund and are ap-

propriated to the commissioner to pay all direct and indirect air service operating costs, excluding salaries.

Sec. 103. Minnesota Statutes 1982, section 360.63, is amended to read:

360.63 [DEALERS LICENSE.]

Subdivision 1. Any person engaged in the business of selling, purchasing, or dealing in aircraft, new or used, and who desires to withhold aircraft owned by him from tax as provided in sections 360.511 to 360.67, may apply to the commissioner for an aircraft dealer's license. In order to qualify for an aircraft dealer's license the applicant shall show that he has an established place of business on an airport licensed as a public airport by the commissioner and that he has the necessary buildings, facilities and equipment for the proper storage and maintenance of aircraft in accordance with such rules and regulations as may be established by the commissioner. The commissioner may charge a fee of \$10 for each license which license shall be effective for one year from the date of its issuance or he may authorize an aircraft dealer to operate under a flight operator's license as otherwise provided by (MINNESOTA STATUTES 1945,) chapter 360 (, AS AMENDED). The commissioner is empowered to suspend or revoke any license issued by him when he shall determine that the holder thereof has violated any of the provisions of sections 360.511 to 360.67 or has failed to maintain any of the requirements necessary to obtain such license.

Subd. 2. Any licensed aircraft dealer may apply to the commissioner for one or more aircraft dealers plates. A charge of (\$5) \$15 shall be made for each such plate. Any aircraft owned by said dealer may be used for the purpose of demonstration or for any purpose incident to the usual conduct and operation of his business as an aircraft dealer provided aircraft dealers plates are conspicuously attached to the aircraft when so used, and provided said aircraft has been first listed with the commissioner on an aircraft withholding form provided by him.

Sec. 104. Minnesota Statutes 1982, section 473.408, subdivision 3, is amended to read:

Subd. 3. [SPECIAL FARES.] In off-peak hours the commission and other operators shall charge the following reduced fares for transit service:

(a) not more than (20) 25 cents plus any zone charges for all persons under the age of 18 holding an identification card issued by the commission;

(b) not more than (TEN) 25 cents for all persons 65 years of age and over holding a medicare card or other identification card authorized or approved by the commission; and

(c) not more than one-half of the full fare for all handicapped persons, as defined by the commission.

Sec. 105. Minnesota Statutes 1982, section 473.436, is amended by adding a subdivision to read:

Subd. 6. [TEMPORARY BORROWING.] On or after the first day of any fiscal year, the commission may borrow money which may be used or expended by the commission for any purpose, including but not limited to current expenses, capital expenditures and the discharge of any obligation or indebtedness of the commission. The indebtedness shall be represented by a note or notes which may be issued from time to time in any denomination and sold at public or private sale pursuant to a resolution authorizing the issuance thereof, which resolution shall set forth the form and manner of execution of the notes and shall contain other terms and conditions the commission deems necessary or desirable to provide security for the holders of the notes. The note or notes shall be payable from committed or appropriated money of grants or loans of the state or federal government made to the commission, and the money may be pledged to the payment of the notes. To the extent the notes are not paid from the grant or loan money pledged for the payment thereof, the notes shall be paid with the interest thereon from any taxes, income and revenue received or accrued during the fiscal year in which the note or notes were issued, or other money of the commission lawfully available therefor.

Sec. 106. Minnesota Statutes 1982, section 473.446, subdivision 1, as amended by Laws 1983, chapter 17, section 13, is amended to read:

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

(a) An amount (EQUAL) up to two mills times the assessed value of all such property, based upon the level of transit service provided for the property, the proceeds of which shall be used for payment of the expenses of operating transit and paratransit service;

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

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

Sec. 107. Minnesota Statutes 1982, section 500.221, subdivision 4, is amended to read:

Subd. 4. [REPORTS.] Any natural person, corporation, partnership, limited partnership, trustee, or other business entity prohibited from future acquisition of agricultural land may retain title to any agricultural land lawfully acquired within this state prior to June 1, 1981, but shall file a report with the commissioner of agriculture annually before January 31 containing a description of all agricultural land held within this state, the purchase price and market value of the land, the use to which it is put, the date of acquisition and any other reasonable information required by the commissioner. The commissioner shall make the information available to the public. All required annual reports shall include a filing fee of (\$35) \$50 plus \$10 for each additional quarter section of land.

Sec. 108. Minnesota Statutes 1982, section 626.553, subdivision 2, is amended to read:

Subd. 2. Whenever a peace officer discharges a firearm in the course of duty, other than for training purposes *or the killing of an animal that is sick, injured, or dangerous*, notification shall be filed within thirty days of the incident by the officer's department head with the commissioner of public safety. The notification shall contain information concerning the reason for and circumstances surrounding discharge of the firearm. The commissioner of public safety shall file a report with the legislature by November 15 of each even numbered year containing summary information concerning use of firearms by peace officers.

Sec. 109. Minnesota Statutes 1982, section 626.88, subdivision 3, is amended to read:

Subd. 3. [EXCEPTION.] Security guards employed by the capitol complex security division of the department of public safety are not required to comply with subdivision 2 until (APRIL) July 1, (1983) 1985, at which time they shall be subject to the same uniform color restrictions as other security guards.

Sec. 110. [TEMPORARY LEGISLATIVE STUDY COMMISSION ON METROPOLITAN TRANSIT.]

Subdivision 1. [CREATION; MEMBERSHIP.] A temporary legislative study commission on metropolitan transit is created consisting of five members of the house of representatives and five members of the senate, named by the customary appointing authority in each house. Members must be compensated in the same manner and amount as for other legislative service.

Subd. 2. [ORGANIZATION; STAFF.] The commission shall choose a chairperson and other officers as necessary. Staff and administrative support for the commission must be provided by existing legislative service offices.

Subd. 3. [STUDY.] The commission shall evaluate:

(a) the objectives of the Metropolitan Transit Commission established for the seven-county metropolitan area, and its effectiveness in achieving the purposes established by the legislature;

(b) the powers, responsibilities, and external accountability of the transit commission;

(c) the internal structure of the transit commission, including the contractual relationship with the management company;

(d) the efficiency of current labor practices and contracts relative to use of labor required for peak hours;

(e) governmental arrangements for transit planning and development in the metropolitan area, including the relationship with the department of transportation, the metropolitan council, and the transportation advisory board;

(f) the proper role of the transit commission in the governance, regulation, and coordination of transit and other public transportation services in the metropolitan area;

(g) the financing of public transit in the metropolitan area, including fare structures and sources and amounts of subsidy; and

(h) the effectiveness of the metropolitan transit service demonstration program.

Subd. 4. [REPORT.] The commission shall submit a report of its findings and recommendations to the legislature by February 1, 1984.

Subd. 5. [REPEALER.] This section is repealed on February 2, 1984.

Sec. 111. Laws 1975, chapter 235, section 2, is amended to read:

Sec. 2. This act is effective July 1, 1975 and shall expire June 30, (1983) 1987.

Sec. 112. Laws 1977, chapter 277, section 1, is amended to read:

Section 1. [TRANSPORTATION; HIGHWAY AND BRIDGE BONDS.] The commissioner of finance is authorized and directed, upon request of the commissioner of transportation, to issue and sell Minnesota trunk highway bonds under the provisions of Minnesota Statutes, Sections 167.50 to 167.52 and of the Minnesota Constitution, Article XI, Sections 4 to 7, and Article XIV, Section 11, at such times and in such amounts as may be requested by the commissioner of transportation. Bonds issued pursuant to this section are authorized in an aggregate principal amount of \$50,000,000. The proceeds of such bonds *sold on or before April 6, 1983 shall be deposited in a separate bridge construction account in the trunk highway fund. The proceeds of bonds sold after April 6, 1983 shall be deposited in a separate capital improvement account in the trunk highway fund and are appropriated to the commissioner of transportation for capital improvements on the trunk highway system, including interstate routes.*

Sec. 113. Laws 1977, chapter 277, section 3, subdivision 1, is amended to read:

Subdivision 1. The sum of (\$50,000,000) *\$31,000,000*, or so much thereof as is determined to be needed, is appropriated from the separate bridge construction account in the trunk highway fund created pursuant to section 1, to the department of transportation for the design, construction and reconstruction of key bridges and bridge approaches on the trunk highway system including interstate routes. Any money appropriated under this subdivision shall be expended in accordance with the requirements for expenditure of money from the Minnesota state transportation fund for trunk highway bridges as those requirements are provided in Minnesota Statutes, Section 174.50 and in rules promulgated pursuant to that section.

Sec. 114. Laws of 1983, chapter 17, section 12 is amended to read:

The commissioner of finance is authorized and directed, on request of the commissioner of transportation, to issue and sell Minnesota trunk highway bonds under the provisions of Minnesota Statutes, sections 167.50 to 167.52 and of the Minnesota Constitution, article XI, sections 4 to 6, and article XIV, section 11, at the time and in the amounts requested by the commissioner

of transportation. Bonds issued under this section are authorized in an aggregate principal amount of \$56,000,000. *The proceeds of the bonds shall be deposited in a separate capital improvement account in the trunk highway fund and are appropriated to the commissioner of transportation for capital improvements on the trunk highway system, including interstate routes.*

Sec. 115. [REPEALER.]

Minnesota Statutes 1982, sections 21.47; 21.48; 21.49; 21.50; 21.502; 21.503; 21.51; 21.52; 21.53; 21.54; 21.55; 21.56; 21.57; 21.58; 24.24; 24.25; 24.26; 24.27; 24.28; 24.29; 24.30; 24.31; 160.26, subdivision 3; 174A.07; 299C.37, subdivision 4; 326.54; 326.541; 326.542; 326.543; 326.544; 326.545; 326.546; and 326.547, are repealed.

Sec. 116. [EFFECTIVE DATE.]

Sections 104 to 106 are effective the day following final enactment in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sections 29, and 111 to 114 are effective the day following final enactment. Section 61 is effective January 1, 1984. Sections 85 and 86 are effective July 1, 1985."

Delete the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other agencies with certain conditions; fixing and limiting fees; providing for the promotion of Minnesota agricultural products; regulating commerce in seeds; establishing a seed laboratory; providing for adjustments of responsibilities of the department of agriculture for soil and water conservation; allowing limited donation of accumulated vacation time by certain law enforcement employees to their union representative; providing for deposit of proceeds of assessment by the assigned risk review board; regulating financial assistance to public transit systems; limiting certain hearing functions of the transportation regulation board; transferring certain rules authority to the transportation regulation board; defining enforcement powers of the hazardous material specialists and transportation representatives of the department of transportation; defining terms and requirements for building movers; crediting certain receipts of the commissioner of transportation to the trunk highway fund; providing for certain costs to be paid from the trunk highway fund; authorizing the commissioner of transportation to enforce certain carrier regulations; establishing the position of executive director of the Minnesota humane society; extending retirement coverage of certain employees of the department of transportation from age 60 to age 62 and providing

for disability benefits; transferring and renaming the air transportation revolving account; instructing the commissioner of transportation to charge users of certain air transportation services for certain costs; limiting fare increases by the metropolitan transit commission; basing taxing for the metropolitan transit taxing district upon the level of transit service provided; providing for the disposition of proceeds of certain trunk highway bonds; reducing the amount appropriated from the bridge construction account in the trunk highway fund to the department of transportation; establishing a temporary legislative study commission on metropolitan transit; providing for a capital improvement account in the trunk highway fund as the deposit account for proceeds from certain trunk highway bonds to be further transferred to the department of transportation for certain purposes; imposing penalties; amending Minnesota Statutes 1982, sections 12.14; 15.059, subdivision 5; 17.101; 17A.04, subdivision 5; 18.51, subdivision 2; 18.52, subdivision 5; 18.53; 18.54; 18A.22, subdivisions 5 and 7; 18A.26; 27.041, subdivision 2; 28A.08; 28A.09; 32.075; 32.59; 34.02; 34.05, subdivision 1; 40.03, subdivision 2, as amended; 41.61, subdivision 1, as amended; 43A.04, by adding a subdivision; 70A.06, by adding a subdivision; 79.251, subdivision 1; 155A.07, subdivision 7; 155A.08, subdivision 5; 169.81, subdivision 3b; 169.86, subdivision 5; 169.862; 170.23; 171.26; 171.29, subdivision 2; 173.07, subdivision 2; 173.08, subdivision 1; 173.13, subdivision 4; 174.24, subdivision 3; 174A.02, subdivision 2; 174A.06; 221.061; 221.071; 221.131; 221.221; 221.296, subdivision 5; 221.64; 221.81; 296.17, subdivisions 10, 17, and 20; 296.25, subdivision 1; 299C.37, subdivision 3; 299C.46, subdivision 3; 343.01, subdivision 3; 352.86, subdivision 1, and by adding a subdivision; 360.018, subdivision 1; 360.63; 473.408, subdivision 3, and by adding a subdivision; 473.436, by adding a subdivision; 473.446, subdivision 1, as amended; 500.221, subdivision 4; 626.553, subdivision 2; 626.88, subdivisions 2 and 3; Laws 1975, chapter 235, section 2; Laws 1977, chapter 277, sections 1 and 3, subdivision 1; and Laws 1983, chapter 17, section 12; proposing new law coded in Minnesota Statutes, chapters 10A; 21; 221; and 360; repealing Minnesota Statutes 1982, sections 21.47; 21.48; 21.49; 21.50; 21.502; 21.503; 21.51; 21.52; 21.53; 21.54; 21.55; 21.56; 21.57; 21.58; 24.24; 24.25; 24.26; 24.27; 24.28; 24.29; 24.30; 24.31; 160.26, subdivision 3; 174A.07; 299C.37, subdivision 4; 326.54; 326.541; 326.542; 326.543; 326.544; 326.545; 326.546; and 326.547."

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

Senate Conferees: KEITH LANGSETH, MARILYN M. LANTRY, CLARENCE M. PURFEERST, ROBERT J. SCHMITZ and LYLE G. MEHRKENS.

House Conferees: HENRY J. KALIS, JAMES METZEN, KATHLEEN VELLENGA, MERLYN O. VALAN and ARTHUR W. SEABERG.

Kalis moved that the report of the Conference Committee on S. F. No. 1233 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1233, A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other agencies with certain conditions; fixing and limiting fees; providing for adjustments of responsibilities of the department of agriculture for soil and water conservation; allowing limited donation of accumulated vacation time by certain law enforcement employees to their union representative; providing for deposit of proceeds of assessment by the assigned risk review board; regulating financial assistance to public transit systems; limiting certain hearing functions of the transportation regulation board; transferring certain rules authority to the transportation regulation board; reducing membership and establishing terms of members of the public utilities commission; defining enforcement powers of the hazardous material specialists and transportation representatives of the department of transportation; defining terms and requirements for building movers; crediting certain receipts of the commissioner of transportation to the trunk highway fund; providing for certain costs to be paid from the trunk highway fund; authorizing the commissioner of transportation to enforce certain carrier regulations; extending retirement coverage of certain employees of the department of transportation from age 60 to age 62 and providing for disability benefits; transferring and renaming the air transportation revolving account; instructing the commissioner of transportation to charge users of certain air transportation services for certain costs; limiting fare increases by the metropolitan transit commission; basing taxing for the metropolitan transit taxing district upon the level of transit service provided; providing for the disposition of proceeds of certain trunk highway bonds; reducing the amount appropriated from the bridge construction account in the trunk highway fund to the department of transportation; amending Minnesota Statutes 1982, sections 12.14; 17A.04, subdivision 5; 18.51, subdivision 2; 18.52, subdivision 5; 18.53; 18.54; 18A.22, subdivisions 5 and 7; 18A.26; 27.041, subdivision 2; 28A.08; 28A.09; 32.075; 32.59; 34.02; 34.05, subdivision 1; 40.03, subdivision 2, as amended; 43A.04, by adding a subdivision; 79.251, subdivision 1; 155A.07, subdivision 7; 155A.08, subdivision 5; 169.81, subdivision 3b; 169.86, subdivision 5; 169.862; 170.23; 171.26; 171.29, subdivision 2; 173.07, subdivision 2; 173.08, subdivision 1; 173.13, subdivision 4; 174.24, subdivision 3; 174A.02, subdivision 2; 174A.06; 216A.03, subdivision 1; 221.061; 221.071; 221.131; 221.221; 221.296, subdivision 5; 221.64; 221.81; 296.17, subdivisions 10, 17, and 20; 296.25, subdivision 1; 299C.46, subdivision 3; 352.86, subdivisions 1, 2, and by adding a subdivision; 360.018, subdivision 1; 360.63; 473.408, subdivision 3, and by adding a subdivision; 473.446, subdivision 1, as amended; 500.221, subdivision 4; 626.88, subdivision 2; Laws 1975, chapter 235, section 2; Laws 1977, chapter 277, sections

1 and 3, subdivision 1; and Laws 1983, chapter 17, section 12; proposing new law coded in Minnesota Statutes, chapters 10A; 221; 299C; and 360; repealing Minnesota Statutes 1982, sections 24.24; 24.25; 24.26; 24.27; 24.28; 24.29; 24.30; 24.31; 160.26, subdivision 3; 174.265; and 174A.07.

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

The question was taken on the repassage of the bill and the roll was called. There were 84 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kostohryz	Piepho	Shea
Anderson, G.	Evans	Krueger	Piper	Solberg
Anderson, R.	Findlay	Larsen	Price	Sparby
Battaglia	Fjoslien	Levi	Quinn	Stadum
Beard	Forsythe	Mann	Redalen	Swiggum
Begich	Graba	McEachern	Rice	Swanson
Bennett	Greenfield	Metzen	Riveness	Tomlinson
Bergstrom	Gustafson	Minne	Rodosovich	Valan
Berkelman	Heap	Munger	Rodriguez, C.	Vanasek
Bishop	Himle	Murphy	Rodriguez, F.	Voss
Brinkman	Hoffman	Nelson, D.	Rose	Waltman
Carlson, L.	Jacobs	Neuenschwander	St. Onge	Welch
Clark, K.	Jensen	O'Connor	Sarna	Wenzel
Clawson	Johnson	Ogren	Scheid	Wigley
Coleman	Kahn	Osthoff	Schoenfeld	Wynia
Eken	Kalis	Pauly	Seaberg	Speaker Sieben
Elioff	Knuth	Peterson	Segal	

Those who voted in the negative were:

Blatz	Gruenes	Kvam	Onnen	Uphus
Burger	Halberg	Long	Otis	Valento
Clark, J.	Haukoos	Ludeman	Quist	Welker
Cohen	Heinitz	Marsh	Reif	Welle
Dempsey	Hokr	McKasy	Schafer	Zaffke
DenOuden	Jennings	Nelson, K.	Sherman	
Dimler	Kelly	Olsen	Skoglund	
Frericha	Knickerbocker	Omann	Thiede	

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

Mr. Speaker:

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

S. F. No. 652.

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

Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 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.

May 19, 1983

The Honorable Jerome M. Hughes
President of the Senate

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

We, the undersigned conferees for S. F. No. 652, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 652 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [32.415] [MILK FOR MANUFACTURING;
QUALITY STANDARDS.]

In order to provide uniform quality standards, producers of milk used for manufacturing purposes shall conform to the standards contained in Subparts D and F of the United States Department of Agriculture Consumer and Marketing Service Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing, Vol. 37 Federal Register, No. 68, Part II, April 7, 1972, with the following exceptions:

(a) *Inspections of producers shall begin not later than January 1, 1984;*

(b) *Producers shall comply with the standards not later than July 1, 1985, except as otherwise allowed under the standards; and*

(c) *The commissioner shall develop methods by which producers can comply with the standards without violation of religious beliefs. The commissioner may adopt rules, including temporary rules, for the purpose of this clause.*

The commissioner of agriculture shall perform or contract for the performance of the inspections necessary to implement this section or shall certify dairy industry personnel to perform the inspections.

The commissioner and other employees of the department shall make every reasonable effort to assist producers in achieving the milk quality standards at minimum cost and to use the experience and expertise of the University of Minnesota and the agricultural extension service to assist producers in achieving the milk quality standards in the most cost-effective manner.

The commissioner of agriculture shall consult with producers, processors, and others involved in the dairy industry in order to prepare for the implementation of this section including development of informational and educational materials, meetings, and other methods of informing producers about the implementation of standards under this section.

Sec. 2. [32.417] [INVESTMENT REIMBURSEMENTS TO MANUFACTURED MILK PRODUCERS.]

An operator of a dairy farm that produces milk for sale in cans may apply for a reimbursement in the amount of \$100 for the first \$500 or fraction thereof, and ten percent of the next \$2,000, of the net expenditures by the operator for any capital improvements or equipment installed primarily for the purpose of conforming to the standards adopted in section 1. No reimbursement may be made to an applicant unless:

- (a) the applicant provides receipts for the expenditures;*
- (b) a dairy inspector authorized by the commissioner certifies that the applicant's dairy operation complies with the standards adopted in section 1 as a result of the installation of the improvements or equipment; and*
- (c) the expenditures for the improvements and equipment were made on or after the effective date of this section but before July 1, 1985.*

The commissioner shall provide an application form for the reimbursement program. By January 1, 1984, the commissioner shall adopt temporary rules under sections 14.29 to 14.36 which provide reimbursement application and payment procedures, and eligibility criteria based on an applicant's need for a reimbursement. Notwithstanding the provisions of section 14.35, the rules shall be effective until July 1, 1985. No reimbursement application may be approved after June 30, 1985.

Sec. 3. [APPROPRIATIONS.]

Subdivision 1. [INVESTMENT REIMBURSEMENT.] \$300,000 is appropriated from the general fund to the commissioner of agriculture for the biennium ending June 30, 1985 for reimbursements under section 2.

Subd. 2. [ADMINISTRATION.] \$30,800 is appropriated from the general fund to the commissioner of agriculture for the fiscal year ending June 30, 1984, for administrative expenses incurred to implement the provisions of this act. The approved complement of the department is increased by one full-time unclassified position.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment. Section 3 is effective July 1, 1983."

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "authorizing reimbursements to certain dairy producers for expenditures to comply with the rules; appropriating money;"

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

Senate Conferees: DARRIL WEGSCHEID, GENE MERRIAM, CHARLES R. DAVIS, CHARLES A. BERG and GARY M. DECramer.

House Conferees: PAUL ANDERS. OGREN, STEPHEN G. WENZEL, HENRY J. KALIS, WALLY SPARBY and SYLVESTER UPHUS.

Ogren moved that the report of the Conference Committee on S. F. No. 652 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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

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

Those who voted in the affirmative were:

Anderson, B.
Anderson, C.

Anderson, R.
Battaglia

Beard
Begich

Bergstrom
Berkelman

Bishop
Blatz

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

Those who voted in the negative were:

Jennings	Ludeman	Schafer	Valento	Welker
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The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

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

H. F. No. 782, A bill for an act relating to courts; providing for increases in maximum authorized fines for crimes and petty misdemeanors; increasing the value of stolen property necessary for felony theft; increasing the maximum government tort liability limits; amending Minnesota Statutes 1982, sections 3.736, subdivision 4; 466.04, subdivisions 1 and 3; 609.02, subdivisions 3, 4, and 4a; 609.03; and 609.52, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, sections 609.031 and 609.032.

PATRICK E. FLAHAVEN, Secretary of the Senate

Vanasek moved that the House refuse to concur in the Senate amendments to H. F. No. 782, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

S. F. No. 72.

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

Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 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.

May 18, 1983

The Honorable Jerome M. Hughes
President of the Senate

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

We, the undersigned conferees for S. F. No. 72, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate accedes to the House amendment and that S. F. No. 72 be further amended as follows:

Page 2, after line 16, insert:

"Sec. 2. Minnesota Statutes 1982, section 624.713, subdivision 1, is amended to read:

Subdivision 1. [INELIGIBLE PERSONS.] The following persons shall not be entitled to possess a pistol:

(a) A person under the age of 18 years except that a person under 18 may carry or possess a pistol (i) in the actual presence or under the direct supervision of his parent or guardian (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision,

(iii) for the purpose of instruction, competition, or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol and approved by the commissioner of natural resources;

(b) A person who has been convicted in this state or elsewhere of a crime of violence unless ten years have elapsed since the person has been restored his civil rights or the sentence has expired, whichever occurs first, and during that time he has not been convicted of any other crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(c) A person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally (DEFICIENT) retarded," or "*mentally ill and dangerous to the public*" person as (THOSE TERMS ARE) defined in section (253A.02) 253B.02, to a (HOSPITAL, MENTAL INSTITUTION OR SANITARIUM) *treatment facility*, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that he is no longer suffering from this disability;

(d) A person who has been convicted in Minnesota or elsewhere for the unlawful use, possession, or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that he has not abused a controlled substance or marijuana during the previous two years; (OR)

(e) A person who has been confined or committed to a (HOSPITAL, MENTAL INSTITUTION OR SANATARIUM) *treatment facility* in Minnesota or elsewhere as (AN "INEBRIATE PERSON") "*chemically dependent*" as (THAT TERM IS) defined in section (253A.02) 253B.02, or for alcoholic problems, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that he has not abused alcohol during the previous two years; or

(f) A peace officer who is informally admitted to a *treatment facility* pursuant to section 253B.04 for chemical dependency, unless he possesses a certificate from the head of the *treatment facility* that he has been discharged or provisionally discharged from the *treatment facility*.

A person who issues a certificate pursuant to this subdivision in good faith shall not be liable for damages in an action arising out of the issuance."

Page 6, line 17, after the period, insert "*Section 2 applies to all releases or discharges occurring before, on, or after that date.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "authorizing certain peace officers to carry pistols;"

Page 1, line 6, after the semicolon, insert "624.713, subdivision 1;"

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

Senate Conferees: DARRIL WEGSCHEID and LAWRENCE J. POGEMILLER.

House Conferees: JANET CLARK, JOSEPH R. BEGICH and BERT J. MCKASY.

Clark, J., moved that the report of the Conference Committee on S. F. No. 72 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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

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

Those who voted in the affirmative were:

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

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

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

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Rice requested immediate consideration of H. F. Nos. 872, 768, 405, 512 and 424; and S. F. No. 428.

H. F. No. 872, A bill for an act relating to agriculture; making certain changes in the law relating to establishing a fertilizer inspection fund; prescribing penalties; amending Minnesota Statutes 1982, sections 17.713, subdivision 7; 17.714, subdivision 1; 17.715, subdivision 1; 17.718, subdivision 1; 17.725, subdivisions 1 and 2; and 17.728, subdivision 4; repealing Minnesota Statutes 1982, section 17.717, subdivisions 3, 4, 5, and 6.

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 8 nays as follows:

Those who voted in the affirmative were:

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

Peterson	Riveness	Schreiber	Stadum	Vellenga
Piepho	Rodosovich	Seaberg	Staten	Voss
Piper	Rodriguez, C.	Shaver	Sviggunn	Waltman
Price	Rodriguez, F.	Shea	Swanson	Welch
Quinn	Rose	Sherman	Tomlinson	Welle
Quist	St. Onge	Simoneau	Tunheim	Wenzel
Redalen	Sarna	Skoglund	Uphus	Wigley
Reif	Scheid	Solberg	Valan	Wynia
Rice	Schoenfeld	Sparby	Vanasek	Speaker Sieben

Those who voted in the negative were:

Frerichs	McDonald	Thiede	Welker	Zaffke
Ludeman	Schafer	Valento		

The bill was passed and its title agreed to.

H. F. No. 768 was reported to the House.

Burger moved to amend H. F. No. 768, as follows:

Page 1, line 25, delete "\$3,000" and insert "\$2,850"

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

H. F. No. 768, A bill for an act relating to state departments and agencies; authorizing a study by the department of energy, planning and development of a possible merger of the departments of health and public welfare into a new state department to be called the department of human services; appropriating money.

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

The question was taken on the passage of the bill and the roll was called. There were 99 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Clark, K.	Heinitz	McEachern	Piper
Anderson, G.	Clawson	Hoffman	McKasy	Price
Anderson, R.	Cohen	Hokr	Metzen	Quinn
Battaglia	Coleman	Jacobs	Minne	Quist
Beard	Eken	Jensen	Munger	Rice
Begich	Elioff	Kahn	Murphy	Riveness
Bennett	Ellingson	Kalis	Nelson, K.	Rodosovich
Bergstrom	Evans	Kelly	Neuenschwander	Rodriguez, C.
Berkelman	Findlay	Knickerbocker	Norton	Rodriguez, F.
Bishop	Forsythe	Knuth	O'Connor	Rose
Blatz	Graba	Kostohryz	Ogren	St. Onge
Brandl	Greenfield	Krueger	Olsen	Sarna
Brinkman	Gustafson	Larsen	Osthoff	Scheid
Burger	Gutknecht	Long	Otis	Schoenfeld
Carlson, L.	Halberg	Mann	Pauly	Seaberg
Clark, J.	Heap	Marsh	Peterson	Segal

Shaver	Skoglund	Swanson	Voss	Wynia
Shea	Solberg	Tomlinson	Welch	Zaffke
Sherman	Sparby	Vanasek	Welle	Speaker Sieben
Simoneau	Staten	Vellenga	Wenzel	

Those who voted in the negative were:

Dempsey	Gruenes	Ludeman	Schafer	Valan
DenOuden	Haukoos	McDonald	Schreiber	Valento
Dimler	Jennings	Omman	Stadum	Waltman
Erickson	Johnson	Piepho	Sviggum	Welker
Fjoslien	Kvam	Redalen	Thiede	Wigley
Frerichs	Levi	Reif	Uphus	

The bill was passed and its title agreed to.

H. F. No. 405, A bill for an act relating to public welfare; authorizing grants to county boards to provide semi-independent living services for mentally retarded persons; proposing new law coded in Minnesota Statutes, chapter 252.

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, R.

The bill was passed and its title agreed to.

H. F. No. 512 was reported to the House.

Schoenfeld moved to amend H. F. No. 512, as follows:

Page 1, line 19, delete "*livestock sanitary board*" and insert "*board of animal health*"

The motion prevailed and the amendment was adopted.

H. F. No. 512, A bill for an act relating to agriculture; requiring pseudorabies testing; proposing new law coded in Minnesota Statutes 1982, chapter 35.

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

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

Those who voted in the affirmative were:

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

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

H. F. No. 424 was reported to the House.

Larsen moved that H. F. No. 424 be returned to its author. The motion prevailed.

Schoenfeld was excused while in conference.

S. F. No. 428, A bill for an act relating to state government; extending the expiration date of certain advisory committees and councils; repealing certain inactive advisory councils, committees, and task forces; amending Minnesota Statutes 1982, sections 3.9223, subdivision 1; 4.31, subdivision 5; 11A.08, subdivision 4; 15.059, subdivision 5; 16.02, subdivision 28; 16.872, subdivision 3; 21.112, subdivision 2; 41.54, subdivision 2; 52.062, subdivisions 1 and 2; 115A.12, subdivision 1; 121.938; 123.581, subdivision 1; 126.531; 145.919; 145.93, subdivision 3; 145.98, subdivision 1; 148.191, subdivision 2; 152.02, subdivision 13; 155A.06, subdivision 5; 156A.06, subdivision 1; 161.1419, by adding a subdivision; 198.055, by adding a subdivision; 241.64; 241.71; 246.017, subdivision 2; 256B.58; 268.12, subdivision 6; and 507.09; Laws 1975, chapter 235, section 2; Laws 1976, chapter 314, section 3; and Laws 1980, chapter 614, section 192; repealing Minnesota Statutes 1982, sections 16.91; 16.853; 31.60, subdivisions 2 and 3; 43A.31, subdivision 4; 52.061; 52.062, subdivision 3; 82.30; 84.524; 86A.10; 115A.12, subdivision 2; 116J.04; 121.934; 123.581, subdivisions 2, 3, 4, 5, and 7; 124.215; 128A.03; 129B.09, subdivision 8; 136A.02, subdivision 6; 141.24; 144.011, subdivision 2; 144.571; 144A.17; 144A.55; 145.93, subdivision 2; 151.13, subdivision 2; 152.02, subdivision 11; 184.23; 214.14; 222.65; 245.84, subdivision 4; and 363.04, subdivisions 4, 4a, and 5.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Staten

The bill was passed and its title agreed to.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1188, A resolution memorializing the United States Congress to conduct an in-depth investigation of the steel industry.

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:

S. F. No. 92.

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

Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 92

A bill for an act relating to towns, cities, and counties; requiring other government units to give notice to towns, cities, and counties of actions that affect land use or taxation; proposing new law coded in Minnesota Statutes, chapter 471.

May 19, 1983

The Honorable Jerome M. Hughes
President of the Senate

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

We, the undersigned conferees for S. F. No. 92, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 92 be amended as follows:

Page 1, lines 11 and 12, delete "*excluding the metropolitan area as defined by section 473.121, subdivision 2,*"

Page 1, line 14, after "*days*" insert "*prior*"

Page 1, line 14, after "*action*" insert "*by the state or political subdivision*"

Page 1, line 14, after "*will*" insert "*directly*"

Page 1, line 15, delete "*taxable status or*"

Page 1, line 16, delete "*provisions for*"

Page 1, line 19, after "*or*" insert "*boundary*"

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

Senate Conferees: JOE BERTRAM, EARL W. RENNEKE and LAWRENCE J. POGEMILLER.

House Conferees: STEPHEN G. WENZEL, CONNIE LEVI and WALLY SPARBY.

Wenzel moved that the report of the Conference Committee on S. F. No. 92 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 92, A bill for an act relating to towns, cities, and counties; requiring other government units to give notice to towns, cities, and counties of actions that affect land use or taxation; proposing new law coded in Minnesota Statutes, chapter 471.

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

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

Those who voted in the affirmative were:

Anderson, B.	Battaglia	Begich	Bergstrom	Bishop
Anderson, G.	Beard	Bennett	Berkelman	Blatz

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

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

Mr. Speaker:

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

S. F. No. 639.

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

Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 639

A bill for an act relating to energy; changing a cross-reference for nonpublic data reporting; amending the definition of "earth sheltered"; changing the due date of biennial energy reports; amending Minnesota Statutes 1982, sections 13.68, subdivision 1; 116J.06, subdivision 2; and 116J.18, subdivision 1.

May 12, 1983

The Honorable Jerome M. Hughes
President of the Senate

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

We, the undersigned conferees for S. F. No. 639, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate accede to the amendments of the House of Representatives.

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

Senate Conferees: PHYLLIS W. MCQUAID, DON FRANK and GEN OLSON.

House Conferees: PAT PIPER, GORDON O. VOSS and BOB WALTMAN.

Piper moved that the report of the Conference Committee on S. F. No. 639 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 639, A bill for an act relating to energy; changing a cross-reference for nonpublic data reporting; amending the definition of "earth sheltered"; changing the due date of biennial energy reports; amending Minnesota Statutes 1982, sections 13.68, subdivision 1; 116J.06, subdivision 2; and 116J.18, subdivision 1.

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

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

Those who voted in the affirmative were:

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

Valento
Vanasek
Vellenga

Waltman
Welch
Welker

Welle
Wenzel
Wigley

Wynia
Zaffke

Speaker Sieben

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

Mr. Speaker:

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

S. F. No. 1003.

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

Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1003

A bill for an act relating to public welfare; establishing a medical assistance social health maintenance organization demonstration project; proposing new law coded in Minnesota Statutes, chapter 256B.

May 17, 1983

The Honorable Jerome M. Hughes
President of the Senate

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

We, the undersigned conferees for S. F. No. 1003, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 1003 be amended as follows:

Page 1, line 17, delete "*case manager*" and insert "*participating provider*"

Page 1, line 25, delete "*the projects*" and insert "*a project*"

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

Senate Conferees: ERIC D. PETTY, LINDA BERGLIN and HOWARD A. KNUTSON.

House Conferees: JOHN E. BRANDL, TONY ONNEN and LEE GREENFIELD.

Brandl moved that the report of the Conference Committee on S. F. No. 1003 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1003, A bill for an act relating to public welfare; establishing a medical assistance social health maintenance organization demonstration project; proposing new law coded in Minnesota Statutes, chapter 256B.

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

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

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

S. F. No. 923.

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

Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON 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.

May 19, 1983

The Honorable Jerome M. Hughes
President of the Senate

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

We, the undersigned conferees for S. F. No. 923, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 923 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [134.40] [PROTECTION OF LIBRARY MATERIAL.]

Section 3 describes misuse of library materials and prescribes penalties for intentional removal of, damage to, and detention of library materials.

Sec. 2. Minnesota Statutes 1982, section 466.01, subdivision 1, is amended to read:

Subdivision 1. [MUNICIPALITY.] For the purposes of sections 466.01 to 466.15, "municipality" means any city, whether organized under home rule charter or otherwise, any county, town, public authority, public corporation, special district, school district, however organized, county agricultural society organized pursuant to chapter 38, public library, regional public library system, multi-county multi-type library system, or other political subdivision.

Sec. 3. [609.541] [PROTECTION OF LIBRARY PROPERTY.]

Subdivision 1. [DAMAGE TO LIBRARY MATERIALS.] *A person who intentionally, and without permission from library personnel damages any books, maps, pictures, manuscripts, films, or other property of any public library or library belonging to the state or to any political subdivision is guilty of a petty misdemeanor.*

Subd. 2. [REMOVAL OF LIBRARY PROPERTY.] *A person who intentionally, and without permission from library personnel removes any books, maps, pictures, manuscripts, films, or other property of any public library or library belonging to the state or to any political subdivision is guilty of a misdemeanor.*

Subd. 3. [DETENTION OF LIBRARY MATERIALS.] *A person who detains a book, periodical, pamphlet, film, or other property belonging to any public library, or to a library belonging to the state or any political subdivision, for more than 60 days after notice in writing to return it, given after the expiration of the library's stated loan period for the material, is guilty of a petty misdemeanor. The written notice shall be sent by mail to the last known address of the person detaining the material. The notice shall state the type of material borrowed, the title of the material, the author's name, the library from which the material was borrowed, and the date by which the material was to have been returned to the library. The notice shall include a statement indicating that if the material is not returned within 60 days after the written notice the borrower will be in violation of this section.*

Subd. 4. [RESPONSIBILITY FOR PROSECUTION FOR REGIONAL LIBRARIES.] *For regional libraries the county attorney for the county in which the offense occurred shall prosecute violations of subdivisions 1 to 3."*

Amend the title as follows:

Page 1, line 2, after the semicolon insert "defining misuse of library materials;"

Page 1, line 6, delete "chapter" and insert "chapters 134 and"

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

Senate Conferees: DARRIL WEGSCHEID, MICHAEL O. FREEMAN and FRITZ KNAAK.

House Conferees: BUZZ ANDERSON and JOE QUINN.

Anderson, B., moved that the report of the Conference Committee on S. F. No. 923 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

The Speaker called Wynia to the Chair.

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

The question was taken on the repassage of the bill and the roll was called. There were 88 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Findlay	Levi	Piepho	Simoneau
Anderson, G.	Fjoslien	Long	Price	Skoglund
Anderson, R.	Forsythe	Mann	Quinn	Sparby
Beard	Graba	Marsh	Quist	Sviggum
Bennett	Gruenes	McDonald	Rice	Swanson
Bergstrom	Gutknecht	McEachern	Riveness	Thiede
Bishop	Heap	McKasy	Rodosovich	Tunheim
Blatz	Heinitz	Munger	Rodriguez, C.	Uphus
Brinkman	Himle	Murphy	Rodriguez, F.	Valan
Burger	Hoffman	Nelson, D.	Rose	Waltman
Carlson, L.	Hokr	Nelson, K.	Schafer	Welch
Clark, J.	Jensen	Neuenschwander	Schoenfeld	Welle
Clawson	Knickerbocker	Olsen	Schreiber	Wigley
Coleman	Knuth	Omann	Seaberg	Wynia
Dempsey	Kostohryz	Onnen	Segal	Zaffke
Dimler	Krueger	Otis	Shaver	Speaker Sieben
Erickson	Kvam	Pauly	Shea	
Evans	Larsen	Peterson	Sherman	

Those who voted in the negative were:

Battaglia	Elioff	Johnson	O'Connor	Scheid
Begich	Greenfield	Kahn	Ogren	Solberg
Berkelman	Gustafson	Kelly	Osthoff	Staten
Brandl	Halberg	Ludeman	Piper	Valento
Clark, K.	Haukoos	Metzen	Redalen	Vellenga
Cohen	Jacobs	Minne	St. Onge	Welker
DenOuden	Jennings	Norton	Sarna	Wenzel

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

Mr. Speaker:

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

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 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 has concurred in and adopted the report of the Conference Committee on:

S. F. No. 398.

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

Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 398

A bill for an act relating to vulnerable adults; refining the Vulnerable Adults Reporting Act; specifying reporting requirements; specifying access to reports; preventing record destruction; amending Minnesota Statutes 1982, section 626.557, subdivisions 2, 3, 4, 10, 12, 14, and by adding a subdivision; repealing Minnesota Statutes 1982, section 626.557, subdivision 12a.

May 13, 1983

The Honorable Jerome M. Hughes
President of the Senate

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

We, the undersigned conferees for S. F. No. 398, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 398 be amended as follows:

Page 4, line 10, before "Except" insert "(a) Where federal law specifically prohibits a person from disclosing patient identifying information in connection with a report of suspected abuse or neglect under this act, that person need not make a required report unless the vulnerable adult, or his guardian, conservator, or legal representative, has consented to disclosure in a manner which conforms to federal requirements. Facilities whose patients or residents are covered by such a federal law shall seek consent to the disclosure or suspected abuse or neglect from each patient or resident, or his guardian, conservator, or legal representative, upon his admission to the facility. Persons who are prohibited by federal law from reporting an incident of suspected abuse or neglect shall promptly seek consent to make a report.

(b)"

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

Senate Conferees: ALLAN H. SPEAR, RANDOLPH W. PETERSON
and FRITZ KNAAK.

House Conferees: JOHN T. CLAWSON, LEE GREENFIELD and
KATHLEEN BLATZ.

Clawson moved that the report of the Conference Committee on S. F. No. 398 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 398, A bill for an act relating to vulnerable adults; refining the Vulnerable Adults Reporting Act; specifying reporting requirements; specifying access to reports; preventing record destruction; amending Minnesota Statutes 1982, section 626.557, subdivisions 2, 3, 4, 10, 12, 14, and by adding a subdivision; repealing Minnesota Statutes 1982, section 626.557, subdivision 12a.

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

The question was taken on the repassage of the bill and the roll was called. There were 119 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Segal

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

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Rice requested immediate consideration of H. F. No. 449.

H. F. No. 449 was reported to the House.

Shaver moved to amend H. F. No. 449, the second engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 10A.01, is amended to read:

10A.01 [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 10A.01 to 10A.34, the terms defined in this section have the meanings given them unless the context clearly indicates otherwise.

Subd. 2. [ADMINISTRATIVE ACTION.] "Administrative action" means an action by any official, board, commission or agency of the executive branch to adopt, amend, or repeal a rule pursuant to chapter 14. "Administrative action" does not include the application or administration of an adopted rule, except in cases of rate setting, power plant and powerline siting and granting of certificates of need under chapter 116J.

Subd. 3. [ASSOCIATION.] "Association" means a business, corporation, firm, partnership, committee, labor organization, club, or any other group of two or more persons, which includes more than *members of an immediate family, acting in concert*.

Subd. 4. [BUSINESS WITH WHICH HE IS ASSOCIATED.] "Business with which he is associated" means any association in connection with which the individual is compensated in excess of \$50 except for actual and reasonable expenses in any month as a director, officer, owner, member, partner, employer or employee, or is a holder of securities worth \$2,500 or more at fair market value.

Subd. 5. [CANDIDATE.] "Candidate" means an individual who seeks nomination or election to any statewide or legislative office for which reporting is not required under federal laws. The term candidate (SHALL) also (INCLUDE) *includes* an individual who seeks nomination or election to supreme court, district court, county court, probate court, or county municipal court judgeships of the state. An individual shall be deemed to seek nomination or election if he has taken the action necessary under the law of the state of Minnesota to qualify himself for nomination or election, has received contributions or made expenditures in excess of \$100, or has given his implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100, for the purpose of bringing about his nomination or election. A candidate remains a candidate until his principal campaign committee is dissolved as provided in section 10A.24

Subd. 5a. [CONGRESSIONAL CANDIDATE.] "*Congressional candidate*" means an individual who seeks nomination or election to the United States senate or house of representatives

and who is a "candidate" as that term is defined in United States Code, title 2, section 431, paragraph (2), as amended through December 31, 1982.

Subd. 6. [BOARD.] "Board" means the state ethical practices board.

Subd. 7. [CONTRIBUTION.] "Contribution" means:

(a) *with respect to a candidate*, a transfer of funds or a donation in kind (.)

(CONTRIBUTION INCLUDES) *including* any loan or advance of credit to a political committee, political fund, or principal campaign committee, which loan or advance of credit is ((A)) (1) forgiven, or ((B)) (2) paid by (AN ENTITY) *an individual or any association* other than the political committee, political fund, or principal campaign committee to which the loan or advance of credit is made. If an advance of credit or a loan is forgiven or paid as provided in this (SUBDIVISION) *paragraph*, it is a contribution in the year in which the loan or advance of credit is made. A contribution made for the purpose of defeating a candidate is considered made for the purpose of influencing the nomination or election of that candidate or any opponent of that candidate. A contribution does not include services provided without compensation by an individual volunteering his time on behalf of a candidate, ballot question, political committee or political fund, or the publishing or broadcasting of news items or editorial comments by the news media; *and*

(b) *with respect to a congressional candidate*, a "contribution" as that term is defined in United States Code, title 2, section 431, paragraph (8), as amended through December 31, 1982.

Subd. 7a. [TRANSFER OF FUNDS; TRANSFER.] "Transfer of funds" or "transfer" means money or negotiable instruments given by an individual or association to a political committee, political fund, or principal campaign committee for the purpose of influencing the nomination or election of a candidate or for the purpose of promoting or defeating a ballot question.

Subd. 7b. [DONATION IN KIND.] "Donation in kind" means anything of value other than money or negotiable instruments given by an individual or association to a political committee, political fund, or principal campaign committee for the purpose of influencing the nomination or election of a candidate or for the purpose of promoting or defeating a ballot question. Donation in kind includes an approved expenditure.

Subd. 7c. [QUALIFYING CONTRIBUTION.] "Qualifying contribution" means a contribution made during the election year by an individual, other than the congressional or other candidate or the candidate's immediate family, to a principal campaign committee of a congressional candidate which is \$100 or less, or of a candidate for:

- (a) state constitutional office which is \$100 or less; or*
- (b) legislative office which is \$50 or less.*

Not more than \$100 of the aggregate contribution to a congressional candidate or candidate for state constitutional office and not more than \$50 of the aggregate contribution to a candidate for legislative office made in the election year by an individual may be certified by the board as a qualifying contribution. Money in the account of the principal campaign committee of a candidate or congressional candidate on January 1 of the election year for the office held or sought may only be considered qualifying contributions for the purpose of determining whether a candidate or congressional candidate has raised the threshold amount of qualifying contributions in accordance with section 10A.31, subdivision 7a; provided that not more than \$100 of the aggregate contributions to a candidate for state constitutional office or a congressional candidate and not more than \$50 of the aggregate contributions to a candidate for legislative office made prior to January 1 by an individual may be certified by the board as a qualifying contribution.

Subd. 8. [DEPOSITORY.] "Depository" means any bank, savings and loan association, or credit union (,) organized under federal or state law and transacting business within Minnesota.

Subd. 9. [ELECTION.] "Election" means a primary, special primary, general, or special election.

Subd. 10. [CAMPAIGN EXPENDITURE; EXPENDITURE.] "Campaign expenditure" or "expenditure" means:

- (a) With respect to a candidate, a purchase or payment of money or anything of value, or an advance of credit, made or incurred for the purpose of influencing the nomination or election of a candidate or for the purpose of promoting or defeating a ballot question. An expenditure is considered to be made in the year in which the goods or services for which it was made are used or consumed. An expenditure made for the purpose of defeating a candidate is considered made for the purpose of influencing the nomination or election of that candidate or any opponent of that candidate. Except as provided in clause ((A)), (1) of this paragraph, an expenditure includes the dollar value of a donation in kind. An expenditure does not include:*

((A)) (1) noncampaign disbursements as defined in subdivision 10c;

((B)) (2) transfers as defined in subdivision 7a;

((C)) (3) services provided without compensation by an individual volunteering his time on behalf of a candidate, ballot question, political committee, or political fund; or

((D) THE) (4) publishing or broadcasting of news items or editorial comments by the news media; and

(b) with respect to a congressional candidate, an "expenditure" as that term is defined in United States Code, title 2, section 431, paragraph (9), as amended through December 31, 1982.

Subd. 10a. [APPROVED EXPENDITURE.] "Approved expenditure" means an expenditure made on behalf of a candidate by an entity other than the principal campaign committee of that candidate, which expenditure is made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of that candidate (, HIS) or the candidate's principal campaign committee or (HIS) agent. An approved expenditure is a contribution to that candidate.

Subd. 10b. [INDEPENDENT EXPENDITURE.] "Independent expenditure" means:

(a) with respect to a candidate, an expenditure expressly advocating the election or defeat of a clearly identified candidate, which expenditure is made without the express or implied consent, authorization, or cooperation of any candidate (, HIS) or the candidate's principal campaign committee or (HIS) agent and is not made in concert with or at the request or suggestion of any candidate (, HIS) or the candidate's principal campaign committee or (HIS) agent. An independent expenditure is not a contribution to that candidate; and

(b) with respect to a congressional candidate, an "independent expenditure" as that term is defined in United States Code, title 2, paragraph (17), as amended through December 31, 1982.

Subd. 10c. [NONCAMPAIGN DISBURSEMENT.] "Non-campaign disbursement" means a purchase or payment of money or anything of value made, or an advance of credit incurred, by a political committee, political fund, or principal campaign committee for any purpose other than to influence the nomination or election of a candidate or to promote or defeat a ballot question.

Noncampaign disbursement includes:

(a) payment for accounting and legal services;

- (b) return of a contribution to the source;
- (c) repayment of a loan made to the political committee, political fund, or principal campaign committee by that committee or fund;
- (d) return of (MONEYS FROM THE STATE ELECTIONS CAMPAIGN FUND) *matching funds to the board, pursuant to section 25;*
- (e) payment for food and beverages consumed at a fund-raising event;
- (f) services for a constituent by a member of the legislature or a constitutional officer in the executive branch, performed from the beginning of the term of office to 60 days after adjournment sine die of the legislature in the election year for the office held; and
- (g) a donation in kind given to the political committee, political fund, or principal campaign committee for purposes listed in clauses (e) and (f). The board shall determine whether an activity involves a noncampaign disbursement within the meaning of this subdivision.

Subd. 10d. [QUALIFIED EXPENDITURE.] "Qualified expenditure" means an expenditure by the principal campaign committee of a candidate or congressional candidate or an approved expenditure for services, materials, facilities, transportation, or other things of value to further the candidate's or congressional candidate's nomination or election to office during the election year for the office held or sought. Qualified expenditure does not include:

- (a) *an expenditure in violation of any law of the United States or this state;*
- (b) *a payment to the extent clearly in excess of the fair market value of the service or item received in exchange;*
- (c) *gifts or charitable contributions;*
- (d) *noncampaign disbursements as defined in subdivision 10c; or*
- (e) *a transfer to the principal campaign committee of a candidate or congressional candidate, unless the transfer is to a principal campaign committee registered in the candidate's or congressional candidate's name to influence his own nomination or election to a different congressional office or state constitutional or legislative office.*

Subd. 11. [LOBBYIST.] "Lobbyist" means any individual:

(a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) who spends more than \$250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

"Lobbyist" does not include any:

(a) public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) party or his representative appearing in a proceeding before a state board, commission, or agency of the executive branch unless the board, commission, or agency is taking administrative action;

(c) individual while engaged in selling goods or services to be paid for by public funds;

(d) news media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments, or paid advertisements which directly or indirectly urge official action;

(e) paid expert witness whose testimony is requested by the body before which he is appearing, but only to the extent of preparing or delivering testimony;

(f) stockholder of a family farm corporation as defined in section 500.24, subdivision 1, who does not spend over \$250, excluding his own travel expenses, in any year in communicating with public officials; or

(g) party or his representative appearing to present a claim to the legislature and communicating to legislators only by the filing of a claim form and supporting documents and by appearing at public hearings on the claim.

Subd. 12. [MAJOR POLITICAL PARTY.] "Major political party" means a major political party as defined in section 200.02, subdivision 7.

Subd. 13. [MINOR POLITICAL PARTY.] "Minor political party" means any *political* party other than a major political party (:)

((A) UNDER WHOSE NAME IN THE LAST APPLICABLE GENERAL ELECTION A CANDIDATE FILED FOR LEGISLATIVE OFFICE AND RECEIVED NOT LESS THAN 10 PERCENT OF THE VOTE FOR THAT OFFICE, OR FILED FOR STATEWIDE OFFICE; OR)

((B) WHICH FILES A PETITION WITH THE SECRETARY OF STATE CONTAINING THE NAMES OF 2,000 INDIVIDUALS REGISTERED TO VOTE IN MINNESOTA AND DECLARING THAT THE SIGNERS DESIRE THAT THE PARTY BE ELIGIBLE TO RECEIVE MONEY FROM THE STATE ELECTIONS CAMPAIGN FUND IN THE SAME MANNER AS A MAJOR POLITICAL PARTY.)

(FOR THE PURPOSES OF THIS CHAPTER, ALL INDIVIDUALS WHO ARE ELIGIBLE TO VOTE IN AREAS WHERE THERE IS NO PERMANENT SYSTEM OF REGISTRATION SHALL BE CONSIDERED REGISTERED VOTERS).

Subd. 15. [POLITICAL COMMITTEE.] "Political committee" means:

(a) *with respect to a candidate*, any association as defined in subdivision 3 whose major purpose is to influence the nomination or election of a candidate or to promote or defeat a ballot question; and

(b) *with respect to a congressional candidate*, a "political committee" as that term is defined in United States Code, title 2, section 431, paragraph (4), as amended through December 31, 1982.

"Political committee" includes a major political party (AS DEFINED IN SUBDIVISION 12), a minor political party (AS DEFINED IN SUBDIVISION 13), (AND ANY) a principal campaign committee (FORMED PURSUANT TO SECTION 10A.19) of a candidate or congressional candidate, and any authorized committee of a congressional candidate.

Subd. 15a. [PRINCIPAL CAMPAIGN COMMITTEE.] "Principal campaign committee" means:

(a) *with respect to a candidate, a political committee designated and caused to be formed by that candidate under section 10A.19; and*

(b) *with respect to a congressional candidate, a political committee designated and authorized by that congressional candidate under United States Code, title 2, section 432, subsection (e)(1), as amended through December 31, 1982.*

Subd. 15b. [AUTHORIZED COMMITTEE.] "Authorized committee" means the principal campaign committee or any other political committee designated and authorized by a congressional candidate under United States Code, title 2, section 432, subsection (e)(1), as amended through December 31, 1982, to receive contributions or make expenditures on behalf of that congressional candidate.

Subd. 16. [POLITICAL FUND.] "Political fund" means any accumulation of dues or voluntary contributions by an association other than a political committee, which accumulation is collected or expended for the purpose of influencing the nomination or election of a candidate or for the purpose of promoting or defeating a ballot question.

Subd. 17. [POLITICAL PARTY.] "Political party" means either a major political party or a minor political party.

Subd. 18. [PUBLIC OFFICIAL.] "Public official" means any:

(a) *member of the legislature;*

(b) *constitutional officer in the executive branch and his chief administrative deputy;*

(c) *member, chief administrative officer, or deputy chief administrative officer of a state board or commission which has at least one of the following powers: (i) the power to adopt, amend or repeal rules, or (ii) the power to adjudicate contested cases or appeals;*

(d) *commissioner, deputy commissioner, or assistant commissioner of any state department as designated (PURSUANT TO) in section 15.01;*

(e) *individual employed in the executive branch who is authorized to adopt, amend, or repeal rules or adjudicate contested cases;*

(f) *executive director of the state board of investment;*

(g) executive director of the Indian affairs intertribal board;

(h) commissioner of the iron range resources and rehabilitation board;

(i) director of mediation services;

(j) deputy of any official listed in clauses (e) to (i);

(k) judge of the workers' compensation court of appeals;

(l) hearing examiner or compensation judge in the state office of administrative hearings or hearing examiner in the department of economic security;

(m) solicitor general or deputy, assistant, or special assistant attorney general;

(n) individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher or attorney in the office of senate research, senate counsel, or house research; or

(o) member or chief administrative officer of the metropolitan council, metropolitan transit commission, metropolitan waste control commission, metropolitan parks and open spaces commission, metropolitan airports commission, or metropolitan sports facilities commission.

Subd. 19. [OFFICE HOLDER.] "Office holder" means an individual who holds any statewide or legislative office, except a federal office for which candidates are required to report under federal laws, state supreme court justice, or district court judge.

Subd. 20. [ADVANCE OF CREDIT.] "Advance of credit" means any money owed for goods provided or services rendered. An advance of credit is an expenditure or a noncampaign disbursement in the year in which the goods or services are used or consumed. Advance of credit does not mean loan as defined in subdivision 21.

Subd. 21. [LOAN.] "Loan" means an advance of money or anything of value made to a political committee, political fund, or principal campaign committee.

Subd. 22. [FINANCIAL INSTITUTION.] "Financial institution" means a lending institution chartered by an agency of the federal government or regulated by the commissioner of banks.

Subd. 23. [BALLOT QUESTION.] "Ballot question" means a question or proposition which is placed on the ballot and which may be voted on by all voters of the state. "Promoting or defeating a ballot question" includes activities related to qualifying the question for placement on the ballot.

Sec. 2. [10A.105] [LIMITATION ON APPLICABILITY.]

The provisions of sections 10A.11 to 10A.24 relating to the organization, registration, and administration of and reporting and disclosure by political committees, including principal campaign committees, and political funds are not applicable to congressional candidates and authorized committees of congressional candidates. The organization, registration, and administration of and reporting and disclosure by authorized committees of congressional candidates is governed by the relevant provisions of United States Code, title 2, chapter 14, as amended through December 31, 1982.

Sec. 3. Minnesota Statutes 1982, section 10A.13, is amended by adding a subdivision to read:

Subd. 3. [ADDITIONAL RECORDS.] *The treasurer of a principal campaign committee for a candidate who wishes to qualify for matching funds shall keep the additional records described in section 10A.31, subdivision 6b.*

Sec. 4. Minnesota Statutes 1982, section 10A.15, subdivision 1, is amended to read:

Subdivision 1. No anonymous contribution in excess of \$20 shall be retained by any political committee or political fund, but shall be forwarded to the board and deposited in (THE GENERAL ACCOUNT OF) the state elections campaign fund.

Sec. 5. Minnesota Statutes 1982, section 10A.19, subdivision 1, is amended to read:

Subdivision 1. [MAY NOT ACCEPT CONTRIBUTIONS WITHOUT FORMING COMMITTEE.] *Except as otherwise permitted by federal law, no candidate or congressional candidate shall accept contributions from any source, other than himself, in aggregate in excess of \$100 or any (MONEYS) matching funds from the (STATE ELECTIONS CAMPAIGN FUND) board pursuant to section 10A.31, subdivisions 10a and 10b unless he designates and causes to be formed a single principal campaign committee.*

Sec. 6. [10A.245] [CAMPAIGN REPORTS; CONGRESSIONAL CANDIDATES.]

A congressional candidate who agrees to be bound by the expenditure limits in section 10A.25, as adjusted by section 10A.255, as a condition of receiving a public subsidy for his campaign shall file with the board copies of all reports that he or his principal campaign committee treasurer acting for him is required to file under United States Code, title 2, chapter 14, as amended through December 31, 1982. The reports shall be filed with the board at the times required in United States Code, title 2, section 434, as amended through December 31, 1982. The treasurer of a principal campaign committee for a congressional candidate who wishes to qualify for matching funds shall keep the additional records described in section 10A.31, subdivision 6b.

Sec. 7. Minnesota Statutes 1982, section 10A.25, is amended to read:

10A.25 [LIMITS ON CAMPAIGN EXPENDITURES.]

Subdivision 1. [GOVERNOR AND LIEUTENANT GOVERNOR CONSIDERED AS SINGLE CANDIDACY.] (FOR THE PURPOSES OF SECTIONS 10A.11 TO 10A.34) A candidate for governor and a candidate for lieutenant governor, running together, shall be deemed to be a single candidate. (EXCEPT AS PROVIDED IN SUBDIVISION 3) *After the candidates for governor and lieutenant governor have filed for office, all expenditures made by and all approved expenditures made on behalf of the candidate for lieutenant governor shall be considered to be expenditures by and approved expenditures on behalf of the candidate for governor.*

Subd. 2. [CANDIDATES.] In a year in which an election is held for an office sought by a candidate, no expenditures shall be made by the principal campaign committee of that candidate, nor any approved expenditures made on behalf of that candidate which expenditures and approved expenditures result in an aggregate amount in excess of the following:

(a) for governor and lieutenant governor, running together, (12 1/2 CENTS PER CAPITA OR \$600,000, WHICHEVER IS GREATER) \$1,270,000;

(b) for attorney general, (2 1/2 CENTS PER CAPITA OR \$100,000, WHICHEVER IS GREATER) \$211,800;

(c) for secretary of state, state treasurer, and state auditor, separately, (1 1/4 CENTS PER CAPITA OR \$50,000, WHICHEVER IS GREATER) \$105,900;

(d) for state senator, (20 CENTS PER CAPITA OR \$15,000, WHICHEVER IS GREATER) \$31,770;

(e) for state representative, (20 CENTS PER CAPITA OR \$7,500, WHICHEVER IS GREATER) \$15,885.

Subd. 2a. [CONGRESSIONAL CANDIDATES.] In a year in which an election is held for an office sought by a congressional candidate, no expenditures shall be made by the authorized committees of that congressional candidate which result in an aggregate amount in excess of the following:

(a) for United States senator, \$2,500,000;

(b) for representative in congress, \$300,000.

Subd. 3. [LIEUTENANT GOVERNOR ENDORSEMENT.] Notwithstanding subdivision 2, clause (a), a candidate for endorsement for the office of lieutenant governor at the convention of a political party may make expenditures and approved expenditures of \$30,000 or five percent of the amount in subdivision 2, clause (a), whichever is greater, to seek endorsement. This amount (SHALL BE) is in addition to the amount which may be expended pursuant to subdivision 2, clause (a).

Subd. 4. [EXCEPTION.] The limits prescribed in section 10A.25 shall not apply to any expenditure or approved expenditure made or advance of credit incurred before February 28, 1978 unless the goods or services for which they were made or incurred are consumed or used after February 28, 1978.

Subd. 5. [CANDIDATES IN CONTESTED PRIMARY RACES.] Notwithstanding the limits imposed by subdivision 2, the winning candidate in a contested race in a primary who receives less than twice as many votes as any one of his opponents in that primary may make aggregate expenditures and approved expenditures equal to 120 percent of the applicable amount (AS SET FORTH) in subdivision 2.

Subd. 5a. [CONGRESSIONAL CANDIDATES IN CONTESTED PRIMARY RACES.] *Notwithstanding the limits imposed by subdivision 2a, the winning congressional candidate in a contested race in a primary who receives less than twice as many votes as any one of his opponents in that primary may make aggregate expenditures equal to 120 percent of the applicable amount in subdivision 2a.*

Subd. 6. [POST-ELECTION YEAR EXPENDITURES BY OR ON BEHALF OF CANDIDATES.] In any year following an election year for the office held or sought, the aggregate amount of expenditures by and approved expenditures on behalf of a candidate for or holder of that office shall not exceed 20 percent of the expenditure limit set forth in subdivision 2, as adjusted by section 10A.255.

Subd. 6a. [POST-ELECTION YEAR EXPENDITURES BY CONGRESSIONAL CANDIDATES.] In any year following an election year for the office held or sought, the aggregate amount of expenditures on behalf of a congressional candidate for or holder of that office shall not exceed 20 percent of the expenditure limit in subdivision 2a, as adjusted by section 10A.255.

(SUBD. 7. [POPULATION ESTIMATES.] ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE STATE DEMOGRAPHER SHALL CERTIFY TO THE BOARD THE ESTIMATED POPULATION OF THE STATE OF MINNESOTA FOR THE NEXT CALENDAR YEAR. ON OR BEFORE DECEMBER 31 OF EACH YEAR THE BOARD SHALL DETERMINE AND PUBLISH IN THE STATE REGISTER THE EXPENDITURE LIMITS FOR EACH OFFICE FOR THE NEXT CALENDAR YEAR AS PRESCRIBED BY SUBDIVISION 2, USING THE FOLLOWING ESTIMATED POPULATION FIGURES:)

((A) FOR THE OFFICES OF GOVERNOR AND LIEUTENANT GOVERNOR, ATTORNEY GENERAL, SECRETARY OF STATE, STATE TREASURER AND STATE AUDITOR, THE TOTAL ESTIMATED POPULATION OF THE STATE;)

((B) FOR THE OFFICE OF STATE SENATOR, 1/67 OF THE TOTAL ESTIMATED POPULATION OF THE STATE;)

((C) FOR THE OFFICE OF STATE REPRESENTATIVE, 1/134 OF THE TOTAL ESTIMATED POPULATION OF THE STATE;)

(THE LIMITS PRESCRIBED BY SUBDIVISIONS 2 AND 2A SHALL BE ROUNDED OFF TO THE NEAREST \$100.)

Subd. 10. [APPLICABILITY OF EXPENDITURE LIMITS.] The expenditure limits imposed by this section apply only to candidates and congressional candidates who agree to be bound by the limits as a condition of receiving a public subsidy for their campaigns in the form of:

(a) An allocation of money from the state elections campaign fund; or

(b) Credits against the tax due of individuals who contribute to that candidate or congressional candidate.

Subd. 11. [NO LIMITS ON INDEPENDENT EXPENDITURES.] Nothing in this section shall be construed as limiting independent expenditures on behalf of a candidate or congressional candidate.

Sec. 8. Minnesota Statutes 1982, section 10A.255, is amended to read:

10A.255 [ADJUSTMENT BY CONSUMER PRICE INDEX.]

Subdivision 1. [PROCEDURE FOR ADJUSTMENT.] The dollar amounts provided in section 10A.25, (SUBDIVISION) *subdivisions 2 and 2a*, shall be adjusted for general election year 1984 and subsequent general election years as provided in this section. By June 1 of the general election year, the executive director of the board shall determine the percentage increase in the consumer price index from April of the last general election year to April of the year in which the determination is made. The dollar amounts used for the preceding general election year shall be multiplied by that percentage. The product of the calculation shall be added to each dollar amount to produce the dollar limitations to be in effect for the next general election. The product shall be rounded up to the next highest (WHOLE DOLLAR) *multiple of \$25*. The index used shall be the revised consumer price index for all urban consumers for the St. Paul-Minneapolis metropolitan area prepared by the United States department of labor with 1967 as a base year.

Subd. 2. [EXCEPTION.] The dollar amounts provided in section 10A.25, subdivision (2) *2a*, shall be adjusted for (1982) 1984 in the manner provided in subdivision 1, except that the (PERCENTAGE INCREASE IN THE CONSUMER PRICE INDEX SHALL BE DETERMINED FROM APRIL OF 1974 TO APRIL OF 1982 AND THE ADJUSTMENT SHALL BE CALCULATED BY THE EXECUTIVE DIRECTOR BY JUNE 1, 1982) *dollar amounts used for the preceding general election year for the offices of United States senator and representative in congress shall be \$2,500,000 and \$300,000 respectively.*

Subd. 3. [PUBLICATION OF EXPENDITURE LIMIT.] *On or before June 15 of each year, the board shall publish in the state register the expenditure limits for each office for that calendar year, as provided in section 10A.25.*

Sec. 9. Minnesota Statutes 1982, section 10A.27, is amended to read:

10A.27 [(ADDITIONAL LIMITATIONS) LIMITS ON CAMPAIGN CONTRIBUTIONS AND LOANS.]

Subdivision 1. [CONTRIBUTIONS TO A CANDIDATE.] Except as provided in subdivisions 2 and 6, no candidate shall permit his principal campaign committee to accept contributions from any individual, political committee, or political fund *in an aggregate amount* in excess of the following:

(a) to candidates for governor and lieutenant governor running together, (\$60,000) \$30,000 in an election year for the office sought and \$12,000 in other years;

(b) to a candidate for attorney general, (\$10,000) \$5,000 in an election year for the office sought and \$2,000 in other years;

(c) to a candidate for the office of secretary of state, state treasurer, or state auditor, (\$5,000) \$2,500 in an election year for the office sought and \$1,000 in other years;

(d) to a candidate for state senator, (\$1,500) \$800 in an election year for the office sought and \$300 in other years; and

(e) to a candidate for state representative, (\$750) \$400 in an election year for the office sought and \$150 in the other year.

Subd. 2. [CONTRIBUTIONS TO CANDIDATES BY POLITICAL PARTIES.] No candidate shall permit his principal campaign committee to accept contributions from any political party in an aggregate amount in excess of (FIVE) ten times the amount that may be contributed to that candidate by a political committee as set forth in subdivision 1.

Subd. 4. [POLITICAL PARTY DEFINED.] For the purposes of this section, a political party means the aggregate of the party organization within each house of the legislature, the state party organization, and the party organization within congressional districts, counties, legislative districts, municipalities, and precincts.

(SUBD. 5. [INDEPENDENT EXPENDITURES.] NOTHING IN THIS SECTION SHALL BE CONSTRUED AS LIMITING INDEPENDENT EXPENDITURES ON BEHALF OF A CANDIDATE.)

Subd. 6. [CONTRIBUTIONS BY A CANDIDATE.] Nothing in this section shall be construed as limiting the amount which may be contributed by a candidate for the purpose of influencing his own nomination or election.

Subd. 7. [EXCEPTION.] Contributions and approved expenditures made prior to February 28, 1978 which are in excess of the limits imposed by this section shall not be in violation of this section but shall be disclosed as required by this chapter.

Subd. 8. [LOANS TO A CANDIDATE.] No candidate shall permit his principal campaign committee to accept a loan from other than a financial institution for an amount in excess of the contribution limits imposed by this section. No candidate shall permit his principal campaign committee to accept any loan from a financial institution for which that financial insti-

tution may hold any endorser of that loan liable to pay any amount in excess of the amount that the endorser may contribute to that candidate.

Subd. 9. [CONTRIBUTION AND LOAN LIMITATIONS APPLICABLE TO A CONGRESSIONAL CANDIDATE.] Contributions by and to a congressional candidate and loans to a congressional candidate are governed by the relevant provisions of United States Code, title 2, chapter 14, as amended through December 31, 1982.

Sec. 10. Minnesota Statutes 1982, section 10A.275, is amended to read:

10A.275 [MULTI-CANDIDATE POLITICAL PARTY EXPENDITURES.]

Subdivision 1. [APPLICABILITY TO CANDIDATES.] Notwithstanding any other provisions of (LAWS 1978, CHAPTER 463) this chapter, the following expenditures by a state political party or a substate unit of a state political party as described in section 10A.27, subdivision 4, shall not be considered contributions to or expenditures on behalf of any candidate for the purposes of section 10A.25 or 10A.27, and shall not be allocated to any candidates pursuant to section 10A.22, subdivision 5:

(a) expenditures on behalf of candidates of that party generally without referring to any of them specifically in any advertisement published, posted, or broadcast;

(b) expenditures for the preparation, display, mailing, or other distribution of an official party sample ballot listing the names of three or more individuals whose names are to appear on the ballot;

(c) expenditures for any telephone conversation including the names of three or more individuals whose names are to appear on the ballot; or

(d) expenditures for any political party fundraising effort on behalf of three or more candidates.

Subd. 2. [APPLICABILITY TO CONGRESSIONAL CANDIDATES.] Expenditures of the type listed in clauses (a) to (d) in subdivision 1 are governed by the relevant provisions of United States Code, title 2, section 431, paragraph (9), as amended through December 31, 1982.

Sec. 11. Minnesota Statutes 1982, section 10A.28, is amended to read:

10A.28 [PENALTY FOR EXCEEDING EXPENDITURE AND CONTRIBUTION LIMITS.]

Subdivision 1. [CANDIDATES EXCEEDING EXPENDITURE LIMITS.] A candidate subject to the expenditure limits (OF) *set forth in section 10A.25* who permits his principal campaign committee to make expenditures or permits approved expenditures to be made on his behalf in excess of the limits imposed by section 10A.25, *as adjusted by section 10A.255*, (SHALL BE) *is subject to a civil fine up to four times the amount which the expenditures exceeded the limit.*

Subd. 1a. [CONGRESSIONAL CANDIDATES EXCEEDING EXPENDITURE LIMITS.] A *congressional candidate subject to the expenditure limits set forth in section 10A.25* who permits his authorized committees to make aggregate expenditures on his behalf in excess of the limits imposed by section 10A.25, *as adjusted by section 10A.255*, is subject to a civil fine up to four times the amount which the expenditures exceed the limit.

Subd. 2. [CONTRIBUTION LIMITS EXCEEDED WITH RESPECT TO CANDIDATES.] A candidate who permits his principal campaign committee to accept contributions in excess of the limits imposed by section 10A.27 (SHALL BE) is subject to a civil fine of up to four times the amount by which the contribution exceeded the limits.

Subd. 2a. [CONTRIBUTION LIMITS EXCEEDED WITH RESPECT TO CONGRESSIONAL CANDIDATES.] A *congressional candidate who permits his authorized committees to accept contributions in excess of the limits imposed in United States Code, title 2, chapter 14, as amended through December 31, 1982*, is subject to the penalties imposed by *United States Code, title 2, section 437g, as amended through December 31, 1982.*

Subd. 3. [CONCILIATION AGREEMENTS.] If the board finds that there is reason to believe that excess expenditures have been made or excess contributions accepted contrary to the provisions of subdivision 1, 1a, or 2 the board shall make every effort for a period of not less than 14 days after its finding to correct the matter by informal methods of conference and conciliation and to enter a conciliation agreement with the person involved. A conciliation agreement made pursuant to this subdivision (SHALL BE) *is a matter of public record. Unless violated, a conciliation agreement (SHALL BE) is a bar to any civil proceeding under subdivision 4.*

Subd. 4. [CIVIL ACTION.] If the board is unable after a reasonable time to correct by informal methods any matter which constitutes probable cause to believe that excess expenditures have been made or excess contributions accepted contrary to

subdivision 1, 1a, or 2, the board shall make a public finding of probable cause in the matter. After making a public finding, the board shall bring an action, or transmit the finding to a county attorney who shall bring an action (, IN THE DISTRICT COURT OF RAMSEY COUNTY OR, IN THE CASE OF A LEGISLATIVE CANDIDATE, THE DISTRICT COURT OF A COUNTY WITHIN THE LEGISLATIVE DISTRICT,) to impose a civil fine as prescribed by the board pursuant to subdivision 1, 1a, or 2. *An action filed against a congressional candidate for United States senator or against a candidate for state constitutional office shall be brought in the district court of Ramsey County. An action filed against a candidate for state legislative office shall be brought in the district court of a county within the candidate's legislative district. An action filed against a congressional candidate for representative in congress shall be brought in the district court of a county within the congressional candidate's congressional district.* All moneys recovered pursuant to this section shall be deposited in the general fund of the state.

Sec. 12. Minnesota Statutes 1982, section 10A.30, is amended to read:

10A.30 [STATE ELECTIONS CAMPAIGN FUND.]

Subdivision 1. [STATE ELECTIONS CAMPAIGN FUND ESTABLISHED.] There is hereby established an account within the special revenue fund of the state to be known as the "state elections campaign fund".

Subd. 2. [SEPARATE ACCOUNTS.] Within the state elections campaign fund account there shall be maintained (A) separate (ACCOUNT) accounts for the candidates (OF EACH POLITICAL PARTY AND A GENERAL ACCOUNT) for the offices of United States senator, representative in congress, governor and lieutenant governor, attorney general, secretary of state, state treasurer, state auditor, state senator, and state representative.

Sec. 13. Minnesota Statutes 1982, section 10A.31, subdivision 1, is amended to read:

Subdivision 1. [AMOUNTS DESIGNATED.] Every individual resident of Minnesota who files a tax return or a renter and homeowner property tax refund return with the commissioner of revenue may designate that \$2 (SHALL) be paid from the general fund of the state into the state elections campaign fund. If a husband and wife file a joint return, each spouse may designate that \$2 (SHALL) be paid. An individual who is 18 years of age or older, who is a resident of Minnesota, and who is a dependent of another individual who files a tax return or a renter and homeowner property tax refund return, may designate that \$2 (SHALL) be paid from the general fund of the state into

the state elections campaign fund. No individual (SHALL BE ALLOWED TO) *may designate that \$2 be paid more than once in any year.*

Of each \$2 designated by a taxpayer to be paid into the state elections campaign fund, \$1 is allocated to candidates and \$1 to congressional candidates.

Sec. 14. Minnesota Statutes 1982, section 10A.31, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF TAX FORMS.] The commissioner of (THE DEPARTMENT OF) revenue shall provide on the first page of the income tax form and the renter and homeowner property tax refund return a space for the filing individual, and any adult dependent of that individual, to indicate whether or not he wishes to allocate \$2 (\$4 if filing a joint return) from the general fund of the state to finance the election campaigns of (STATE) candidates and congressional candidates. (THE FORM SHALL ALSO CONTAIN LANGUAGE PREPARED BY THE COMMISSIONER WHICH PERMITS THE INDIVIDUAL TO DIRECT THE STATE TO ALLOCATE THE \$2 (OR \$4 IF FILING A JOINT RETURN) TO: (I) ONE OF THE MAJOR POLITICAL PARTIES: (II) ANY MINOR POLITICAL PARTY AS DEFINED IN SECTION 10A.01, SUBDIVISION 13, WHICH QUALIFIES UNDER THE PROVISIONS OF SUBDIVISION 3A: OR (III) ALL QUALIFYING CANDIDATES AS PROVIDED BY SUBDIVISION 7.) The dependent on the tax return or the renter and homeowner property tax refund return shall sign a statement which authorizes the designation of \$2. The renter and homeowner property tax refund return shall include instructions that the individual filing the return may designate \$2 on the return only if he has not designated \$2 on the income tax return.

Sec. 15. Minnesota Statutes 1982, section 10A.31, subdivision 4, is amended to read:

Subd. 4. [ANNUAL APPROPRIATION.] The amounts designated by individuals for the state elections campaign fund are appropriated from the general fund and shall be credited to the (APPROPRIATE ACCOUNT IN THE) state elections campaign fund and annually appropriated for allocation and distribution as set forth in (SUBDIVISIONS) *subdivision 5 (, 6 AND 7).*

Sec. 16. Minnesota Statutes 1982, section 10A.31, subdivision 5, is amended to read:

Subd. 5. [ALLOCATION OF ACCOUNTS.] (a) *Candidates.* In each calendar year the (MONEYS) *money* in (EACH PARTY ACCOUNT AND THE GENERAL ACCOUNT) *the*

state elections campaign fund which has been segregated for allocation to candidate offices shall be allocated (TO CANDIDATES) as follows:

(1) 21 percent for *candidates* for the offices of governor and lieutenant governor together;

(2) 3.6 percent for *candidates* for the office of attorney general;

(3) 1.8 percent each for *candidates* for the offices of secretary of state, state auditor, and state treasurer;

(4) in each calendar year during the period in which state senators serve a four year term, $23\frac{1}{3}$ percent for *candidates* for the office of state senator and $46\frac{2}{3}$ percent for *candidates* for the office of state representative;

(5) in each calendar year during the period in which state senators serve a two year term, 35 percent each for *candidates* for the offices of state senator and state representative;

((6) TO ASSURE THAT MONEYS WILL BE RETURNED TO THE COUNTIES FROM WHICH THEY WERE COLLECTED, AND TO ASSURE THAT THE DISTRIBUTION OF THESE MONEYS RATIONALLY RELATES TO THE SUPPORT FOR PARTICULAR PARTIES OR FOR PARTICULAR CANDIDATES WITHIN LEGISLATIVE DISTRICTS, MONEYS FROM THE PARTY ACCOUNTS FOR LEGISLATIVE CANDIDATES SHALL BE DISTRIBUTED AS FOLLOWS:)

(EACH CANDIDATE FOR THE STATE SENATE AND STATE HOUSE OF REPRESENTATIVES WHOSE NAME IS TO APPEAR ON THE BALLOT IN THE GENERAL ELECTION SHALL RECEIVE MONEYS FROM HIS PARTY ACCOUNT SET ASIDE FOR CANDIDATES OF THE STATE SENATE OR STATE HOUSE OF REPRESENTATIVES, WHICHEVER APPLIES, ACCORDING TO THE FOLLOWING FORMULA:)

(FOR EACH COUNTY WITHIN HIS DISTRICT THE CANDIDATE'S SHARE OF THE DOLLARS ALLOCATED IN THAT COUNTY TO HIS PARTY ACCOUNT AND SET ASIDE FOR THAT OFFICE SHALL BE:)

((A) THE SUM OF THE VOTES CAST IN THE LAST GENERAL ELECTION IN THAT PART OF THE COUNTY IN HIS DISTRICT FOR ALL CANDIDATES OF HIS PARTY (I) WHOSE NAMES APPEARED ON THE BALLOT IN EACH VOTING PRECINCT OF THE STATE AND (II) FOR THE STATE SENATE AND STATE HOUSE OF REPRESENTATIVES, DIVIDED BY)

((B) THE SUM OF THE VOTES CAST IN THAT COUNTY IN THE LAST GENERAL ELECTION FOR ALL CANDIDATES OF HIS PARTY (I) WHOSE NAMES APPEARED ON THE BALLOT IN EACH VOTING PRECINCT IN THE STATE AND (II) FOR THE STATE SENATE AND STATE HOUSE OF REPRESENTATIVES, MULTIPLIED BY)

((C) THE AMOUNT IN HIS PARTY ACCOUNT ALLOCATED IN THAT COUNTY AND SET ASIDE FOR THE CANDIDATES FOR THE OFFICE FOR WHICH HE IS A CANDIDATE.)

(THE SUM OF ALL THE COUNTY SHARES CALCULATED IN THE FORMULA ABOVE IS THE CANDIDATE'S SHARE OF HIS PARTY ACCOUNT.)

(IN A YEAR IN WHICH AN ELECTION FOR THE STATE SENATE OCCURS, WITH RESPECT TO VOTES FOR CANDIDATES FOR THE STATE SENATE ONLY, "LAST GENERAL ELECTION" MEANS THE LAST GENERAL ELECTION IN WHICH AN ELECTION FOR THE STATE SENATE OCCURRED.)

(FOR ANY PARTY UNDER WHOSE NAME NO CANDIDATE'S NAME APPEARED ON THE BALLOT IN EACH VOTING PRECINCT IN THE STATE IN THE LAST GENERAL ELECTION, "LAST GENERAL ELECTION" MEANS THE LAST GENERAL ELECTION IN WHICH THE NAME OF A CANDIDATE OF THAT PARTY APPEARED ON THE BALLOT IN EACH VOTING PRECINCT IN THE STATE.)

(IN A YEAR IN WHICH THE FIRST ELECTION AFTER A LEGISLATIVE REAPPORTIONMENT IS HELD, "HIS DISTRICT" MEANS THE NEWLY DRAWN DISTRICT, AND VOTING DATA FROM THE LAST GENERAL ELECTION WILL BE APPLIED TO THE AREA ENCOMPASSING THE NEWLY DRAWN DISTRICT NOTWITHSTANDING THAT THE AREA WAS IN A DIFFERENT DISTRICT IN THE LAST GENERAL ELECTION.)

(IF IN A DISTRICT THERE WAS NO CANDIDATE OF A PARTY FOR THE STATE SENATE OR STATE HOUSE OF REPRESENTATIVES IN THE LAST GENERAL ELECTION, OR IF A CANDIDATE FOR THE STATE SENATE OR STATE HOUSE OF REPRESENTATIVES WAS UNOPPOSED, THE VOTE FOR THAT OFFICE FOR THAT PARTY SHALL BE THE AVERAGE VOTE OF ALL THE REMAINING CANDIDATES OF THAT PARTY IN EACH COUNTY OF THAT DISTRICT WHOSE VOTES ARE INCLUDED IN THE SUMS IN CLAUSES (A) AND (B). THE AVERAGE VOTE SHALL BE ADDED TO THE SUMS IN CLAUSES (A) AND (B) BEFORE THE CALCULATION IS MADE FOR ALL DISTRICTS IN THE COUNTY.)

Money from (A PARTY ACCOUNT) the fund not distributed (TO CANDIDATES FOR STATE SENATOR AND REPRESENTATIVE) in any election year shall be (RETURNED TO THE GENERAL FUND OF THE STATE. MONEY FROM A PARTY ACCOUNT NOT DISTRIBUTED TO CANDIDATES FOR OTHER OFFICES IN AN ELECTION YEAR SHALL BE RETURNED TO THE PARTY ACCOUNT FOR REALLOCATION TO CANDIDATES AS PROVIDED IN CLAUSES (1) TO (6) OF THIS SUBDIVISION IN THE FOLLOWING YEAR. MONEYS FROM THE GENERAL ACCOUNT REFUSED BY ANY CANDIDATE SHALL BE DISTRIBUTED TO ALL OTHER QUALIFYING CANDIDATES IN PROPORTION TO THEIR SHARES AS PROVIDED IN THIS SUBDIVISION) retained in the state elections campaign fund for distribution in accordance with this subdivision in future years.

(b) *Congressional candidates. In each calendar year the money in the state elections campaign fund which has been segregated for allocation to congressional candidate offices shall be allocated as follows:*

(1) *16-2/3 percent for the office of United States senator for which an election will be held in 1984 and every six years thereafter;*

(2) *16-2/3 percent for the office of United States senator for which an election will be held in 1988 and every six years thereafter;*

(3) *66-2/3 percent for the offices of representative in congress.*

Sec. 17. Minnesota Statutes 1982, section 10A.31, is amended by adding a subdivision to read:

Subd. 6a. [APPLICATION FOR MATCHING FUNDS.] After December 31, 1983, a candidate or congressional candidate who desires to receive matching funds pursuant to section 10A.31 may file an application with the board which meets the requirements of section 10A.32, subdivision 3. An application to participate in the matching fund system must be filed with the board no earlier than January 1 nor later than the close of filings for office in the election year for the office held or sought. Once filed, an application to participate in the matching fund system may not be revoked. The board shall receive and keep a record of each application.

Sec. 18. Minnesota Statutes 1982, section 10A.31, is amended by adding a subdivision to read:

Subd. 6b. [SUBMISSION OF QUALIFYING CONTRIBUTIONS; RECORDS.] A candidate or congressional candidate

or the treasurer of his principal campaign committee may submit records of contributions and the board may certify contributions as qualifying contributions after the candidate has registered a single principal campaign committee and has filed an application with the board pursuant to section 17 or a congressional candidate has registered pursuant to federal law and filed an application. A candidate or congressional candidate or the treasurer of his principal campaign committee shall not present contributions to the board for certification as qualifying contributions which do not satisfy the requirements in section 10A.01, subdivision 7c.

Records of contributions submitted for certification by the board must include the name and address of each contributor and the date of each contribution. Information submitted pursuant to this subdivision is in addition to and not in lieu of any other reporting requirements in chapter 10A.

Sec. 19. Minnesota Statutes 1982, section 10A.31, is amended by adding a subdivision to read:

Subd. 7a. [ENTITLED TO RECEIVE MATCHING FUNDS; THRESHOLD AMOUNTS.] A candidate or congressional candidate who files an application as required by section 17 may receive \$1 in matching funds from the board pursuant to section 10A.31 for each \$1 received by the candidate in certified qualifying contributions if the board has certified that the candidate or congressional candidate has raised the threshold amount of certified qualifying contributions. The threshold amounts of certified qualifying contributions which must be raised before a candidate or congressional candidate qualifies for matching funds are:

Office Sought	Threshold Amount of Qualifying Contributions
Governor and Lieutenant Governor, or United States Senator	\$50,000
Attorney General or Representative in Congress	10,000
Secretary of State, State Treasurer, or State Auditor	5,000
State Senator	2,000
State Representative	1,000

Qualifying contributions raised by a candidate or congressional candidate to satisfy the threshold amounts set forth in this subdivision shall not be matched by the board.

The executive director of the board shall promptly notify a candidate or congressional candidate when the board has certified that the threshold amount of qualifying contributions has been raised.

Sec. 20. Minnesota Statutes 1982, section 10A.31, is amended by adding a subdivision to read:

Subd. 8a. [ESTIMATE OF TOTAL AVAILABLE MONEY; DISTRIBUTION.] By February 1 of the election year, the board shall estimate the total amount of money allocated to the office accounts pursuant to subdivision 5 for that general election year based upon the taxpayers' designations approved by the commissioner of revenue for the previous year. Based upon the estimates, the board shall set aside 30 percent of the total amount of money in each office account for distribution to primary candidates or congressional candidates for that office in accordance with section 22. The remaining 70 percent in each office account shall be distributed to general election candidates or congressional candidates for that office in accordance with section 23.

Sec. 21. Minnesota Statutes 1982, section 10A.31, is amended by adding a subdivision to read:

Subd. 9a. [ESTIMATES OF AVAILABLE MONEY FOR SPECIFIC OFFICES:] Not later than seven days after the close of filings for office in an election year, the board shall estimate the total amount of money available for distribution to candidates or congressional candidates for each office pursuant to sections 22 and 23 based upon the number of candidates or congressional candidates who have applied to participate in the matching system. After calculation of the estimated amounts available for distribution pursuant to sections 22 and 23, the board shall make the estimates available for public inspection, publish the estimates in the State Register and make them available to the secretary of state and, in the case of legislative candidates, the county filing officers.

Sec. 22. Minnesota Statutes 1982, section 10A.31, is amended by adding a subdivision to read:

Subd. 10a. [DISBURSEMENT OF FUNDS; PRIMARY ELECTION.] Beginning on the third day following the last day for withdrawal of candidates and congressional candidates from a primary election, the board may disburse matching funds to a candidate or congressional candidate who:

(a) has filed an application to participate in the matching fund system in accordance with section 17;

(b) is entitled to have his name appear on the primary election ballot; and

(c) has received qualifying contributions in excess of the threshold amount provided in section 19.

The board shall certify records of qualifying contributions submitted by a candidate or congressional candidate who has met the requirements in this subdivision in a timely manner and in any case not less than every 14 days after the last day for withdrawal of candidates or congressional candidates. Qualifying contributions are not eligible for matching funds under this subdivision if the records of the contributions are submitted to the board after the primary results have been canvassed by the state canvassing board. No candidate or congressional candidate is entitled to receive matching funds under this subdivision in an aggregate amount in excess of the per candidate estimate for that office determined in section 21.

Sec. 23. Minnesota Statutes 1982, section 10A.31, is amended by adding a subdivision to read:

Subd. 10b. [DISBURSEMENT OF FUNDS; GENERAL ELECTION.] Beginning after the day of certification of primary results, the board may disburse matching funds to a candidate or congressional candidate who:

(a) has filed an application to participate in the matching fund system in accordance with section 17;

(b) is entitled to have his name appear on the general election ballot; and

(c) has received qualifying contributions in excess of the threshold amount provided in section 19.

The board shall certify records of qualifying contributions submitted by a candidate or congressional candidate who has met the requirements in this subdivision in a timely manner and in any case not less than every 14 days after the last day for withdrawal of candidates or congressional candidates. Qualifying contributions are not eligible for matching funds under this subdivision if the records of the contributions are submitted to the board after November 15 of the election year. No candidate or congressional candidate shall be entitled to receive matching funds under this subdivision in an aggregate amount in excess of the per candidate estimate for that office determined in section 21.

Sec. 24. Minnesota Statutes 1982, section 10A.31, subdivision 11, is amended to read:

Subd. 11. [UNOPPOSED CANDIDATE.] A candidate or congressional candidate who is unopposed in both the primary and general election is not entitled to receive any matching funds

from the board pursuant to section 10A.31. A candidate or congressional candidate who is opposed only in the primary is not entitled to receive any matching funds pursuant to section 23. For the purposes of this (SECTION) subdivision, a write-in candidate (IS NOT A CANDIDATE UNLESS HE COMPLIES WITH THE PROVISIONS OF SECTION 10A.32, SUBDIVISION 3) or congressional candidate shall not be regarded as opposition or as creating a contested election for the office sought.

Sec. 25. Minnesota Statutes 1982, section 10A.32, is amended by adding a subdivision to read:

Subd. 1a. [MATCHING FUNDS FOR QUALIFIED EXPENDITURES ONLY.] Matching funds received by a candidate or congressional candidate from the board pursuant to section 10A.31 may be spent only for qualified expenditures. No candidate may receive or retain any matching funds in excess of the amount of qualified expenditures made by the candidate or congressional candidate during the election year for the office held or sought. Any amount of matching funds received by a candidate or congressional candidate which exceeds the amount of qualified expenditures must be returned to the board with the report of receipts and expenditures due on January 31.

Sec. 26. Minnesota Statutes 1982, section 10A.32, subdivision 3, is amended to read:

Subd. 3. [WRITTEN AGREEMENT; MATCHING FUNDS.] As a condition of receiving any money from the state elections campaign fund, a candidate or congressional candidate shall agree by stating in writing to the board that:

(a) his expenditures and approved expenditures shall not exceed the expenditure limits (AS) set forth in section 10A.25 (AND THAT (B) HE SHALL NOT ACCEPT CONTRIBUTIONS OR ALLOW APPROVED EXPENDITURES TO BE MADE ON HIS BEHALF FOR THE PERIOD BEGINNING WITH JANUARY 1 OF THE ELECTION YEAR OR WITH THE REGISTRATION OF HIS PRINCIPAL CAMPAIGN COMMITTEE, WHICHEVER OCCURS LATER, AND ENDING DECEMBER 31 OF THE ELECTION YEAR, WHICH AGGREGATE CONTRIBUTIONS AND APPROVED EXPENDITURES EXCEED THE DIFFERENCE BETWEEN THE AMOUNT WHICH MAY LEGALLY BE EXPENDED BY HIM OR ON HIS BEHALF, AND THE AMOUNT WHICH MAY LEGALLY BE EXPENDED BY HIM OR ON HIS BEHALF, AND THE AMOUNT WHICH HE RECEIVES FROM THE STATE ELECTIONS CAMPAIGN FUND);

(b) any matching funds received shall be spent only for qualified campaign expenditures; and

(c) *complete and accurate records on the sources of matched contributions and qualified expenditures shall be maintained.*

The agreement (, INsofar AS IT RELATES TO THE EXPENDITURE LIMITS SET FORTH IN SECTION 10A.25, REMAINS) *shall remain* effective until the dissolution of the principal campaign committee of a candidate or congressional candidate or the opening of filings for the next succeeding election to the office held or sought at the time of agreement, whichever occurs first. (MONEY IN THE ACCOUNT OF THE PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE ON JANUARY 1 OF THE ELECTION YEAR FOR THE OFFICE HELD OR SOUGHT SHALL BE CONSIDERED CONTRIBUTIONS ACCEPTED BY THAT CANDIDATE IN THAT YEAR FOR THE PURPOSES OF THIS SUBDIVISION. THAT AMOUNT OF ALL CONTRIBUTIONS ACCEPTED BY A CANDIDATE IN AN ELECTION YEAR WHICH EQUALS THE AMOUNT OF NONCAMPAIGN DISBURSEMENTS AND CONTRIBUTIONS AND EXPENDITURES TO PROMOTE OR DEFEAT A BALLOT QUESTION WHICH ARE MADE BY THAT CANDIDATE IN THAT YEAR SHALL NOT COUNT TOWARD THE AGGREGATE CONTRIBUTIONS AND APPROVED EXPENDITURE LIMIT IMPOSED BY THIS SUBDIVISION. ANY AMOUNT BY WHICH HIS AGGREGATE CONTRIBUTIONS AND APPROVED EXPENDITURES AGREED TO UNDER CLAUSE (B) EXCEED THE DIFFERENCE SHALL BE RETURNED TO THE STATE TREASURER IN THE MANNER PROVIDED IN SUBDIVISION 2. IN NO CASE SHALL THE AMOUNT RETURNED EXCEED THE AMOUNT RECEIVED FROM THE STATE ELECTIONS CAMPAIGN FUND.)

(THE CANDIDATE MAY SUBMIT HIS SIGNED AGREEMENT TO THE FILING OFFICER ON THE DAY HE FILES HIS AFFIDAVIT OF CANDIDACY OR PETITION TO APPEAR ON THE BALLOT, OR HE MAY SUBMIT THE AGREEMENT TO THE BOARD NO LATER THAN SEPTEMBER 1.)

(THE BOARD PRIOR TO THE FIRST DAY OF FILING FOR OFFICE SHALL FORWARD FORMS FOR THE AGREEMENT TO ALL FILING OFFICERS. THE FILING OFFICER SHALL WITHOUT DELAY FORWARD SIGNED AGREEMENTS TO THE BOARD. AN AGREEMENT MAY NOT BE RESCINDED AFTER SEPTEMBER 1.)

(FOR THE PURPOSES OF THIS SUBDIVISION ONLY, THE TOTAL AMOUNT TO BE DISTRIBUTED TO EACH CANDIDATE IS CALCULATED TO BE HIS SHARE OF THE TOTAL ESTIMATED FUNDS IN HIS PARTY ACCOUNT AS PROVIDED IN SUBDIVISION 3A, PLUS THE TOTAL AMOUNT ESTIMATED AS PROVIDED IN SUBDIVISION 3A TO BE IN THE GENERAL ACCOUNT OF THE STATE

ELECTIONS CAMPAIGN FUND AND SET ASIDE FOR THAT OFFICE DIVIDED BY THE NUMBER OF CANDIDATES WHOSE NAMES ARE TO APPEAR ON THE GENERAL ELECTION BALLOT FOR THAT OFFICE. IF FOR ANY REASON THE AMOUNT ACTUALLY RECEIVED BY THE CANDIDATE IS GREATER THAN HIS SHARE OF THE ESTIMATE, AND HIS CONTRIBUTIONS THEREBY EXCEED THE DIFFERENCE, THE AGREEMENT SHALL NOT BE CONSIDERED VIOLATED.)

A candidate or congressional candidate who accepts any matching funds from the board thereby authorizes the board, at its discretion and upon reasonable notice, to conduct a thorough examination and audit of all records kept by the candidate's principal campaign committee.

If a candidate or congressional candidate or the treasurer of his principal campaign committee cannot demonstrate through adequate records the receipt of a sufficient amount of qualifying contributions or the expenditure of a sufficient amount of qualified expenditures, the candidate or congressional candidate shall promptly return to the board any amount of matching funds received by the candidate or congressional candidate from the board which is in excess of the amount the candidate or congressional candidate was entitled to receive or in excess of the qualified expenditures made by the candidate or congressional candidate or his principal campaign committee.

Money returned by a candidate or congressional candidate pursuant to this subdivision shall be deposited in the state elections campaign fund for distribution in the next calendar year as set forth in section 10A.31, subdivision 5.

Sec. 27. [10A.338] [SIGNED AGREEMENT AS CONDITION OF RECEIVING PUBLIC SUBSIDY IN FORM OF TAX CREDITS.]

Subdivision 1. [SIGNED AGREEMENT BY CANDIDATE.] As a condition of receiving a public subsidy for his election campaign in the form of tax credits against the tax due from individuals who contribute to his principal campaign committee, a candidate shall sign a written agreement with the board that his expenditures and approved expenditures shall not exceed the expenditure limits set forth in section 10A.25, as adjusted by section 10A.255.

Subd. 2. [SIGNED AGREEMENT BY CONGRESSIONAL CANDIDATE.] As a condition of receiving a public subsidy for his election campaign in the form of tax credits against the tax due from individuals who contribute to any of his authorized committees, a congressional candidate must sign a written agreement with the board that his expenditures will not exceed the

expenditure limits set forth in section 10A.25, as adjusted by section 10A.255.

Subd. 3. [SUBMISSION OF AGREEMENT.] (a) *A candidate may submit his signed agreement to the board at any time beginning with or following the registration of his principal campaign committee.*

(b) *A congressional candidate may submit his signed agreement to the board at any time beginning with or following the registration of any of his authorized committees.*

Subd. 4. [HOW LONG AGREEMENT IS EFFECTIVE.] (a) *A candidate's agreement remains effective until the dissolution of the principal campaign committee of the candidate or the opening of filing for the next succeeding election for the office held or sought at the time of agreement, whichever occurs first. An agreement signed under this subdivision may not be rescinded.*

(b) *A congressional candidate's agreement remains effective until the termination of the authorized committees of the congressional candidate, as provided by United States Code, title 2, section 433(d), as amended through December 31, 1982, or the opening of filing for the next succeeding election to the office held or sought at the time of the agreement, whichever occurs first. An agreement signed under this subdivision may not be rescinded.*

Subd. 5. [TAX CREDIT NOT ALLOWED.] *The commissioner of revenue shall not allow any individual or married couple filing jointly to take a credit against any tax due, as provided under section 290.06, subdivision 11, for any contribution to a candidate for legislative or state constitutional office or congressional candidate for representative in congress or United States senator who has not signed the agreement provided in this subdivision.*

Subd. 6. [CAMPAIGN EXPENDITURES NOT LIMITED; CONSTRUCTION.] *Nothing in this subdivision shall be construed to limit the campaign expenditure of any candidate or congressional candidate who does not sign an agreement under this subdivision but accepts a contribution for which the contributor claims a credit against tax due.*

Subd. 7. [DUTIES OF BOARD.] *The board shall forward a copy of any agreement signed under this subdivision to the commissioner of revenue. The board shall make available to any candidate or congressional candidate signing an agreement a supply of official tax credit receipt forms which state in bold-face type that (a) a contributor who is given a receipt form is eligible to receive a credit against his tax due in an amount*

equal to 50 percent of his contribution but not more than \$50 for an individual, or not more than \$100 for a married couple filing jointly, and (b) the candidate or congressional candidate to whom he has contributed has voluntarily agreed to abide by campaign expenditure limits.

Subd. 8. [PENALTY.] *If a candidate or congressional candidate does not sign an agreement under this subdivision he may not issue an official tax credit receipt form or any facsimile of one to any of his contributors. Any candidate or congressional candidate who does not voluntarily agree to abide by the expenditure limits imposed in section 10A.25, as adjusted by section 10A.255, and who willfully issues official tax credit receipt forms or any facsimile of them to any contributor is guilty of a misdemeanor.*

Sec. 28. Minnesota Statutes 1982, section 290.06, subdivision 11, is amended to read:

Subd. 11. [CONTRIBUTIONS TO POLITICAL PARTIES AND CANDIDATES.] *In lieu of the deduction provided by section 290.21, subdivision 3, clause (e), a taxpayer may take a credit against the tax due under this chapter of 50 percent of his contributions to candidates for elective state, local, or federal public office and to any political party. The maximum credit for an individual shall not exceed \$50 and, for a married couple filing jointly or filing a combined return, shall not exceed \$100. No credit shall be allowed under this subdivision for a contribution to any candidate, other than a candidate for elective judicial office (OR FEDERAL OFFICE), who has not signed an agreement to limit his campaign expenditures as provided in section (10A.32, SUBDIVISION 3B) 27. For purposes of this subdivision, a political party means a major political party as defined in section 200.02, subdivision 7.*

This credit shall be allowed only if the contribution is verified in the manner the commissioner of revenue shall prescribe.

Sec. 29. [REALLOCATION OF FUNDS.]

Money existing in each party account and the general account within the state elections campaign fund as of the effective date of this section shall be reallocated to the appropriate accounts within the state elections campaign fund in accordance with section 16.

Sec. 30. [ALLOCATION OF 1983 AND 1984 TAX CHECK-OFF MONEY FOR THE OFFICE OF UNITED STATES SENATOR.]

(a) Notwithstanding the provisions of section 16, the money in each party account and the general account of the state elec-

tions campaign fund representing taxpayer designations for the tax year 1983 shall be allocated as follows: 66-2/3 percent to the offices of representative in congress; 33-1/3 percent to the office of United States senator for which an election will be held in 1984.

(b) Notwithstanding the provisions of section 16, the money in each party account and the general account of the state elections campaign fund representing taxpayer designations for the tax year 1984 shall be allocated as follows: 66-2/3 percent to the offices of representative in congress; 33-1/3 percent of the office of United States senator for which an election will be held in 1988.

Sec. 31. [REPEALER.]

Minnesota Statutes 1982, sections 10A.31, subdivisions 2, 3a, 6, 7, 8, 9, and 10; 10A.32, subdivisions 3a, 3b, and 4; and 10A.335, are repealed.

Sec. 32. [EFFECTIVE DATE.]

Sections 1 to 13, 15 to 27, 29, 30, and 31 are effective the day following final enactment. Sections 14 and 28 are effective for taxable years beginning after December 31, 1982."

Delete the title and insert:

"A bill for an act relating to elections; limiting campaign expenditures by congressional candidates who choose to receive a public subsidy for their campaigns; redefining certain terms in relation to congressional candidates; limiting the applicability of certain provisions of law to state constitutional and state legislative candidates; providing for the transfer of debts and funds of a principal campaign committee under certain circumstances; providing for filing of campaign reports by certain congressional candidates; proposing expenditure limits for congressional candidates who choose to receive a public subsidy; providing a penalty for exceeding campaign expenditure limits by congressional candidates; providing for the allocation of the general account to certain state and congressional candidates; providing estimates of minimum amounts of public subsidy to be received by certain congressional candidates; requiring signed agreements by congressional candidates who choose to receive a public subsidy; specifying when congressional candidates who accept a public subsidy must return all or part thereof; providing for the return of money from the state elections campaign fund to the general fund; making certain technical amendments; imposing penalties; amending Minnesota Statutes 1982, sections 10A.01; 10A.13, by adding a subdivision; 10A.15, subdivision 1; 10A.19, subdivision 1; 10A.25; 10A.255; 10A.27; 10A.275; 10A.28; 10A.30; 10A.31, subdivisions 1, 3, 4, 5, 11, and by adding subdivisions; 10A.32, subdivision 3, and by adding a subdivision;

and 290.06, subdivision 11; proposing new law coded in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 1982, sections 10A.31, subdivisions 2, 3a, 6, 7, 8, 9, and 10; 10A.32, subdivisions 3a, 3b, and 4; and 10A.335."

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

Anderson, R.	Frerichs	Mann	Piper	Staten
Beard	Gruenes	Marsh	Price	Sviggunn
Bergstrom	Gustafson	McDonald	Quinn	Swanson
Blatz	Gutknecht	McEachern	Quist	Thiede
Brinkman	Halberg	McKasy	Redalen	Tomlinson
Burger	Haukoos	Metzen	Reif	Tunheim
Carlson, L.	Heap	Minne	Riveness	Valan
Clark, J.	Heinitz	Munger	Rodriguez, C.	Valento
Clark, K.	Himle	Murphy	Rodriguez, F.	Vanasek
Clawson	Hokr	Neuenschwander	Rose	Vellenga
Coleman	Jacobs	Norton	St. Onge	Voss
Dempsey	Jensen	O'Connor	Sarna	Waltman
DenOuden	Johnson	Ogren	Schafer	Welch
Dimler	Knickerbocker	Olsen	Scheid	Welker
Eken	Knuth	Omann	Seaberg	Welle
Ellingson	Kostohryz	Onnen	Segal	Wenzel
Erickson	Krueger	Osthoff	Shaver	Wigley
Evans	Kvam	Otis	Sherman	Wynia
Findlay	Larsen	Pauly	Solberg	Zaffke
Fjoslien	Levi	Peterson	Sparby	Speaker Sieben
Forsythe	Ludeman	Piepho	Stadum	

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

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

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

There were 54 yeas and 67 nays as follows:

Those who voted in the affirmative were:

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

Sviggum
ThiedeUphus
ValanValento
WaltmanWelker
Wigley

Zaffke

Those who voted in the negative were:

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

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

Shaver moved to amend H. F. No. 449, the second engrossment, as follows:

Page 13, delete lines 28 through 36

Page 14, delete lines 1 and 2

A roll call was requested and properly seconded.

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

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

There were 53 yeas and 66 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Shaver moved to amend H. F. No. 449, the second engrossment, as follows:

Page 20, lines 32 and 35, delete the new language and reinstate "\$2"

Page 21, line 2, delete the new language and reinstate "\$2"

Page 21, lines 5, 7, and 9, delete "\$5" and insert "\$2"

Page 21, lines 11 and 16, delete "\$2.50" and insert "\$1.00"

Page 21, lines 26, 30, and 31, delete the new language and reinstate the old

Page 22, lines 2, 4, and 5, delete the new language and reinstate the old

Page 27, line 3, after "in" insert *"the general account or in"*

Page 27, delete lines 4 through 18 and insert *"refused by or not distributed to a candidate or congressional candidate in an election year shall be returned to the general fund of the state."*

Page 32, line 32, after "candidate" insert *"or congressional candidate"*

Page 32, delete lines 33 and 34

Page 32, line 35, delete *"congress"*

Page 32, line 36, delete everything after the period

Page 33, delete lines 1 through 10

Page 33, line 31, delete "\$5" and insert "\$2"

Page 33, line 32, delete "\$10" and insert "\$4"

A roll call was requested and properly seconded.

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

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

There were 54 yeas and 69 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Shaver moved to amend H. F. No. 449, the second engrossment, as follows:

Page 11, delete section 3

Renumber the remaining sections in their proper sequences

Amend the title accordingly

A roll call was requested and properly seconded.

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

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

There were 55 yeas and 65 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Piper was excused between the hours of 5:15 p.m. until 10:15 p.m.

Dempsey and Piepho moved to amend H. F. No. 449, the second engrossment, as follows:

Page 11, after line 5, insert:

"Sec. 3. [10A.151] [LOBBYIST CONTRIBUTIONS LIMITED.]

No contribution shall be accepted from a lobbyist by the principal campaign committee of a legislator or by any candidate for the legislature during a regular legislative session."

Renumber the remaining sections and correct internal references

Amend the title as follows:

Page 1, line 10, after the semi-colon insert: "limiting certain lobbyist contributions;"

A roll call was requested and properly seconded.

Metzen moved to lay the Dempsey and Piepho amendment to H. F. No. 449 on the table. The motion did not prevail.

The question recurred on the Dempsey and Piepho amendment and the roll was called.

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

There were 105 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Forsythe	Kvam	Osthoff	Shea
Anderson, R.	Frerichs	Larsen	Otis	Sherman
Battaglia	Graba	Levi	Pauly	Skoglund
Begich	Greenfield	Long	Piepho	Sparby
Bennett	Gruenes	Ludeman	Price	Stadium
Berkelman	Gutknecht	Mann	Quist	Swiggum
Blatz	Halberg	Marsh	Redalen	Swanson
Brandl	Haukoos	McDonald	Reif	Thiede
Burger	Heap	McEachern	Riveness	Tunheim
Carlson, L.	Heinitz	McKasy	Rodosovich	Uphus
Clark, K.	Himle	Metzen	Rodriguez, C.	Valan
Cohen	Hoffman	Minne	Rodriguez, F.	Valento
Coleman	Hokr	Munger	Rose	Vanasek
Dempsey	Jennings	Murphy	Sarna	Vellenga
DenOuden	Jensen	Nelson, D.	Schafer	Waltman
Dimler	Johnson	Neuenschwander	Scheid	Welker
Elioff	Kalis	O'Connor	Schoenfeld	Welle
Erickson	Kelly	Ogren	Schreiber	Wenzel
Evans	Knickerbocker	Olsen	Seaberg	Wigley
Findlay	Knuth	Omann	Segal	Wynia
Fjoslien	Krueger	Onnen	Shaver	Zaffke

Those who voted in the negative were:

Beard	Brinkman	Norton	Peterson	Voss
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The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Wenzel moved to amend H. F. No. 449, the second engrossment, as amended, as follows:

Page 11, after line 5, insert:

"Sec. 3. [10A.151] [LOBBYIST CONTRIBUTIONS LIMITED]"

No lobbyist shall contribute to the principal campaign committee of a member of Congress from the State of Minnesota while Congress is in session."

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 31 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Knickerbocker	Schoenfeld	Uphus
Battaglia	Ellingson	Krueger	Shea	Wenzel
Beard	Findlay	Nelson, D.	Skoglund	Wigley
Begich	Fjoslien	Osthoff	Solberg	
Blatz	Gustafson	Otis	Sparby	
Dempsey	Haukoos	Piepho	Stadum	
Dimler	Kalis	Schafer	Swanson	

Those who voted in the negative were:

Anderson, G.	Graba	Larsen	Peterson	Sviggum
Anderson, R.	Greenfield	Levi	Price	Thiede
Bennett	Gruenes	Ludeman	Quinn	Tunheim
Bergstrom	Gutknecht	Mann	Quist	Valan
Berkelman	Halberg	Marsh	Redalen	Valento
Brandl	Heap	McDonald	Reif	Vanasek
Brinkman	Heinitz	McKasy	Riveness	Vellenga
Burger	Himle	Metzen	Rodosovich	Voss
Carlson, L.	Hoffman	Minne	Rodriguez, C.	Waltman
Clark, J.	Hokr	Munger	Rodriguez, F.	Welker
Clark, K.	Jacobs	Murphy	Rose	Welle
Cohen	Jennings	Neuenschwander	St. Onge	Wynia
Coleman	Jensen	Norton	Scheid	Zaffke
DenOuden	Johnson	Ogren	Schreiber	Speaker Sieben
Erickson	Kelly	Olsen	Seaberg	
Evans	Knuth	Omamn	Shaver	
Forsythe	Kostohryz	Onnen	Sherman	
Frerichs	Kvam	Pauly	Staten	

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

Ludeman moved to amend H. F. No. 449, the second engrossment, as amended, as follows:

Page 21, line 11, delete "\$2.50" and insert "\$2"

Page 21, delete lines 16 to 20 and insert "(2) \$3 for allocation to the Minnesota Department of Education for distribution to school districts. The department shall designate these funds for educational programs about representative government, fair campaign laws and the influence of special interests on legislatures."

A roll call was requested and properly seconded.

POINT OF ORDER

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

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

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

There were 55 yeas and 63 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, G.	Elioff	Larsen	Otis	Skoglund
Battaglia	Ellingson	Long	Peterson	Solberg
Beard	Graba	Mann	Price	Sparby
Begich	Greenfield	Metzen	Riveness	Swanson
Bergstrom	Gustafson	Minne	Rodosovich	Tunheim
Brandl	Hoffman	Munger	Rodriguez, C.	Vanasek
Brinkman	Jacobs	Murphy	Rodriguez, F.	Vellenga
Carlson, L.	Jensen	Nelson, D.	St. Onge	Voss
Clark, J.	Kalis	Nelson, K.	Sarna	Welle
Clark, K.	Kelly	Neuenschwander	Scheid	Wynia
Cohen	Knuth	Norton	Segal	Speaker Sieben
Coleman	Kostohryz	O'Connor	Shea	
Eken	Krueger	Ogren	Sherman	

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

H. F. No. 449, A bill for an act relating to elections; limiting campaign expenditures by congressional candidates who choose to receive a public subsidy for their campaigns; redefining certain terms in relation to congressional candidates; limiting the applicability of certain provisions of law to state constitutional and state legislative candidates; providing for the transfer of debts and funds of a principal campaign committee under certain circumstances; limiting certain lobbyist contributions; providing for filing of campaign reports by certain congressional candidates; proposing expenditure limits for congressional candidates who choose to receive a public subsidy; providing a penalty for exceeding campaign expenditure limits by congressional candidates; changing the designated amount of certain income tax payments; providing for the allocation of party accounts and the general account to certain state and congressional candidates; providing estimates of minimum amounts of public subsidy to be received by certain congressional candidates; requiring signed agreements by congressional candidates who choose to receive a public subsidy; specifying when congressional candidates who accept a public subsidy must return all or part thereof; providing for the return of money from the state elections campaign fund to the general fund; making certain technical amendments; imposing penalties; amending Minnesota Statutes 1982, sections 10A.01; 10A.24; 10A.25; 10A.255; 10A.27; 10A.275; 10A.28; 10A.30; 10A.31; 10A.33; 10A.335; and 290.06, subdivision 11; proposing new law coded in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 1982, section 10A.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.

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

There were 73 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Long	Peterson	Solberg
Anderson, C.	Elioff	Mann	Price	Sparby
Battaglia	Ellingson	McEachern	Rice	Staten
Beard	Graba	Metzen	Riveness	Swanson
Begich	Greenfield	Minne	Rodosovich	Tunheim
Bergstrom	Gustafson	Munger	Rodriguez, C.	Vanasek
Berkelman	Hoffman	Murphy	Rodriguez, F.	Vellenga
Brandl	Jacobs	Nelson, D.	St. Onge	Voss
Brinkman	Jensen	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	

Those who voted in the negative were:

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

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

CALL OF THE HOUSE LIFTED

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

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Rice from the Committee on Appropriations to which was referred:

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

Reported the same back with the following amendments:

Page 13, line 36, insert "155,000" in the blank

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. 851, A bill for an act relating to agriculture; making certain changes in the family farm security loan program; amending Minnesota Statutes 1982, sections 15.38, by adding a subdivision; 16.02, subdivision 14; 41.52, by adding a subdivision; 41.53, subdivision 2; 41.54, subdivision 2; 41.55; 41.56, subdivisions 4, 5, and by adding subdivisions; 41.57, subdivision 2, and by adding a subdivision; 41.58, subdivision 1; 41.59, subdivisions 1, 2, and 3; 41.61, subdivision 1; and 48.19, by adding a subdivision.

Reported the same back with the following amendments:

Pages 7 and 8, delete section 12

Renumber the remaining sections in sequence

Amend the title as follows:

Page 1, line 8, delete “, and by adding a”

Page 1, line 9, delete “subdivision”

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 124 and 851 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from 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. 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 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. 1810, 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 Senate has appointed as such committee Messrs. Waldorf, Langseth, Kroening, Samuelson and Bernhagen.

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. 911, A bill for an act relating to utilities; specifying the commission's authority over the availability of submetering; amending Minnesota Statutes 1982, section 216B.02, subdivision 4, and by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 216B.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Frank, Dicklich and Mrs. McQuaid.

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

O'Connor 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. 911. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 657:

Anderson, G.; Knuth and Schreiber.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 338:

Osthoff, Metzen and Dempsey.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1008:

Ellingson, Vanasek and Bishop.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 782:

Vanasek; Clark, J., and Levi.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 911:

O'Connor, Jacobs and Redalen.

There being no objection, the order of business advanced to Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Eken introduced:

House Concurrent Resolution No. 6, A house concurrent resolution relating to adjournment of the Senate and House of Representatives until 1984.

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

Dimler moved that the name of McDonald be added as an author on House Resolution No. 15. The motion prevailed.

Dimler moved that the name of Sparby be added as an author on House Advisory No. 30. The motion prevailed.

Dimler moved that the name of Sparby be added as an author on House Advisory No. 31. The motion prevailed.

Nelson, K., moved that the name of Heinritz be added as an author on H. F. No. 1293. The motion prevailed.

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

RECESS

RECONVENED

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

Osthoff, Metzen, Jensen, Redalen and Kostohryz were excused while in conference.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Eken, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bills as Special Orders to be added to Special Orders pending for today, May 20, 1983:

H. F. No. 109; S. F. Nos. 554, 194 and 1015; H. F. No. 533; S. F. Nos. 985, 541, 627, 527, 201, 607 and 682; and H. F. Nos. 995 and 1011.

H. F. No. 109 was reported to the House.

Clark, K., moved that H. F. No. 109 be re-referred to the Committee on Judiciary. The motion prevailed.

S. F. No. 554 was reported to the House.

Ludeman moved to amend S. F. No. 554, as follows:

Page 2, after line 17, insert:

"Sec. 2. [MARSHALL HOUSING AND REDEVELOPMENT AUTHORITY.]

Notwithstanding the limitations of the number of housing and redevelopment commissioners provided by Minnesota Statutes, section 462.425, subdivisions 5 and 6, all the members of the governing body of the city of Marshall may serve as commissioners

of the Marshall housing and redevelopment authority at the same time.

Sec. 3. [MARSHALL HOUSING COMMISSION CREATED.]

There is hereby created the public housing commission of the city of Marshall to administer all federal funded housing programs authorized by the United States Housing Act of 1937. The commission shall consist of five commissioners who shall be residents of the city. The commissioner shall be appointed by the mayor, with the approval of the governing body. Those initially appointed shall be appointed for terms of one, two, three, four, and five years, respectively. Thereafter all commissioners shall be appointed for five-year terms. Each vacancy in an unexpired term shall be filled in the same manner in which the original appointment was made.

Sec. 4. [POWERS AND DUTIES.]

Except as provided section 5, the public housing commission shall have the powers necessary to carry out the purposes of Minnesota Statutes, section 462.415 to 462.581 and to provide and manage housing facilities and services for persons of low and moderate income, including the power:

(1) To sue and be sued; to have perpetual succession; and to make, amend and repeal rules not inconsistent with law or city ordinance.

(2) To employ necessary officers, agents and employees, both permanent and temporary, to designate their qualifications, duties and compensation, and to accept transfer of housing employees from the housing and redevelopment authority of the city of Marshall.

(3) To lease, construct, reconstruct, purchase, repair, maintain, administer, and operate existing and future public housing facilities, and programs providing housing and services to persons of low and moderate income.

(4) The commission shall succeed to and have all the rights, duties, titles and obligations acquired or incurred prior to the effective date of this act by the housing and redevelopment authority of the city of Marshall relating to the provisions for and administration of the housing program undertaken by that authority authorized by the United States Housing Act of 1937. Specifically, all contracts, debts, obligations, affecting employees transferred from the housing and redevelopment authority of the city of Marshall prior to the effective date of this act relating to the authority's housing program shall be assumed and performed

by the public housing commission and shall not be impaired by the adoption of sections 3 to 5.

Sec. 5. [LIMITATIONS.]

Notwithstanding the provisions of any other law, the commission shall not have the power:

(1) To levy and collect taxes or special assessments with respect to any existing or future public housing.

(2) To make any final determination, by rule or otherwise, or to expend any funds or incur any obligations with respect to or for the purpose of any construction, reconstruction, purchase, site selection, site acquisition, clearance and preparation, or determination of need for public housing without approval by the city council.

(3) To enact any rule or regulation, perform any act, expend any funds or incur any obligation inconsistent with law or city ordinance.

Sec. 6. [LOCAL APPROVAL.]

Sections 2 to 5 take effect the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Marshall."

Further, amend the title as follows:

Page 1, line 2, delete "housing and redevelopment" and insert "local government"

Page 1, line 4, after the semicolon insert "permitting all council members of the city of Marshall to serve on the housing and redevelopment authority; establishing a public housing commission for the city of Marshall; transferring functions from the housing and redevelopment authority;"

The motion prevailed and the amendment was adopted.

S. F. No. 554, A bill for an act relating to housing and redevelopment; providing for the appointment of commissioners of multi-county authorities; amending Minnesota Statutes 1982, section 462.428, subdivision 2.

The bill was read for the 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 6 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Kahn	Omann	Shaver
Anderson, G.	Evans	Kalis	Onnen	Shea
Anderson, R.	Findlay	Kelly	Otis	Sherman
Bennett	Fjoslien	Knickerbocker	Pauly	Skoglund
Bergstrom	Forsythe	Knuth	Peterson	Sparby
Blatz	Frerichs	Kostohryz	Piepho	Staten
Brandl	Graba	Krueger	Price	Sviggum
Brinkman	Greenfield	Larsen	Quinn	Swanson
Burger	Gruenes	Long	Quist	Thiede
Carlson, D.	Gustafson	Ludeman	Reif	Tomlinson
Carlson, L.	Gutknecht	Mann	Rice	Tunheim
Clark, J.	Halberg	Marsh	Riveness	Uphus
Clark, K.	Haukoos	McDonald	Rodosovich	Valan
Clawson	Heap	McKasy	Rodriguez, C.	Valento
Cohen	Heinitz	Munger	Rodriguez, F.	Vanasek
Coleman	Himle	Murphy	Sarna	Waltman
Dempsey	Hoffman	Nelson, D.	Schafer	Welch
DenOuden	Hckr	Nelson, K.	Scheid	Wenzel
Dimler	Jacobs	Neuenschwander	Schoenfeld	Wigley
Eken	Jennings	Norton	Schreiber	Wynia
Elioff	Jensen	O'Connor	Scaberg	Zaffke
Ellingson	Johnson	Olsen	Segal	Speaker Sieben

Those who voted in the negative were:

Battaglia	Begich	Minne	Solberg	Welle
Beard				

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

S. F. No. 194 was reported to the House.

There being no objection, S. F. No. 194 was temporarily laid over on Special Orders.

S. F. No. 1015 was reported to the House.

There being no objection, S. F. No. 1015 was temporarily laid over on Special Orders.

H. F. No. 533, A bill for an act relating to state government; providing for legislative expenses; amending Minnesota Statutes 1982, section 3.101; repealing Minnesota Statutes 1982, section 3.102.

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

The question was taken on the passage of the bill and the roll was called. There were 79 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Anderson, R.	Beard	Bennett	Berkelman
Anderson, G.	Battaglia	Begich	Bergstrom	Brandl

Brinkman	Greenfield	Knickerbocker	Otis	Sparby
Burger	Gustafson	Knuth	Peterson	Staten
Carlson, L.	Gutknecht	Kostohryz	Price	Swanson
Clark, J.	Halberg	Krueger	Quinn	Tunheim
Clark, K.	Heap	Larsen	Quist	Valan
Clawson	Heinitz	Long	Rice	Vanasek
Coleman	Hoffman	McEachern	Riveness	Vellenga
Dimler	Hokr	Metzen	Rodosovich	Welch
Eken	Jacobs	Minne	Rodriguez, F.	Welle
Elioff	Jennings	Murphy	Sarna	Wenzel
Ellingson	Jensen	Nelson, D.	Scheid	Wigley
Evans	Johnson	Neuenschwander	Schreiber	Wynia
Forsythe	Kalis	Norton	Segal	Speaker Sieben
Graba	Kelly	O'Connor	Solberg	

Those who voted in the negative were:

Blatz	Haukoos	Onnen	Schoenfeld	Tomlinson
Cohen	Himle	Pauly	Seaberg	Uphus
Dempsey	Ludeman	Piepho	Shaver	Valento
DenOuden	Marsh	Redalen	Shea	Waltman
Erickson	McDonald	Reif	Sherman	Weiker
Findlay	McKasy	Rodriguez, C.	Skoglund	Zafike
Frerichs	Olsen	Rose	Sviglum	
Gruenes	Omman	Schafer	Thiede	

The bill was passed and its title agreed to.

S. F. No. 985, A bill for an act relating to game and fish; penalty for taking or illegally possessing big game during the closed season; requiring hunters and trappers to wear a blaze orange cap, vest, or jacket during the firearm deer season; amending Minnesota Statutes 1982, sections 97.55, subdivision 9; and 100.29, subdivision 8, and by adding a subdivision.

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

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

Those who voted in the affirmative were:

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

Quinn	Rodriguez, F.	Shea	Thiede	Waltman
Ouist	Rose	Sherman	Tomlinson	Welch
Redalen	Sarna	Skoglund	Tunheim	Welker
Reif	Schafer	Solberg	Uphus	Wenzel
Rice	Scheid	Sparby	Valan	Wigley
Riveness	Schreiber	Staten	Valento	Wynia
Rodosovich	Segal	Sviggum	Vanasek	Zaffke
Rodriguez, C.	Shaver	Swanson	Vellenga	Speaker Sieben

The bill was passed and its title agreed to.

S. F. No. 541 was reported to the House.

Forsythe moved to amend S. F. No. 541, the unofficial engrossment, as follows:

Page 3, after line 4, insert:

"Sec. 6. Laws 1965, chapter 855, section 3, subdivision 2, as amended by Laws 1980, chapter 573, section 3, subdivision 2, is amended to read:

Subd. 2. [APPOINTMENT; TERMS.] (a) The county board shall by a majority vote appoint seven persons to serve for four year terms. Terms of office of persons who are members of the personnel board as of the effective date of this act shall continue in accordance with the terms of their original appointment. As the term of each member expires, the board of county commissioners shall by majority vote fill the vacancy for a term of four years.

(b) The expiration date of all expiring terms shall be January 2.

(c) Any vacancies shall be filled by majority vote of the county board for the unexpired term.

(d) Each member shall take an oath of office before assuming the duties of office.

(e) Each member shall hold office until a successor has been appointed and qualified.

(f) No person shall be appointed or be a member of the board while holding any public office or having filed as a candidate for any office (OR ANY PUBLIC EMPLOYMENT OR POSITION IN A POLITICAL PARTY WITHIN ONE YEAR IMMEDIATELY PRECEDING SUCH APPOINTMENT).

(g) No person shall be appointed or be a member of the board while holding or within one year of holding employment with Hennepin county or a position in a political party, except as a political party delegate.

(h) Each member of the board shall be a resident of the county and in the event the member becomes a nonresident, the member thereby forfeits the office.

((H)) (i) A board member may be removed from office by the county board for cause, after a copy of the charges has first been given to the member and opportunity of being publicly heard before the county board, upon not less than ten days written notice. A majority vote of the county board shall be required for removal.

Sec. 7. [EFFECTIVE DATE.]

Section 6 is effective the day after compliance by the Hennepin County Board of Commissioners with Minnesota Statutes, section 645.021, subdivision 3."

Amend the title as follows:

Page 1, line 2, before the period, insert: "; providing that members of the Hennepin county personnel board may serve as political party delegates; amending Laws 1965, chapter 855, section 3, subdivision 2, as amended by Laws 1980, chapter 573, section 3, subdivision 2"

The motion prevailed and the amendment was adopted.

Heap moved to amend S. F. No. 541, the unofficial engrossment, as amended, as follows:

Page 1, line 14, after "offering" insert "job training programs or"

Page 1, line 18, after "for" insert "or who refuses to accept"

Page 2, line 10, after "for" insert "job training programs or for"

Page 2, line 15, after "for" insert "training programs or public works"

Page 2, line 25, after "its" insert "training program or public works"

The motion prevailed and the amendment was adopted.

S. F. No. 541, A bill for an act relating to counties; authorizing a jobs program.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DenOuden Welker

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

S. F. No. 627 was reported to the House.

Carlson, D., moved that S. F. No. 627 be laid on the table. The motion prevailed.

The Speaker called Wynia to the Chair.

S. F. No. 527 was reported to the House.

Riveness moved to amend S. F. No. 527, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 626.556, subdivision 4, is amended to read:

Subd. 4. [IMMUNITY FROM LIABILITY.] (a) Any person, including those voluntarily making reports and those required to make reports under subdivision 3, participating in

good faith and exercising due care in the making of a report pursuant to this section shall have immunity from any liability, civil or criminal, that otherwise might result by reason of his action.

(b) *A supervisor or social worker employed by a local welfare agency, who in good faith exercises due care when complying with subdivisions 10 and 11 or any related rule or provision of law, shall have immunity from any liability, civil or criminal, that otherwise might result by reason of his action.*

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

Subd. 4a. [RETALIATION PROHIBITED.] (a) An employer of any person required to make reports under subdivision 3 shall not retaliate against the person for reporting in good faith suspected abuse or neglect pursuant to this section, or against a child with respect to whom a report is made, because of the report.

(b) *The employer of any person required to report under subdivision 3 who retaliates against the person because of a report of suspected abuse or neglect is liable to that person for actual damages and, in addition, a penalty up to \$1,000.*

(c) *There shall be a rebuttable presumption that any adverse action within 90 days of a report is retaliatory. For purposes of this paragraph, the term "adverse action" refers to action taken by an employer of a person required to report under subdivision 3 which is involved in a report against the person making the report or the child with respect to whom the report was made because of the report, and includes, but is not limited to:*

(1) *discharge, suspension, termination, or transfer from the facility, institution, school, or agency;*

(2) *discharge from or termination of employment;*

(3) *demotion or reduction in remuneration for services; or*

(4) *restriction or prohibition of access to the facility, institution, school, agency, or persons affiliated with it.*

Sec. 3. [EFFECTIVE DATE.]

This act is effective August 1, 1983, and applies to any civil actions commenced on or after that date."

The motion prevailed and the amendment was adopted.

Seaberg moved to amend S. F. No. 527, as amended, as follows:

Page 1, line 22, after "*any*" delete "*liability, civil*" and insert "*civil liability*"

Page 1, line 23, delete "*or criminal*"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 64 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Frerichs	Kvam	Redalen	Staten
Bennett	Greenfield	Long	Reif	Svigum
Blatz	Gruenes	Ludeman	Rodosovich	Thiede
Burger	Halberg	Marsh	Rodriguez, C.	Tomlinson
Carlson, D.	Haukoos	McDonald	Rose	Uphus
Clark, K.	Heap	McKasy	Schafer	Valan
Coleman	Heinitz	Olsen	Scheid	Valento
Dempsey	Himle	Omann	Schoenfeld	Vellenga
Dimler	Hokr	Onnen	Seaberg	Waltman
Erickson	Jennings	Pauly	Shaver	Welker
Evans	Johnson	Piepho	Shea	Wigley
Findlay	Kalis	Quinn	Sherman	Zaffke
Fjoslien	Kelly	Quist	Stadum	

Those who voted in the negative were:

Anderson, G.	Graba	Larsen	Ogren	Swanson
Battaglia	Gustafson	Mann	Peterson	Tunheim
Beard	Gutknecht	McEachern	Price	Voss
Begich	Hoffman	Metzen	Riveness	Welch
Brinkman	Jacobs	Minne	Rodriguez, F.	Welle
Carlson, L.	Jensen	Munger	St. Onge	Wynia
Clark, J.	Knickerbocker	Murphy	Sarna	
Clawson	Knuth	Nelson, D.	Segal	
Elioff	Kostohryz	Neuenschwander	Solberg	
Forsythe	Krueger	O'Connor	Sparby	

The motion prevailed and the amendment was adopted.

S. F. No. 527, A bill for an act relating to legal liability; prohibiting retaliation against an individual who complies with the child abuse reporting act; providing damages for retaliation; clarifying immunity provisions for good faith compliance with the child abuse reporting act; amending Minnesota Statutes 1982, section 626.556, subdivision 4, and by adding a subdivision.

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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 201 was reported to the House.

Jacobs moved to amend S. F. No. 201, the unofficial engrossment, as follows:

Page 4, delete lines 11 to 23 and insert:

"Sec. 5. Minnesota Statutes 1982, section 340.15, is amended by adding a subdivision to read:

Subd. 3. This section does not apply to advertising of liquor prices by an off-sale licensee in a newspaper of general circulation published in a bordering state if the newspaper is the primary newspaper of general circulation in the area in which the off-sale licensee is located."

Further, amend the title as follows:

Page 1, line 9, delete "subdivision 1" and insert "by adding a subdivision"

The motion prevailed and the amendment was adopted.

Jacobs moved to amend S. F. No. 201, the unofficial engrossment, as amended, as follows:

Page 4, after line 23, insert:

"Sec. 6. Minnesota Statutes 1982, section 340.408, is amended to read:

No variable volume price or discount shall be offered to a retailer for a quantity of distilled spirits or wine in excess of 300 liter or smaller bottles. The joint purchase for resale to the general public of 300 or fewer (QUART) liter or smaller bottles of (INTOXICATING LIQUOR) distilled spirits or wine by more than one person lawfully permitted to sell (INTOXICATING LIQUOR) distilled spirits or wine to the general public is lawful. No rule or regulation pursuant to this chapter shall prohibit a lawful purchase pursuant to this section.

Sec. 7. Minnesota Statutes 1982, section 340.983, is amended to read:

340.983 [FILING OF WHOLESALE PRICE SCHEDULE.]

No brand owner or wholesaler of distilled (LIQUOR) *spirits* or wine shall sell, offer for sale, or solicit any order for distilled liquor or wine unless a schedule of wholesale prices, which shall include varying volume prices, is filed with the commissioner, on a form prescribed by him, and no sales shall be made except in accordance with (SUCH) *these* prices. (SUCH) Forms shall provide for the listing of the price, including any varying volume prices, at which each brand distributed by the filing wholesaler or brand owner is sold. The commissioner shall maintain (SUCH) filings in such a manner as to make their contents easily accessible to the public. The filings required under this section shall be made not later than the first day of each month, and the schedule of filed prices shall be effective from that day until the first day of the next month, provided that any filing may be amended within five days after its filing. The commissioner shall provide copies of (SUCH) filings to any person requesting them, and may charge a reasonable fee therefor. Any person may examine (SUCH) filings in the office of the commissioner, and no charge shall be made for such examination.

(NO VOLUME PRICE FILED PURSUANT TO THIS SECTION SHALL BE FOR A QUANTITY IN EXCESS OF 300 QUARTS.)"

Renumber the remaining section

Further, amend the title as follows:

Page 1, line 6, after the semicolon insert "regulating volume discounts;"

Page 1, line 9, delete "and"

Page 1, line 9, before the period insert "340.408; and 340.983"

The motion prevailed and the amendment was adopted.

Krueger moved to amend S. F. No. 201, the unofficial engrossment, as amended, as follows:

Page 4, after line 23, insert:

"Sec. 8. [LONG PRAIRIE ON-SALE LICENSE.]

Notwithstanding the period of incorporation requirement of section 340.11, subdivision 11, or any law to the contrary, the city of Long Prairie may issue one club on-sale intoxicating liquor license to a Moose Lodge located within the city. The fee shall be that required by section 340.11, subdivision 11, and all other provisions of chapter 340 not inconsistent with this section shall apply to the license."

Renumber the remaining section

Page 4, after line 25, insert: "*Section 8 is effective upon approval by the Long Prairie city council and compliance with Minnesota Statutes, section 645.021.*"

Further, amend the title as follows:

Page 1, line 6, after "instances" insert: "authorizing the issuance of a club license in the city of Long Prairie;"

The motion prevailed and the amendment was adopted.

Knickerbocker moved to amend S. F. No. 201, the unofficial engrossment, as amended, as follows:

Page 4, after line 23 insert:

"Sec. 9. [MINNETONKA ON-SALE LIQUOR LICENSES.]

The city of Minnetonka may issue three on-sale licenses for the sale of intoxicating liquor, which licenses shall be in addition to the number authorized by Minnesota Statutes, section 340.11, subdivision 5a. All other provisions of chapter 340 shall apply to licenses issued pursuant to this section."

Renumber the remaining section

Page 4, line 25, before the period, insert "*except that section 9 is effective upon approval by the Minnetonka city council and compliance with Minnesota Statutes, section 645.021*"

Amend the title as follows:

Page 1, line 6, after the semicolon insert "authorizing the city of Minnetonka to issue three additional on-sale licenses;"

The motion prevailed and the amendment was adopted.

Onnen moved to amend S. F. No. 201, the unofficial engrossment, as amended, as follows:

Page 1, delete lines 12 to 20

Page 3, delete lines 21 to 36

Page 4, delete lines 1 to 10

Renumber the remaining sections

Amend the title as follows:

Page 1, line 2, after "liquor;" delete "authorizing election day sales;"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 53 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Forsythe	Marsh	Scheid	Uphus
Anderson, R.	Graba	Munger	Schoenfeld	Valan
Beard	Cruenes	Nelson, D.	Schreiber	Vanasek
Blatz	Cutknecht	Olsen	Sherman	Vellenga
Burger	Haukoos	Omman	Skoglund	Voss
Carlson, D.	Heap	Onnen	Sparby	Waltman
DenOuden	Jennings	Peterson	Stadum	Welch
Dimler	Johnson	Quist	Sviggum	Welker
Erickson	Kalis	Redalen	Swanson	Zaffke
Findlay	Knuth	Rodriguez, C.	Thiede	
Fjoslien	Kvam	Schafer	Tunheim	

Those who voted in the negative were:

Battaglia	Greenfield	Larsen	Ogren	Seaberg
Begich	Gustafson	Ludeman	Osthoff	Segal
Bennett	Heinitz	Mann	Pauly	Staten
Berkelman	Himle	McEachern	Piepho	Tomlinson
Brinkman	Hoffman	McKasy	Price	Valento
Carlson, L.	Jacobs	Metzen	Quinn	Welle
Clark, J.	Jensen	Minne	Riveness	Wigley
Coleman	Kelly	Murphy	Rodosovich	Wynia
Dempsey	Knickerbocker	Neuenschwander	Rodriguez, F.	Speaker Sieben
Eken	Kostohryz	Norton	Rose	
Evans	Krueger	O'Connor	Sarna	

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

Bennett and Valento moved to amend S. F. No. 201, the unofficial engrossment, as amended, as follows:

Page 3, line 28, after the period insert "No "on-sale" shall be made after eight p.m. on December 24."

The motion prevailed and the amendment was adopted.

O'Connor moved to amend S. F. No. 201, the unofficial engrossment, as amended, as follows:

Page 4, after line 23, insert:

"Sec. 10. [ST. PAUL; PARK CLUB HOUSES; LIQUOR.]

Notwithstanding any contrary provision of law, charter or ordinance, the city of St. Paul may by ordinance authorize any holder of an "on-sale" liquor license issued by the city to dispense intoxicating liquor at any event of definite duration on either of the public premises known as the Highland Park and the Phalen Park club houses. The event may not be profit making except as a fund raising event for a nonprofit organization or a political committee as defined in Minnesota Statutes, section 210A.01, subdivision 8. The licensee must be engaged to dispense liquor at the event by a person or organization permitted to use the premises and may dispense liquor only to persons attending the event. A licensee's authority shall expire upon termination of the event. The authority to dispense liquor shall be granted in accordance with the statutes applicable to the issuance of "on-sale" liquor licenses in cities of the first class consistent with this act. The dispensing of liquor shall be subject to all laws and ordinances governing the dispensing of intoxicating liquor that are consistent with this act. All dispensing of liquor shall be in accordance with the conditions prescribed by the city. The conditions may limit the dispensing of liquor to designated areas of the facility. The city may fix and assess a fee to be paid to the city by an "on-sale" licensee for each event for which the licensee is engaged to dispense liquor. The authority granted by this subdivision shall not count as an additional "on-sale" intoxicating liquor license for purposes of determining the number of liquor licenses permitted to be issued under the provisions of Minnesota Statutes, section 340.11."

Page 4, line 25, delete "This act is" and insert "Sections 1 to 7 are"

Page 4, after line 25, insert "Section 10 is effective the day after compliance by the governing body of the city of St. Paul with Minnesota Statutes, section 645.021, subdivision 3."

Amend the title as follows:

Page 1, line 6, after "instances;" insert "authorizing the city of St. Paul to permit, by ordinance, the use of an "on-sale" liquor

license issued by the city at the Highland Park and Phalen Park club houses;"

The motion prevailed and the amendment was adopted.

Begich offered an amendment to S. F. No. 201, the unofficial engrossment, as amended.

POINT OF ORDER

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

S. F. No. 201, A bill for an act relating to intoxicating liquor; authorizing off-sale licensees to dispense samples of wine, liqueurs and cordials; amending Minnesota Statutes 1982, section 340.11, subdivision 15.

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

The question was taken on the passage of the bill and the roll was called. There were 78 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Battaglia	Evans	Larsen	Pauly	Selberg
Beard	Greenfield	Mann	Peterson	Sparby
Begich	Gustafson	McDonald	Piepho	Siadum
Bennett	Heap	McEachern	Price	Staten
Bergstrom	Heinitz	McKasy	Quinn	Swiggum
Berkelman	Himle	Metzen	Quist	Swanson
Brandl	Hoffman	Minne	Reif	Tomlinson
Brinkman	Hokr	Munger	Rodosovich	Tunheim
Burger	Jacobs	Murphy	Rodriguez, F.	Valan
Carlson, L.	Jensen	Nelson, D.	Rose	Valento
Clark, J.	Johnson	Norton	St. Onge	Waltman
Clark, K.	Kelly	O'Connor	Sarna	Welle
Coleman	Knickerbocker	Ogren	Schreiber	Wigley
Dindler	Knuth	Olsen	Segal	Speaker Sieben
Eken	Kostohryz	Omann	Shaver	
Elioff	Krueger	Osthoff	Sherman	

Those who voted in the negative were:

Anderson, G.	Fjoslien	Haukoos	Onnen	Uphus
Anderson, R.	Forsythe	Jennings	Rodriguez, C.	Vellenga
Clawson	Frerichs	Kalis	Schafer	Welch
DenOuden	Graba	Kvam	Scheid	Welker
Erickson	Gruenes	Ludeman	Schoenfeld	Zaffke
Findlay	Gutknecht	Marsh	Skoglund	

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

S. F. No. 607 was reported to the House.

Clawson moved to amend S. F. No. 607, the second engrossment, as follows:

Page 2, line 9, after "of" delete "*contributions*" and insert "*its total*"

Page 2, line 10, after "*collected*" delete "*in its annual consolidated campaign drive*" and insert "*income and revenue to the designated agencies it supports*"

Page 2, line 11, after "of" delete "*these collected contributions*" and insert "*its total income and revenue*"

Page 2, line 15, after "*social*" insert a comma

Page 2, line 18, after "*social*" insert a comma

The motion prevailed and the amendment was adopted.

S. F. No. 607, A bill for an act relating to state employees; authorizing the deduction from salaries or wages of sums of money designated by them for certain combined charitable funds; amending Minnesota Statutes 1982, section 15.375, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 309; repealing Minnesota Statutes 1982, section 15.375, subdivision 1.

The bill was read for the 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.

Pursuant to rule 2.5, Rodosovich requested that he be excused from voting on S. F. No. 607, as amended. The request was granted.

There were 103 yeas and 12 nays as follow:

Those who voted in the affirmative were:

Anderson, B.	Coleman	Heap	Knuth	Minne
Battaglia	Dimler	Heinitz	Kostohryz	Munger
Beard	Eken	Himle	Krueger	Nelson, D.
Begich	Elioff	Hoffman	Kvam	Nelson, K.
Bennett	Ellingson	Hokr	Larsen	Neuenschwander
Bergstrom	Evans	Jacobs	Long	O'Connor
Blatz	Findlay	Jennings	Ludeman	Ogren
Brandl	Graba	Jensen	Mann	Olsen
Brinkman	Greenfield	Johnson	Marsh	Omann
Carlson, D.	Gruenes	Kahn	McDonald	Onnen
Carlson, L.	Gustafson	Kalis	McEachern	Otis
Clark, J.	Gutknecht	Kelly	McKasy	Pauly
Cohen	Haukoos	Knickerbocker	Metzen	Peterson

Piepho	Rodriguez, C.	Shaver	Thiede	Waltman
Price	Rodriguez, F.	Shea	Tomlinson	Welch
Quinn	Rose	Skoglund	Tunheim	Welle
Quist	St. Onge	Sparby	Valan	Wigley
Redalen	Sarna	Stadum	Valento	Zaffke
Reif	Scheid	Staten	Vanasek	Speaker Sieben
Rice	Schoenfeld	Sviggum	Vellenga	
Riveness	Seaberg	Swanson	Voss	

Those who voted in the negative were:

Dempsey	Fjoslien	Schafer	Uphus	Wenzel
DenOuden	Murphy	Schreiber	Welker	
Erickson	Osthoff	Sherman		

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

S. F. No. 682 was reported to the House.

Osthoff moved that S. F. No. 682 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 995 was reported to the House.

There being no objection, H. F. No. 995 was temporarily laid over on Special Orders.

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

There being no objection, H. F. No. 1011 was temporarily laid over on Special Orders.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Rice requested immediate consideration of H. F. No. 242.

H. F. No. 242 was reported to the House.

Clark, K., moved to amend H. F. No. 242, the second engrossment, as follows:

Page 2, line 22, delete "*definitions*" and insert "*criteria*"

Page 2, line 23, delete everything after "*Standard*" and insert "*Institute's American National Standard for the Precautionary Labeling of Hazardous Industrial Chemicals, Z129.1-1982, or any later revision of that standard*"

Page 2, line 24, delete everything up to, but not including, the period

Page 2, line 33, after "laboratory" insert "or in a health care facility or in a clinic associated with the laboratory or health care clinic"

Page 2, line 34, after the period insert "This exemption applies only to technically qualified individuals and not to persons working in the same work area who are not technically qualified individuals."

Page 3, line 10, after "laboratory" insert "or in a health care facility or in a clinic associated with the laboratory or health care clinic"

Page 3, line 13, after the period insert "This exemption applies only to technically qualified individuals and not to persons working in the same work area who are not technically qualified individuals."

Page 3, line 17, after "of" insert "professional or technical" and after "training" delete the comma

Page 3, line 18, after "understands" insert ", at the time of exposure,"

Page 3, line 18, after "risks" insert "and the necessary safety precautions"

Page 3, line 20, delete everything after "person" and insert a period

Page 3, delete line 21 and insert:

"The commissioner shall by rule adopt a standard which specifies the criteria to be considered in determining whether or not a person is a technically qualified individual."

Page 5, line 9, delete everything after the period

Page 5, delete lines 10 and 11

Page 9, line 14, delete "their" and insert "the"

Page 9, delete lines 30 and 31

Renumber all remaining sections and correct all internal cross-references

Page 9, line 32, delete "Subd. 4f."

Page 9, line 34, delete "section" and insert "subdivision"

Page 10, line 2, delete "4g" and insert "4f"

Page 10, line 20, delete "4h" and insert "4g"

Page 11, line 12, delete "less" and insert "fewer"

Page 11, line 16, after the second comma insert "11,"

Page 11, line 25, delete "less" and insert "fewer"

Page 11, line 25, after "any" insert "agricultural employee"

Page 11, line 28, after "label" insert "that is"

Page 11, line 28, after "by" insert "any"

Page 11, line 35, delete "they"

Page 14, line 6, after "providing" insert "substantially"

Page 14, line 35, delete "to the commissioner and"

Page 17, delete lines 6 through 36

Page 18, delete lines 1 through 8 and insert:

"182.668 [PROTECTION OF TRADE SECRETS.]

Subdivision 1. [REGISTRATION.] Subject to the restrictions on the withholding of information pursuant to 8 M.C.A.R. Section 1.7001, a manufacturer or employer who believes that all or a part of the information required under sections 8, 9, 10 or 12 or requested under section 16 is a trade secret as defined in section 325C.01, subdivision 5, may register the information with the commissioner as trade secret information.

Subd. 2. [CLASSIFICATION OF DATA.] Information that has been registered pursuant to subdivision 1 shall be classified as nonpublic or private data as defined in section 13.02, subdivisions 9 and 12.

All other information reported to or otherwise obtained by the commissioner or (HIS) a representative in connection with any inspection or proceeding under (LAWS 1973,) chapter (732) 182 which contains or which might reveal a trade secret shall be (CONSIDERED CONFIDENTIAL EXCEPT THAT SUCH) classified as nonpublic or private data as defined in section 13.02, subdivisions 9 and 12. Information classified as nonpublic or private may be disclosed to other officers or employees concerned with carrying out (LAWS 1973,) chapter (732) 182 or when relevant in any proceeding under (LAWS 1973,) this chapter (732) or when otherwise required in order to comply with federal law or regulation but only to the extent required by the federal law or regulation.

Subd. 3. [DETERMINATION BY COMMISSIONER.] On the request of a manufacturer, employer, employee or employee representative, the commissioner shall determine whether information registered pursuant to subdivision 1 or otherwise reported to or obtained by the commissioner is a trade secret as defined in section 325C.01, subdivision 5. In making a determination the commissioner shall also determine whether the information should in any event be disclosed in order to properly protect the health and safety of employees.

An employer or manufacturer that disagrees with a determination under this subdivision may pursue its remedies as provided in chapter 325C or other relevant law.

Subd. 4. [ORDERS.] The commissioner shall issue (SUCH) orders as may be appropriate to protect the (CONFIDENTIALITY) classification of trade secrets (BY ALLOWING) and may, (UPON) at the request of an employer (ANY AUTHORIZED REPRESENTATIVE OF EMPLOYEES), in inspections of trade secrets areas or in discussions involving trade secrets, allow an authorized representative of employees to be replaced by an employee authorized by the employer (; BY PERMITTING). The commissioner may also allow the employer to screen out trade secret details where photographs are deemed essential to the investigation (;) and (BY ALLOWING THE EMPLOYER) to restrict samples to be taken where trade secrets might be exposed.

Subd. 5. [RESTRICTIONS ON DISCLOSURE.] Information provided to an employee or designated representative pursuant to sections 8, 9, 10, 12, or 16 which has been determined by the commissioner to be a trade secret shall not be disclosed to anyone except as required for medical treatment or as otherwise required in chapter 182. An employee, designated representative or other person who knowingly discloses information in violation of this subdivision or any person knowingly receiving the information is subject to the provisions of section 609.52 relating to the theft of trade secrets and to the civil liabilities provided by chapter 325C or other relevant law."

Page 18, line 18, delete everything after and including the comma

Page 18, line 19, delete everything up to and including the comma

Page 19, delete lines 8 to 13 and insert:

"Sec. 31. [EFFECTIVE DATE.]

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 30 are effective January

1, 1984. Section 17 is effective July 1, 1984. Section 29 is effective on the day following final enactment."

Further, amend the title as follows:

Page 1, line 13, delete "creating a"

Page 1, line 14, delete "presumption" and insert "requiring"

Page 1, line 15, delete "must"

Page 1, line 16, after the semicolon insert "requiring inservice training for hospital and lab employees;"

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Burger moved to amend H. F. No. 242, the second engrossment, as follows:

Page 18, line 32, delete "\$100,000" and insert "\$95,000"

Page 19, line 3, delete "\$50,000" and insert "\$47,500"

Page 19, line 3, delete "\$50,000" and insert "\$47,500"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 52 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Findlay	Jennings	Piepho	Thiede
Bennett	Fjoslien	Johnson	Quist	Uphus
Berkelman	Forsythe	Knickerbocker	Redalen	Valento
Blatz	Frerichs	Ludeman	Reif	Waltman
Burger	Gruenes	Marsh	Rose	Welker
Carlson, D.	Gutknecht	McDonald	Schafer	Wenzel
Dempsey	Halberg	McKasy	Schreiber	Wigley
DenOuden	Haukoos	Olsen	Seaberg	Zaffke
Dimler	Heinitz	Omann	Shaver	
Erickson	Himle	Onnen	Sherman	
Evans	Hokr	Pauly	Sviggum	

Those who voted in the negative were:

Anderson, G.	Carlson, L.	Ellingson	Kelly	Minne
Battaglia	Clark, J.	Graba	Knuth	Munger
Beard	Clark, K.	Greenfield	Kostohryz	Murphy
Begich	Clawson	Gustafson	Krueger	Nelson, D.
Bergstrom	Coleman	Hoffman	Larsen	Nelson, K.
Brandl	Eken	Jacobs	Long	Neuenschwander
Brinkman	Elioff	Jensen	Mann	O'Connor

Ogren	Riveness	Schoenfeld	Sparby	Vellenga
Osthoff	Rodosovich	Segal	Staten	Voss
Otis	Rodriguez, C.	Shea	Swanson	Welch
Peterson	Rodriguez, F.	Simoneau	Tomlinson	Welle
Price	St. Onge	Skoglund	Tunheim	Speaker Sieben
Rice	Scheid	Solberg	Vanasek	

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

Himle moved to amend H. F. No. 242, the second engrossment, as amended, as follows:

Page 9, delete line 36

Page 10, delete lines 1 to 36

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 55 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Bennett	Findlay	Himle	Olsen	Sherman
Berkelman	Fjoslien	Hokr	Onnen	Stadum
Blatz	Forsythe	Jennings	Pauly	Sviggum
Brinkman	Frerichs	Johnson	Piepho	Thiede
Burger	Gruenes	Kelly	Redalen	Uphus
Carlson, D.	Gustafson	Knickerbocker	Reif	Valan
Dempsey	Gutknecht	Kvam	Rose	Valento
DenOuden	Halberg	Levi	Schafer	Waltman
Dinler	Haukoos	Ludeman	Schreiber	Welker
Erickson	Heap	McDonald	Seaberg	Wenzel
Evans	Heinitz	McKasy	Shaver	Wigley

Those who voted in the negative were:

Anderson, B.	Elioff	Marsh	Price	Solberg
Anderson, G.	Ellingson	McEachern	Quinn	Sparby
Battaglia	Graba	Minne	Quist	Staten
Beard	Greenfield	Munger	Rice	Swanson
Begich	Hoffman	Murphy	Riveness	Tomlinson
Bergstrom	Jacobs	Nelson, D.	Rodosovich	Tunheim
Brandl	Jensen	Neuenschwander	Rodriguez, C.	Vanasek
Carlson, L.	Knuth	O'Connor	Rodriguez, F.	Vellenga
Clark, J.	Kostohryz	Ogren	St. Onge	Voss
Clark, K.	Krueger	Omann	Sarna	Welch
Clawson	Larsen	Osthoff	Scheid	Welle
Coleman	Long	Otis	Schoenfeld	Wynia
Eken	Mann	Peterson	Skoglund	Speaker Sieben

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

H. F. No. 242, as amended, was read for the third time.

Schreiber moved that H. F. No. 242, as amended, be referred to the Committee on Health and Welfare.

A roll call was requested and properly seconded.

The question was taken on the Schreiber motion and the roll was called. There were 57 yeas and 70 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail.

MOTION FOR RECONSIDERATION

Welker moved that the action whereby H. F. No. 242, as amended, was given its third reading be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the Welker motion and the roll was called. There were 63 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brinkman	Dempsey	Erickson	Fjoslien
Bennett	Burger	DenOuden	Evans	Forsythe
Blatz	Carlson, D.	Dimler	Findlay	Frerichs

Gruenes	Johnson	McKasy	Rose	Uphus
Gutknecht	Kalis	Neuenschwander	Schafer	Valan
Halberg	Knickerbocker	Olsen	Schreiber	Valento
Haukoos	Kostohryz	Omann	Seaberg	Waltman
Heap	Kvam	Onnen	Shaver	Welker
Heinitz	Levi	Pauly	Sherman	Wenzel
Himle	Ludeman	Piepho	Skoglund	Wigley
Hoffman	Mann	Quist	Stadum	Zaifke
Hokr	Marsh	Redalen	Sviggum	
Jennings	McDonald	Reif	Thiede	

Those who voted in the negative were:

Anderson, B.	Elioff	Meitzen	Price	Solberg
Battaglia	Ellingson	Minne	Quinn	Sparby
Beard	Graba	Munger	Rice	Staten
Begich	Greenfield	Murphy	Riveness	Swanson
Bergstrom	Jacobs	Nelson, D.	Redosovich	Tomlinson
Brandl	Jensen	Neison, K.	Rodriguez, C.	Tunheim
Carlson, L.	Kahn	Norton	Rodriguez, F.	Vanasek
Clark, J.	Kelly	O'Connor	St. Onge	Vellenga
Clark, K.	Kauth	Ogren	Sarna	Voss
Clawson	Krueger	Osthoft	Scheid	Welch
Cohen	Larsen	Otis	Schoenfeld	Welle
Coleman	Long	Peterson	Segal	Wynia
Eken	McEachern	Piper	Shea	Speaker Sieben

The motion did not prevail.

H. F. No. 242, A bill for an act relating to labor; providing for occupational safety and health; defining "hazardous substance" and "harmful physical agent"; requiring manufacturers of hazardous substances or harmful physical agents to provide certain information; creating a right to refuse to work under conditions violating the state occupational safety and health act; creating a right to refuse to work with a hazardous substance or harmful physical agent under certain conditions; requiring employers using hazardous substances and harmful physical agents to provide employees with certain training and information; requiring that hazardous substances and harmful physical agents be labeled under certain circumstances; requiring inservice training for hospital and lab employees; prohibiting waiver of any employee rights under the state occupational safety and health act; clarifying relation of bargaining agreements to safety laws; providing protection for trade secrets; providing penalties; appropriating money; amending Minnesota Statutes 1982, sections 182.651, by adding subdivisions; 182.653, by adding subdivisions; 182.654, subdivision 7, and by adding subdivisions; 182.655, subdivisions 4, 10, 11, and by adding a subdivision; 182.658; 182.66, subdivision 1; 182.663, subdivision 3; 182.666, by adding a subdivision; and 182.668; proposing new law coded in Minnesota Statutes, chapter 182.

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

The question was taken on the passage of the bill and the roll was called. There were 68 yeas and 53 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Fjoslien	Jennings	Onnen	Thiede
Anderson, G.	Forsythe	Johnson	Pauly	Uphus
Bennett	Frerichs	Kalis	Piepho	Valan
Brinkman	Gruenes	Knickerbocker	Quist	Valento
Burger	Gutknecht	Kvam	Redalen	Waltman
Dempsey	Halberg	Levi	Rose	Welch
DenOuden	Haukoos	Ludeman	Schafer	Welker
Dimler	Heap	McDonald	Schreiber	Wenzel
Erickson	Heinitz	McKasy	Shaver	Wigley
Evans	Himle	Olsen	Sherman	
Findlay	Hokr	Omann	Stadum	

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

SPECIAL ORDERS, Continued

S. F. No. 194 temporarily laid over earlier today was again reported to the House.

S. F. No. 194, A bill for an act relating to causes of action; providing that certain causes of action survive the death of a party; amending Minnesota Statutes 1982, section 573.01.

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

The question was taken on the passage of the bill and the roll was called. There were 116 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Brandl	Coleman	Forsythe	Heinitz
Anderson, G.	Brinkman	Dempsey	Graba	Hokr
Anderson, R.	Burger	DenOuden	Greenfield	Jacobs
Battaglia	Carlson, D.	Elioff	Gruenes	Jensen
Beard	Carlson, L.	Ellingson	Gustafson	Johnson
Begich	Clark, J.	Erickson	Gutknecht	Kahn
Bennett	Clark, K.	Evans	Halberg	Kalis
Berkelman	Clawson	Findlay	Haukoos	Kelly
Blatz	Cohen	Fjoslien	Heap	Knickerbocker

Knuth	Murphy	Quinn	Segal	Valan
Kostohryz	Nelson, D.	Quist	Shaver	Valento
Krueger	Nelson, K.	Redalen	Shea	Vellenga
Kvam	Neuenschwander	Reif	Sherman	Voss
Larsen	Norton	Rodosovich	Skoglund	Welch
Levi	O'Connor	Rodriguez, C.	Solberg	Welle
Long	Ogren	Rodriguez, F.	Sparby	Wenzel
Mann	Olsen	Rose	Stadum	Wigley
Marsh	Omann	St. Onge	Staten	Wynia
McDonald	Onnen	Sarna	Svigum	Zaffke
McEachern	Osthoff	Schafer	Swanson	Speaker Sieben
McKasy	Otis	Scheid	Thiede	
Metzen	Pauly	Schoenfeld	Tomlinson	
Minne	Piepho	Schreiber	Tunheim	
Munger	Price	Seaberg	Uphus	

Those who voted in the negative were:

Dimler	Jennings	Ludeman	Waltman	Welker
Frerichs				

The bill was passed and its title agreed to.

S. F. No. 1015 temporarily laid over earlier today was again reported to the House.

Johnson moved to amend S. F. No. 1015, the unofficial engrossment, as follows:

Page 2, line 2, after "Subd. 4." delete "A" insert "*The*"

Page 2, line 2, after "*state*" delete "*or political subdivision*"

Page 2, line 9, after the comma delete "*or*"

The motion prevailed and the amendment was adopted.

S. F. No. 1015, A bill for an act relating to cemeteries; requiring the state or political subdivision to obtain archaeologist services and to pay for removal of Indian burial grounds under certain circumstances; amending Minnesota Statutes 1982, section 307.08, subdivisions 2, 4, 8, and 10.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Begich	Brandt	Clark, J.	DenOuden
Anderson, G.	Bennett	Brinkman	Clark, K.	Dimler
Anderson, R.	Bergstrom	Burger	Cohen	Eken
Battaglia	Berkelman	Carlson, D.	Coleman	Elioff
Beard	Blatz	Carlson, L.	Dempsey	Ellingson

Evans	Kahn	Nelson, K.	Rodriguez, F.	Tomlinson
Findlay	Kalis	Neuenschwander	Rose	Tunheim
Fjoslien	Kelly	O'Connor	St. Onge	Uphus
Forsythe	Knickerbocker	Ogren	Sarna	Valan
Frerichs	Knuth	Olsen	Schafer	Valento
Graba	Kostohryz	Omann	Scheid	Vanasek
Greenfield	Krueger	Onnen	Schreiber	Vellenga
Gruenes	Kvam	Osthoff	Seaberg	Voss
Gustafson	Larsen	Otis	Segal	Waltman
Gutknecht	Levi	Pauly	Shaver	Welch
Haukoos	Long	Peterson	Shea	Welle
Heap	Ludeman	Piepho	Sherman	Wenzel
Heinitz	Mann	Piper	Skoglund	Wigley
Himle	Marsh	Price	Solberg	Wynia
Hoffman	McDonald	Quinn	Sparby	Zaffke
Hokr	McKasy	Quist	Siadum	Speaker Sieben
Jacobs	Minne	Reif	Staten	
Jennings	Munger	Riveness	Sviggum	
Jensen	Murphy	Rodosovich	Swanson	
Johnson	Nelson, D.	Rodriguez, C.	Thiede	

Those who voted in the negative were:

Erickson Redalen Welker

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

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Eken from the Committee on Rules and Legislative Administration to which was referred:

House Resolution No. 13, A house resolution urging various officials and groups to assist on raising funds for an epilepsy education center.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

There being no objection, the order of business advanced to Motions and Resolutions.

MOTIONS AND RESOLUTIONS

House Resolution No. 13 was reported to the House.

HOUSE RESOLUTION NO. 13

A house resolution urging various officials and groups to assist on raising funds for an epilepsy education center.

Whereas, the legislature created the Minnesota Advisory Task Force on Epilepsy to study and report on the status of programs, services, and facilities for persons with seizure disorders in Minnesota; and

Whereas, the Advisory Task Force has commendably fulfilled its charge and has reported to the legislature on a series of recommendations addressed to the prevention, treatment, and comprehensive education in the area of epilepsy; and

Whereas, approaches to addressing these recommendations have been well documented in the report of the Task Force; and

Whereas, the several identified governmental and private groups with interest and responsibilities toward individuals with seizure disorders and/or their prevention should review these recommendations; and

Whereas, implementation of these recommendations will reduce the health and welfare costs of the state, and improve the personal health of the citizens of the state; and

Whereas, the legislature faces extreme and unusual fiscal constraints this year and cannot undertake new initiatives; *Now Therefore*,

Be It Resolved by the House of Representatives of the State of Minnesota that the Governor, the University, local units of government, the Minnesota Medical Association, other professional associations, and private foundations should review the report of the Task Force and undertake what actions they can to help meet these needs. Immediate attention should be devoted to raising funds to support the creation of the University affiliated epilepsy education center. The Senate Health and Human Services Committee and the House Health and Welfare Committee will seek recommendations from interested groups.

Be It Further Resolved that the Chief Clerk of the House of Representatives is directed to enroll copies of this resolution, to be authenticated by his signature and that of the Speaker, and present them to those persons designated by the sponsor of this resolution.

Reif moved that House Resolution No. 13 be now adopted. The motion prevailed and House Resolution No. 13 was adopted.

Vellenga moved that the name of Segal be added as an author on H. F. No. 1335. The motion prevailed.

Ellingson moved that H. F. No. 1011 be returned to its author. The motion prevailed.

Eken moved that his name be stricken and the name of Simoneau be added as an author on H. F. No. 274. The motion prevailed.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the following change in the membership of the Conference Committee on Senate File No. 87:

S. F. No. 87, A bill for an act relating to public welfare; requiring reporting of abuse or neglect of children; exempting determinations of eligibility for day care and foster care licenses from application of the Minnesota criminal offenders rehabilitation law; requiring arrest information and reports to be made available to the commissioner of public welfare for the purpose of investigating applicants for a day care or residential facility license; establishing the burden of proof in certain appeals; providing for appointment of guardianship of children whose parents are deceased; clarifying investigative authority of welfare agencies in making mandated investigations of physical or sexual abuse and neglect; amending Minnesota Statutes 1982, sections 245.783, subdivision 3; 245.801, subdivision 4; 260.011, subdivision 2; 260.242, subdivision 2, and by adding a subdivision; 364.09; and 626.556, subdivisions 2, 4, 7, and 10.

The name of Mr. Laidig has been stricken and the name of Mr. Sieloff has been added.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 257, A bill for an act relating to motor vehicles; providing for special license plates for certain motor vehicles owned by certain members of the Minnesota national guard; imposing fees; appropriating money; amending Minnesota Statutes 1982, section 168.12, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Anderson, R., moved that the House refuse to concur in the Senate amendments to H. F. No. 257, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 257:

Anderson, R.; Sieben and Olsen.

SPECIAL ORDERS

Eken moved that the remaining bills on Special Orders for today be continued one day. The motion prevailed.

GENERAL ORDERS

Eken moved that the bills on General Orders for today be continued one day. The motion prevailed.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 11:00 a.m., Saturday, May 21, 1983. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Saturday, May 21, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

