

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1984

SEVENTY-SECOND DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 5, 1984

The House of Representatives convened at 12:45 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

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

The roll was called and the following members were present:

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

A quorum was present.

Elioff, Hoberg, Minne and O'Connor were excused.

Shaver was excused until 3:00 p.m.

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

pensed 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. 2161, 2207, 1735, 1800, 1850, 2131, 2238, 2255, 2276, 1556, 1602, 1630, 1695, 1828, 1910, 2154, 2192, 29, 229, 756, 994, 1203, 1206, 1292, 1330, 1386, 1452, 1568, 1618, 1686, 1755, 1791, 1871, 1896, 1977, 1994, 2017, 2067, 2097, 2099, 2162, 899, 1562 and 1801 and S. F. No. 1563 have been placed in the members' files.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House to meet in Joint Session in the House Chamber at 1 P.M., Thursday, April 5, 1984, to receive the address on the State of the Judiciary by the Honorable Douglas K. Amdahl, Chief Justice of the Supreme Court of the State of Minnesota.

PATRICK E. FLAHAVER, Secretary of the Senate

Eken moved that the House recess subject to the call of the Chair for the purpose of meeting with the Senate in Joint Convention. The motion prevailed, and the Speaker declared the House recessed.

RECESS

RECONVENED

The Speaker called the House to order at 1:00 p.m.

The Sergeant at Arms announced the arrival of the members of the Senate, and they were escorted to the seats reserved for them at the front of the Chamber.

JOINT CONVENTION

The Speaker of the House as President of the Joint Convention called the Joint Convention to order.

Prayer was offered by Pastor Tomas E. Meeks, Lord of Life Lutheran Church, Ramsey, Minnesota.

The roll being called, the following Senators answered to their names: Adkins, Anderson and Belanger.

Senator Moe, R. D., moved that further proceedings of the roll call be dispensed with. The motion prevailed and a quorum was declared present.

The Sergeant at Arms announced the arrival of the Honorable Joan Anderson Growe, Secretary of State. The Secretary of State was escorted to the seat reserved for her at the rostrum.

The Sergeant at Arms announced the arrival of the Honorable Hubert H. Humphrey III, Attorney General. The Attorney General was escorted to the seat reserved for him at the rostrum.

The Sergeant at Arms announced the arrival of the Honorable Peter S. Popovich, Chief Judge of the Court of Appeals and the Associate Judges of the Court of Appeals. They were escorted to the seats reserved for them near the rostrum.

The Sergeant at Arms announced the arrival of the Honorable Associate Justices of the Supreme Court. They were escorted to the seats reserved for them near the rostrum.

The Sergeant at Arms announced the arrival of the Honorable Douglas K. Amdahl, Chief Justice of the Supreme Court of the State of Minnesota. The Chief Justice was escorted to the rostrum by the Sergeant at Arms.

ADDRESS BY THE CHIEF JUSTICE

Chief Justice Douglas K. Amdahl was presented by the President of the Joint Convention, the Honorable Harry A. Sieben, Jr., and the Chief Justice delivered his "State of the Judiciary Speech" to the members of the Joint Convention and their guests.

Following the address, Senator Moe, R. D., moved that the Joint Convention arise. The motion prevailed and the President declared the Joint Convention adjourned.

RECONVENED

The House reconvened and was called to order by the Speaker.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 471, A bill for an act relating to public welfare; providing for the establishment of a state foster care advisory

board and local review boards under the jurisdiction of juvenile judges; prescribing conditions of membership and duties of board members; requiring agency cooperation; providing for the adoption of supreme court rules; setting limitations; appropriating money; amending Minnesota Statutes 1983 Supplement, section 257.071, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 260.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1983 Supplement, section 257.071, subdivision 2, is amended to read:

Subd. 2. [SIX MONTH REVIEW OF PLACEMENTS.] There shall be an administrative review of the case plan of each child placed in a residential facility no later than 180 days after the initial placement of the child in a residential facility and at least every six months thereafter if the child is not returned to the home of his parent or parents within that time. *The term “administrative review” means a review open to the participation of the parents of the child and the foster parents of the child, conducted by a panel of appropriate persons at least two of whom are citizens of the county, not employed by the local social services agency, and are not responsible for the case management of, or the delivery of services to, either the child or his parents who are the subject of the review. The administrative review panel shall determine (1) the continuing necessity for and appropriateness of the placement, (2) the extent of compliance with the case plan, (3) the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and (4) to project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship. As an alternative to the administrative review, the social service agency responsible for the placement may bring a petition as provided in section 260.131, subdivision 1a, to the court for review of the foster care to determine if placement is in the best interests of the child. This petition must be brought to the court within the applicable six months and is not in lieu of the requirements contained in subdivision 3 or 4.”*

Delete the title and insert:

“A bill for an act relating to public welfare; establishing an administrative review panel; defining its duties; amending Minnesota Statutes 1983 Supplement, section 257.071, subdivision 2.”

With the recommendation that when so amended the bill be re-referred to the Committee on Appropriations without further recommendation.

The report was adopted.

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

H. F. No. 499, A bill for an act relating to public utilities; providing residential telephone subscribers protection from unwanted commercial solicitation; proposing new law coded in Minnesota Statutes, chapter 237.

Reported the same back with the following amendments:

Page 2, delete lines 3 to 7

Page 2, line 8, delete "*identifying mark in the directory.*"

Page 2, line 11, delete "*certify that they*"

Page 2, line 12, after "*cost*" insert "*upon the furnishing of a birth certificate, driver's license, or equivalent legal documentation of the subscriber's age*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1010, A bill for an act relating to local government; changing restrictions on filing and recording certain conveyances; amending Minnesota Statutes 1982, section 462.358, subdivision 4b.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [CITY OF THIEF RIVER FALLS; FILING AND RECORDING CONVEYANCES.]

In the city of Thief River Falls the restrictions on the filing and recording of conveyances provided by Minnesota Statutes, section 462.358, subdivision 4b, do not apply to a conveyance if the land described is a single parcel of residential or agricultural land of not less than five acres and its conveyance does not result in the division of the parcel into two or more parcels, any one of which is less than five acres in area or 250 feet in width.

Sec. 2. [LOCAL APPROVAL.]

This act is effective the day after the governing body of the city of Thief River Falls complies with Minnesota Statutes, section 645.021, subdivision 3."

Delete the title and insert:

"A bill for an act relating to the city of Thief River Falls; changing restrictions on filing and recording certain conveyances."

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

The report was adopted.

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

H. F. No. 1302, A bill for an act relating to local government; providing procedures for the publication of legal notices; removing various requirements for publication of notices; amending Minnesota Statutes 1982, sections 3.21; 48.48, subdivision 1; 88.48, subdivision 2; 94.10, subdivision 1; 94.344, subdivision 7; 123.33, subdivision 11; 123.71, subdivision 1; 160.17, subdivision 2; 205.20, subdivision 5; 206.17, subdivision 2; 279.07; 279.08; 279.09; 300.13, subdivision 4; 302A.727, subdivision 1; 306.023, subdivision 2; 306.111, subdivision 2; 306.16, subdivision 2; 306.21, subdivision 1; 307.06; 315.25; 326.18; 346.02; 365.37; 368.01, subdivision 21; 370.04; 370.07; 371.04; 372.02; 372.08; 374.13; 374.34; 375.025, subdivision 4; 375.12; 375.17; 375.21, subdivision 1; 375.51, subdivision 3; 375.52; 383A.27, subdivision 2; 412.191, subdivisions 3 and 4; 412.311; 414.09, subdivision 3; 415.021; 429.061, subdivision 2; 430.02, subdivisions 3, 7, 11, and 12; 430.04; 430.07, subdivision 5; 430.102, subdivision 3; 435.202, subdivision 2; 441.04; 462.427, subdivision 3; 465.32; 465.38; 471.697, subdivision 1; 471.698, subdivision 1; 471.6985; 472.04, subdivision 2; 484.30; and 492.02, subdivision 3; proposing new law coded in Minnesota Statutes, chapters 375 and 471; proposing new law coded as Minnesota Statutes, chapter 331A; repealing Minnesota Statutes 1982, sections 55.09; 306.16, subdivision 1; 331.01; 331.02; 331.03; 331.04; 331.05; 331.06; 331.07; 331.08; 331.10; 331.11; and 441.51.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 3.21, is amended to read:

3.21 [NOTICE.]

At least four months preceding the election, the attorney general shall furnish to the secretary of state a statement of the purpose and effect of all amendments proposed showing clearly the form of the existing sections, and of the same as they will read if amended, except that when any section to which an amendment is proposed exceeds 150 words in length, the statement shall show that part of the section in which a change is proposed, both in its existing form and as it will read when amended, together with portions of the context as the attorney general deems necessary to an understanding of the proposed amendment. In the month of October prior to the election, the secretary of state shall give two weeks published notice of the statement in all (LEGAL) *qualified* newspapers of the state. The secretary of state shall furnish the statement to the newspapers in reproducible form approved by the secretary of state, set in 7-1/2 point type on an eight point body. The maximum rate for publication shall be (17 CENTS PER STANDARD LINE IN 1979 AND 18 CENTS PER STANDARD LINE THEREAFTER) *as provided in section 25* for the two publications. If any newspaper shall refuse the publication of the amendments, this refusal and failure of the publication shall have no effect on the validity of the amendments. The secretary of state shall also forward to each county auditor copies of the statement, in poster form, in quantities sufficient to supply each election district of his county with two copies thereof. The auditor shall cause two copies to be conspicuously posted at or near each polling place on election day. Wilful or negligent failure by any official named to perform any duty imposed upon him by this section shall be deemed a misdemeanor.

Sec. 2. Minnesota Statutes 1982, section 48.48, subdivision 1, is amended to read:

Subdivision 1. [SUBMISSION AND PUBLICATION.] At least four times in each year, and at any other time when so requested by the commissioner, every bank or trust company shall, within 30 days of the date of notice, make and transmit to the commissioner, in a form he prescribes, a report, verified by its president or vice-president and by its cashier or treasurer, and attested by at least two of its directors, stating in detail, under appropriate heads, as required by the commissioner, its assets and liabilities at the close of business on the day specified in the request. The commissioner may accept a report made to a federal authority having supervision of banks or trust companies in fulfilling this requirement. This statement shall be published once at the expense of the bank or trust company in a newspaper serving the municipality or town in which the bank or trust company is located. The newspaper shall be published in the county in which the bank or trust company is located or in an adjoining county. Proof of publication shall be filed with the commissioner immediately after publication of the report. (FOR THE PURPOSES OF THIS SUBDIVISION A NEWSPAPER SERVES A MUNICIPALITY OR TOWN IF IT

MEETS THE QUALIFICATIONS OF SECTION 331.02, SUB-DIVISION 1, CLAUSE (4).)

Sec. 3. Minnesota Statutes 1982, section 88.48, subdivision 2, is amended to read:

Subd. 2. [NOTICE.] The county auditor shall, upon receipt of the application and prior to the meeting of the county board at which it is presented, (PUBLISHED ONCE IN THE OFFICIAL NEWSPAPER OF THE COUNTY NOTICE OF THE PRESENTATION AT THE EXPENSE OF THE APPLICANT AND) mail (A COPY OF THE) notice to the clerk of the town in which lies the land therein described.

Sec. 4. Minnesota Statutes 1982, section 94.10, subdivision 1, is amended to read:

Subdivision 1. Before offering any surplus state owned lands for sale, the commissioner of administration may survey such lands, and if the value thereof is estimated to be \$20,000 or less, may have such lands appraised. He shall have the lands appraised if the estimated value is in excess of \$20,000. The appraisal shall be made by not less than three appraisers, at least two of whom shall be residents of the county in which the lands are situated. Each appraiser shall before entering upon the duties of his office take and subscribe an oath that he will faithfully and impartially discharge his duties as appraiser according to the best of his ability and that he is not interested directly or indirectly in any of the lands to be appraised or the timber or improvements thereon or in the purchase thereof and has entered into no agreement or combination to purchase the same or any part thereof, which oath shall be attached to the report of such appraisal. Before offering such surplus state owned lands for public sale, such lands shall first be offered to the city, county, town, school district, or other public body corporate or politic in which the lands are situated for public purposes and they may be sold for such public purposes for not less than the appraised value thereof. To determine whether a public body desires to purchase the surplus land, the commissioner of administration (SHALL PUBLISH NOTICE DESCRIBING THE LAND ON THE SAME DAY OF AT LEAST TWO SUCCESSIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE LAND IS LOCATED; HOWEVER, THE COMMISSIONER) shall give a written notice to the governing body of each political subdivision whose jurisdictional boundaries include or are adjacent to the surplus land. If a public body desires to purchase the surplus land it shall submit a written offer to the commissioner not later than two weeks after (THE LAST PUBLISHED) receipt of notice setting forth in detail its reasons for desiring to acquire and its intended use of the land. In the event that more than one public body tenders an offer, the commissioner shall determine which party shall receive the property, and he shall submit written

findings regarding his decision. If lands are offered for sale for such public purposes, and if a public body notifies the commissioner of administration of its desire to acquire such lands, the public body may have not to exceed two years from the date of the accepted offer to commence payment for the lands in the manner provided by law.

Sec. 5. Minnesota Statutes 1982, section 94.344, subdivision 7, is amended to read:

Subd. 7. Before giving final approval to any exchange of Class B land, the county board shall hold a public hearing thereon. At least two weeks before the hearing the county auditor shall post in his office a notice thereof, containing a description of the lands affected (, AND SHALL CAUSE A COPY OF THE NOTICE TO BE PUBLISHED IN THE NEWSPAPER DESIGNATED FOR PUBLICATION OF THE OFFICIAL PROCEEDINGS OF THE COUNTY BOARD).

Sec. 6. Minnesota Statutes 1982, section 123.33, subdivision 11, is amended to read:

Subd. 11. The board shall cause its official proceedings to be published once in the official newspaper of the district. Such publication shall be made within 30 days of the meeting at which such proceedings occurred. *If the board determines that publication of a summary of the proceedings would adequately inform the public of the substance of the proceedings, the board may direct that only a summary be published, conforming to the requirements of section 20, subdivision 10.*

Sec. 7. Minnesota Statutes 1982, section 123.71, subdivision 1, is amended to read:

Subdivision 1. Every school board shall, no later than September 1 publish the revenue and expenditure budgets submitted to the commissioner of education in accordance with section 121.908, subdivision 4, for the current year and the actual revenues, expenditures, fund balances for the prior year and projected fund balances for the current year in a form prescribed by the state board of education after consultation with the advisory council on uniform financial accounting and reporting standards. The forms prescribed shall be designed so that year to year comparisons of revenue, expenditures and fund balances can be made. These budgets, reports of revenue, expenditures and fund balances shall be published in a (NEWSPAPER OF GENERAL CIRCULATION AND HOLDING A U. S. POST OFFICE DEPARTMENT SECOND CLASS MAILING PERMIT OR A LEGAL NEWSPAPER LOCATED IN THE DISTRICT, OR IF THERE BE NO SUCH NEWSPAPER WITHIN THE DISTRICT THEN IN THE LEGAL NEWS-

PAPER OUTSIDE THE DISTRICT WHICH HAS A GENERAL CIRCULATION IN THE DISTRICT) *qualified newspaper of general circulation in the district.*

Sec. 8. Minnesota Statutes 1982, section 206.17, subdivision 2, is amended to read:

Subd. 2. Where electronic voting systems are used, within five days prior to the election day, the election officer in charge shall have the automatic tabulating equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least two days prior thereto (BY PUBLICATION ONCE IN OFFICIAL NEWSPAPERS). The test shall be observed by at least two election judges, who shall not be of the same major political party, and shall be open to representatives of the major political parties, candidates, the press and the public. The test shall be conducted by processing a preaudited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated immediately before the start of the official count of the ballots, in the same manner as set forth above. After the completion of the count, the programs used and ballots shall be sealed, retained, and disposed of as provided for paper ballots.

Sec. 9. Minnesota Statutes 1982, section 279.07, is amended to read:

279.07 [PUBLICATION, BIDS.]

Prior to the day on which the county board designates a newspaper for the publication of the notice and list, any publisher or proprietor of a legal newspaper, as defined by law, may file with the county auditor an offer to publish such notice and list in such paper, stating the rate at which he will make such publication (, WHICH SHALL NOT EXCEED THE AMOUNTS PROVIDED FOR IN SECTION 331.08). The board may in its discretion receive offers presented to it at any time prior to the time when designation is made.

Sec. 10. Minnesota Statutes 1982, section 279.08, is amended to read:

279.08 [NEWSPAPER, DESIGNATION.]

At their annual meeting in January, and prior to the designation, the county board shall open, examine, and consider all

offers for publication filed or presented as provided in section 279.07, and shall thereupon award the publication of the notice and list to the publisher or proprietor of the newspaper whose offer is found to be the lowest (, AND DOES NOT EXCEED THE AMOUNTS PROVIDED FOR IN SECTION 331.08). The board may reject any offer, if in its judgment the public interest so requires, and thereupon designate a newspaper without regard to any rejected offer. In counties now or hereafter having a population of 450,000 or more, the board shall designate a daily newspaper of general circulation throughout such county. If no such daily newspaper submits a bid at the rate herein provided, the board may designate a weekly newspaper of general circulation throughout the county. In any county in which there is no legal newspaper, the board shall designate any such newspaper printed in the judicial district in which the county is situated, and circulating in the county. Every such designation shall be by resolution, which shall be substantially in the following form:

“Resolved, that (here state the name of the newspaper) is hereby designated by the county board of the county of as the newspaper in which the notice and list of the real estate remaining delinquent on the first Monday of January, 19....., shall be published.”

A copy of the resolution certified by the auditor shall be filed with the clerk of the district court. If, for any reason, the board fails to designate a newspaper, or the proprietor of the newspaper fails to give the required bond, the auditor shall thereupon designate the same in writing and immediately file such writing in his office and a certified copy thereof with such clerk.

Sec. 11. Minnesota Statutes 1982, section 300.13, subdivision 4, is amended to read:

Subd. 4. [RESOLUTION TO ENLARGE, EFFECT.] Except in the case of a nonprofit cooperative association, or a religious corporation formed under Minnesota Statutes 1949, Chapter 315, the resolution to enlarge the period of corporate existence does not become effective until a duly certified copy of the resolution has been filed (,) and recorded (, AND PUBLISHED) in the same manner as its original articles or certificate of incorporation. (A NONPROFIT COOPERATIVE ASSOCIATION AND A RELIGIOUS CORPORATION FORMED UNDER MINNESOTA STATUTES 1949, CHAPTER 315, NEED NOT PUBLISH THE RESOLUTION.)

Sec. 12. Minnesota Statutes 1982, section 302A.727, subdivision 1, is amended to read:

Subdivision 1. [WHEN PERMITTED; HOW GIVEN.] When a notice of intent to dissolve has been filed with the secre-

tary of state, the corporation may give notice of the filing to each known creditor of and claimant against the corporation at the last known address of each known present, future, or contingent creditor and claimant. The corporation may give published notice to known creditors or claimants whose address is unknown and to unknown present, future, or contingent creditors and claimants, by publishing the notice once each week for four successive weeks in a legal newspaper (AS DEFINED IN SECTION 331.02) in the county or counties where the registered office and the principal executive office of the corporation are located.

Sec. 13. Minnesota Statutes 1982, section 306.023, subdivision 2, is amended to read:

Subd. 2. To accomplish such transfer, the board of trustees of such cemetery association shall adopt a resolution to that effect by an unanimous vote of the board of trustees, and thereupon the chairman or president of the board of trustees and the secretary shall be authorized to execute the proper instruments and a deed in the name of the association to evidence the transfer; provided, however, that such transfer must first have been authorized by a majority vote of all members of the association, present and voting, at any regular meeting or at any special meeting called for that purpose, *written* notice of which meeting shall have been given (BY PUBLICATION, FOR THREE SUCCESSIVE WEEKS, ONCE EACH WEEK, IN A DAILY OR WEEKLY NEWSPAPER PUBLISHED IN THE COUNTY WHERE SUCH CEMETERY IS SITUATED, SUBSCRIBED BY THE CHAIRMAN, PRESIDENT, OR SECRETARY OF THE BOARD OF TRUSTEES, AND) *to the members* specifying the time, place and purpose of such meeting.

In the event said association shall be an unincorporated association, a deed executed in the name of such association by the chairman or president and the secretary or treasurer of the board of trustees shall be deemed a valid conveyance of the lands of the association.

Sec. 14. Minnesota Statutes 1982, section 306.111, subdivision 2, is amended to read:

Subd. 2. Any three or more lot owners in such cemetery may (ISSUE A) *mail* notice (SIGNED BY THEM) *to all the lot owners known to them or whose addresses appear in the cemetery records* that a meeting of the lot owners will be held *not less than 14 days after the mailing* at a time and place to be fixed by them and designated in the notice, in the county wherein the cemetery is situated, for the purpose of filling the vacancies among the associates. (SUCH NOTICE SHALL BE PUBLISHED AT LEAST TWICE IN A LEGAL NEWSPAPER PUBLISHED IN THE COUNTY WHERE THE MEETING IS TO BE HELD, AND THE TIME OF THE MEETING SHALL

BE NOT LESS THAN TEN DAYS AFTER THE SECOND PUBLICATION THEREOF.)

Sec. 15. Minnesota Statutes 1982, section 306.16, subdivision 2, is amended to read:

Subd. 2. (IF THE OWNER OF SUCH CEMETERY LOT BE A RESIDENT OF THE COUNTY WHEREIN SUCH CEMETERY IS LOCATED, THEN SUCH) *The* association or any municipally-owned cemetery may cause to be served upon (SUCH OWNER) *the owner of the lot*, in the manner prescribed by law for the service of a summons in a civil action, a notice specifying the amount unpaid for lot care upon such lot, and specifying a time within which the same must be paid to the secretary of such association or the proper officer of the municipally-owned cemetery, which time shall not be less than 30 days from the date of the service of the notice, and further specifying that, upon the failure of the owner of the lot to pay the amount specified in the notice within the time of aforesaid, the association or municipally-owned cemetery will take the necessary steps to reinvest itself with the title to the portion of such cemetery lot not actually used for burial purposes. Upon the failure of the owner of the lot to pay the amount within the time specified in the notice, the board of trustees of any such cemetery may, by resolution duly adopted at any regular meeting of the board of trustees, set forth the failure to pay the charges for lot care, the service of the notice prescribed herein, and declare such portion of the lot unused for burial purposes, describing the same by metes and bounds in such resolution, to be the property of the association or such municipally-owned cemetery.

Sec. 16. Minnesota Statutes 1982, section 306.21, subdivision 1, is amended to read:

Subdivision 1. [LOTS CONVEYED AND ABANDONED.] In all cases where a duly incorporated association has owned a site for a cemetery for more than 40 years and has during that period sold lots and parcels for burial purposes, and has, conveyed cemetery lots or parcels by deed of conveyance with or without restrictions contained therein and the grantee therein, or parties claiming through such grantee, (a) for more than 75 years in counties having a population over 50,000 according to the 1960 federal decennial census, and 50 years in all other counties, have not used portions of such lots or parcels for the purposes of burial and during said time have not made provision for care of said lots beyond that provided uniformly to all lots within the cemetery, and during said time have not given to said corporation a written notice of claim or interest in such lots or parcels, or (b) have not used portions of such lots or parcels for the purposes of burial and have not kept such lots or plots free of weeds or brush but have allowed the same to remain entirely unimproved for more than 20 years, and such lots or parcels are situate in such portion of the cemetery that they adjoin or are

adjacent to improved parts of such cemetery and by reason of their unimproved condition detract from the appearance of such cemetery and interfere with its harmonious improvement and furnish a place for the propagation of growth of weeds and brush, such corporation may, by resolution of its governing board, demand of such owners or holders (a) that they file with the corporation a written notice of claim or interest in and to said lots or parcels supported by satisfactory evidence thereof within 60 days after the service of a copy of such resolution of demand, or (b) that they keep the premises clear of weeds and in a condition in harmony with other plots adjoining, and serve a copy of such resolution upon such party or parties (, IF THEY CAN BE FOUND IN SUCH COUNTY, AND IF THE SHERIFF OF THE COUNTY MAKE RETURN UPON SUCH RESOLUTION THAT SUCH PARTIES, OR ANY OF THEM, CANNOT BE FOUND IN THIS COUNTY, THEN THE RESOLUTION MAY BE SERVED UPON THE PARTIES SO ABSENT FROM THE COUNTY BY PUBLICATION THEREOF FOR THREE SUCCESSIVE WEEKS IN A LEGAL NEWSPAPER PUBLISHED IN THE COUNTY AND MAILING A COPY THEREOF WITHIN 14 DAYS AFTER THE THIRD PUBLICATION TO THE LAST KNOWN ADDRESS OF EACH SUCH PARTY AS THE SAME APPEARS ON THE RECORDS OF THE CORPORATION) *in the same manner as a complaint in a civil action.*

Sec. 17. Minnesota Statutes 1982, section 307.06, is amended to read:

307.06 [TRANSFER TO ASSOCIATION; HOW EFFECTED.]

Any private cemetery established, platted, and recorded under the laws of this state may consolidate with and transfer its property, for cemetery purposes only, to any cemetery association or corporation organized under the laws of this state which is contiguous to, or adjacent to, such cemetery corporation.

To so consolidate and transfer its property it shall be necessary:

(1) that a resolution be passed by a two-thirds vote of the lot owners and members of such private cemetery, represented, present, and voting at a special meeting called for that purpose, which resolution shall recite with what cemetery corporation or association it is proposed to consolidate with and transfer its property to, and the terms and conditions thereof; and 30 days' notice of such meeting shall be previously given *by mail* to each lot owner of such private cemetery *whose address can be determined using reasonable diligence* of the time and place when such meeting is to be held, reciting the purpose thereof, which notice shall be signed by at least five lot owners (, AND SHALL BE SERVED BY PUBLICATION, BY PUBLISHING FOR

THREE SUCCESSIVE WEEKS, ONCE IN EACH WEEK, IN SOME DAILY OR WEEKLY NEWSPAPER PUBLISHED IN THE COUNTY WHERE SUCH PRIVATE CEMETERY IS SITUATED); and

(2) that the resolution shall be signed and acknowledged by the presiding officer and secretary of such meeting and shall be filed with the county recorder of the county in which the private cemetery is situated.

Sec. 18. Minnesota Statutes 1982, section 315.25, is amended to read:

315.25 [ANNUAL MEETING, NOTICE OF, PLACE.]

Any such corporation, the membership of which in part resides in other states, may hold its annual meetings at such points outside the state as it may, from time to time, designate at a previous annual meeting, or it may authorize its president to designate such place. At least three months before the time of such annual meeting notice of such time and place shall be given by publication in the recognized organ of such corporation, if it has one; otherwise, by (PUBLICATION IN AT LEAST TWO PAPERS OF GENERAL CIRCULATION PUBLISHED AT THE CAPITAL OF THE STATE) *other notice appropriate to inform the membership.*

Sec. 19. Minnesota Statutes 1982, section 326.18, is amended to read:

326.18 [BOARD, DUTIES, OFFICERS, EXAMINATIONS.]

A majority of the board constitutes a quorum. The board shall elect one of its number as chairman, another as vice-chairman, and another as secretary and treasurer, who shall hold their respective offices for a term of one year and until their successors are elected. The affirmative vote of a majority of members of the board is considered the action of the board. The board shall enforce the standard of general education; the standard of special education in the science and art of accounting; the standard of good character and general public experience, as prescribed in sections 326.165 to 326.23, in all examinations conducted thereunder. The board shall make rules for the conduct of applicants' examinations and the character and scope of the examinations, the method and time of filing applications for examinations and their form and contents, and all other rules and regulations proper to carry into effect the purposes of sections 326.165 to 326.23. The board may make use of all or any part of the uniform certified public accountant examination and advisory grading service provided by the American Institute of Certified Public Accountants if it deems it appropriate to assist it in performing its duties. These examinations shall be conducted by the board of accountancy. (THE TIME AND

PLACE OF HOLDING EXAMINATIONS SHALL BE ADVERTISED FOR NOT LESS THAN THREE CONSECUTIVE DAYS IN ONE DAILY NEWSPAPER PUBLISHED IN EACH OF THE COUNTIES WHERE THE EXAMINATIONS ARE TO BE HELD, AND NOT LESS THAN 60 DAYS PRIOR TO THE DATE OF EACH EXAMINATION.) The examinations shall take place as often as may be convenient in the opinion of the board. The board may make rules necessary to implement and enforce sections 326.165 to 326.23, and 214.12, including but not limited to rules of professional conduct, pertaining to individuals, partnerships and corporations practicing public accounting which it deems consistent with or required by the public welfare and rules of continuing education to be met by persons licensed under sections 326.165 to 326.23.

The board shall keep records of its proceedings, an accurate list of all applications made, licenses and certificates issued, and licenses and certificates revoked, and shall keep proper financial records in which there shall be entered a complete statement of the cash receipts and disbursements. The board shall issue to each person who satisfies the examination requirements of section 326.19, subdivision 1, a certified public accountant certificate and shall maintain a record of that issuance. The board shall issue a license as a certified public accountant to each holder of a certified accountant certificate who satisfies the experience requirements for a license as a certified public accountant or to a person who has been issued a certified public accountant certificate under section 326.19, subdivision 3. The board shall maintain a record of the issuance. It shall adopt and provide itself with a seal with a band inscribed "Certified Public Accountant, State of Minnesota," with the coat of arms of Minnesota in the center, which seal shall be affixed to each certificate of certified public accountant issued under sections 326.17 to 326.23. The board shall issue to each person who qualifies for a license under sections 326.17 to 326.23 as a licensed public accountant a certificate as a licensed public accountant and shall maintain a record of that issuance. It shall adopt and provide itself with a seal with a band inscribed "Licensed Public Accountant, State of Minnesota," with the coat of arms of Minnesota in the center, which seal shall be affixed to each certificate of the licensed public accountant, issued under sections 326.17 to 326.23. All records of the board shall be open to the inspection of the public at the office of its secretary.

Sec. 20. [331A.01] [DEFINITIONS.]

Subdivision 1. As used in sections 20 to 30, the terms defined have the meanings given them except as otherwise expressly provided or indicated by the context.

Subd. 2. "Known office of issue" means the principal office maintained by the publisher or managing officer during a newspaper's regular business hours to gather news and sell ad-

vertisements and subscriptions, whether or not printing or any other operations of the newspaper are conducted at or from the office, and devoted primarily to business related to the newspaper. A newspaper may have only one known office of issue.

Subd. 3. "Local public corporation" means a county, municipality, school district, or any other local political subdivision or local or area district, commission, board, or authority.

Subd. 4. "Municipality" means a home rule charter or statutory city or town.

Subd. 5. "Newspaper" means a publication issued regularly by the same person, corporation, or his or its successor, whether the name of the publication is the same or different.

Subd. 6. "Proceedings" means the substance of all official actions taken by the governing body of a local public corporation at any regular or special meeting, and at minimum includes the subject matter of a motion, the persons making and seconding a motion, the roll call vote on a motion, the character of resolutions or ordinances offered, including a brief description of their subject matter, and whether defeated or adopted.

Subd. 7. "Public notice" means every notice required or authorized by law or by order of a court to be published by a qualified newspaper, and includes:

(a) every publication of laws, ordinances, resolutions, financial information, and proceedings intended to give notice in a particular area;

(b) every notice and certificate of election, facsimile ballot, notice of referendum, notice of public hearing before a governmental body, and notice of meetings of private and public bodies required by law; and

(c) every summons, order, citation, notice of sale or other notice which is intended to inform a person that he may or shall do an act or exercise a right within a designated period or upon or by a designated date.

(d) this subdivision contains no independent requirement for the publication of any public notice.

Subd. 8. "Qualified newspaper" means a newspaper which complies with all of the provisions of section 21. The following terms, when found in laws referring to the publication of a public notice, shall be taken to mean a qualified newspaper: "qualified legal newspaper," "legal newspaper," "official newspaper," "newspaper," and "medium of official and legal publication."

Subd. 9. "Secondary office" means an office established by a newspaper in a community other than that in which its known office of issue is located, in the same or an adjoining county, to enhance its coverage of and service to that community, open on a regular basis to gather news and sell advertisements and subscriptions, whether or not printing or any other operations of the newspaper are conducted at or from the office, and devoted primarily to business related to the newspaper.

Subd. 10. "Summary" means an accurate and intelligible abstract or synopsis of the essential elements of proceedings, ordinances, resolutions, and other official actions. It shall be written in a clear and coherent manner, and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When a summary is published, the publication shall clearly indicate that the published material is only a summary and that the full text is available for public inspection at a designated location. A summary published in conformity with this section shall be deemed to fulfill all legal publication requirements as completely as if the entire matter which was summarized had been published. No liability shall be asserted against the local public corporation in connection with the publication of a summary or agenda.

Sec. 21. [331A.02] [REQUIREMENTS FOR A QUALIFIED NEWSPAPER.]

Subdivision 1. [QUALIFICATION.] No newspaper in this state shall be entitled to any compensation or fee for publishing any public notice unless it is qualified as a medium of official and legal publication. To be qualified as a medium of official and legal publication, a newspaper shall:

(a) Be printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 1,000 square inches;

(b) If a daily, be distributed at least five days each week, or if not a daily, be distributed at least once each week, for 50 weeks each year. In any week in which a legal holiday is included, not more than four issues of a daily paper are necessary;

(c) In at least half of its issues each year, have no more than 75 percent of its printed space comprised of advertising material and paid public notices. In all of its issues each year, have 25 percent, if published more often than weekly, or 50 percent, if weekly, of its news columns devoted to news of local interest to the community which it purports to serve. Not more than 25 percent of its total nonadvertising column inches in any issue may wholly duplicate any other publication unless the duplicated material is from recognized general news services;

(d) Be circulated in the local public corporation which it purports to serve, have at least 500 copies regularly delivered to paying subscribers and either have entry as second class matter in its local post office or have at least 500 copies regularly distributed without charge to local residents;

(e) Have its known office of issue established in either the county in which lies, in whole or in part, the local public corporation which the newspaper purports to serve, or in an adjoining county;

(f) File a copy of each issue immediately with the state historical society;

(g) Be made available at single or subscription prices to any person, corporation, partnership, or other unincorporated association requesting the newspaper and making the applicable payment, or be distributed without charge to local residents;

(h) Have complied with all the foregoing conditions of this subdivision for at least one year immediately preceding the date of the notice publication;

(i) The newspaper must before January 1 of each year publish and submit to the secretary of state a sworn United States Post Office second-class statement of ownership and circulation or a statement of ownership and circulation verified by a recognized independent circulation auditing agency.

Subd. 2. [EARLIER QUALIFICATION.] Newspapers which have been qualified, on May 20, 1965, as mediums of official and legal publication shall remain qualified only if they meet the requirements of subdivision 1, except as follows:

(a) *If on May 20, 1965, any newspaper is a qualified medium of official and legal publication but is printed in a foreign language, or in English and a foreign language, and otherwise qualifies as a medium of official and legal publication pursuant to the requirements of subdivision 1, it shall be a medium of official and legal publication so long as it otherwise qualifies pursuant to the requirements of subdivision 1.*

(b) *If on May 20, 1965, any newspaper has been circulated in and near the municipality which it purports to serve to the extent of at least 240 but less than 500 copies regularly delivered to paying subscribers and otherwise qualifies as a medium of official and legal publication pursuant to the requirements of subdivision 1, it shall be a medium of official and legal publication so long as at least 240 copies are regularly so circulated and delivered and it otherwise qualifies pursuant to the requirements of subdivision 1.*

Subd. 3. [PUBLICATION; SUSPENSION; CHANGES.]
The following circumstances shall not affect the qualification of a newspaper, invalidate an otherwise valid publication, or invalidate a designation as official newspaper for publication of county board proceedings.

(a) Suspension of publication for a period of not more than three consecutive months resulting from the destruction of its known office of issue, equipment, or other facility by the elements, unforeseen accident, or acts of God or by reason of a labor dispute.

(b) The consolidation of one newspaper with another published in the same county, or a change in its name or ownership, or a temporary change in its known office of issue.

(c) Change of the day of publication, the frequency of publication, or the change of the known office of issue from one place to another within the same county. Except as provided in this subdivision, suspension of publication, or a change of known office of issue from one county to another, or failure to maintain its known office of issue in the county, shall deprive a newspaper of its standing as a medium of official and legal publication until the newspaper again becomes qualified pursuant to subdivision 1.

Subd. 4. [DECLARATORY JUDGMENT OF LEGALITY.]
Any person interested in the standing as a medium of official and legal publication of a newspaper, may petition the district court in the county in which the newspaper has its known office of issue for a declaratory judgment whether the newspaper is qualified as a medium of official and legal publication. Unless filed by the publisher, the petition and summons shall be served on the publisher as in other civil actions. Service in other cases shall be made by publication of the petition and summons once each week for three successive weeks in the newspaper or newspapers the court may order and upon the persons as the court may direct. Publications made in a newspaper after a judgment that it is qualified but before the judgment is vacated or set aside shall be valid. Except as provided in this subdivision, the uniform declaratory judgments act and the rules of civil procedure shall apply to the action.

Sec. 22. [331A.03] [WHERE NOTICE PUBLISHED.]

A public notice shall be published in a qualified newspaper, and except as otherwise provided by law, in one that is likely to give notice in the affected area or to whom it is directed. When a statute or other law requires publication in a newspaper located in a designated municipality or area and no qualified newspaper is located there, publication shall be made in a qualified newspaper likely to give notice unless the particular statute

or law expressly provides otherwise. If no qualified newspaper exists, then publication is not required.

Sec. 23. [331A.04] [DESIGNATION OF A NEWSPAPER FOR OFFICIAL PUBLICATIONS.]

Subdivision 1. The governing body of any local public corporation, when authorized or required by statute or charter to designate a newspaper for publication of its official proceedings and public notices, shall designate a newspaper which is a qualified medium of official and legal publication in the following priority.

Subd. 2. If there are one or more qualified newspapers, the known office of issue of which are located within the local public corporation, one of them shall be designated.

Subd. 3. When no qualified newspaper has a known office of issue located in the local public corporation, but one or more qualified newspapers maintain a secondary office there, one of them shall be designated.

Subd. 4. When no qualified newspaper has its known office of issue or a secondary office located within the local public corporation, then a qualified newspaper of general circulation there shall be designated.

Subd. 5. If a local public corporation is without an official newspaper, or if the publisher refuses to publish a particular public notice, matters required to be published shall be published in a newspaper designated as provided in subdivision 4. The governing body of a local public corporation with territory in two or more counties may, if deemed in the public interest, designate a separate qualified newspaper for each county.

Sec. 24. [331A.05] [FORM OF PUBLIC NOTICES.]

Subdivision 1. All public notices shall be printed or otherwise disseminated in the English language.

Subd. 2. Unless otherwise specified by a particular statute, or by order of a court, publication of a public notice shall be as follows:

(a) the notice shall be published once;

(b) if the notice is intended to inform the public about a future event, the last publication shall occur not more than 14 days and not less than seven days before the event;

(c) if the notice is intended to inform the public about a past action or event, the last publication shall occur not more than 45 days after occurrence of the action or event.

Subd. 3. Except as otherwise directed by a particular statute requiring publication of a public notice, a public notice shall be printed in a type face no smaller than six point with a lower case alphabet of 90 point. Larger type faces may be used.

Subd. 4. Every public notice shall include a title or caption in a body type no smaller than brevier or eight point referring to the content of the notice. Larger type faces may be used.

Subd. 5. The governing body of a local public corporation may, to better inform the public, increase the frequency of publication of a public notice beyond the minimum required by a particular statute. It may use forms and styles for the notice as it deems appropriate, including the use of display advertisements and graphics. It may publish or disseminate the notice in other newspapers in addition to the newspaper required to be designated under section 23. Regardless of whether a particular statute specifies "legal notice," "public notice," "notice," or uses similar terms, the governing body may use whatever form for the published notice that it deems appropriate in order to adequately inform the public, subject to the requirements of sections 20 to 30. Nothing in the foregoing provisions of this subdivision shall require the governing body of a local public corporation to use the options described.

Subd. 6. Nothing in this section shall invalidate or affect any statutory or charter provision imposing additional or special qualifications for publication of particular notices or proceedings.

Sec. 25. [331A.06] [FEES FOR PUBLICATION.]

Subdivision 1. The maximum rate charged for publication of a public notice shall not exceed the lowest classified rate paid by commercial users for comparable space in the newspapers in which the public notice appears, and shall include all cash discounts, multiple insertion discounts, and similar benefits extended to the newspaper's regular customers.

Subd. 2. Notwithstanding subdivision 1, no newspaper may increase its rates for publication of public notices by more than ten percent per year over the maximum rate actually charged by the newspaper in 1984 for publication of public notices, and in any case the new rate shall not exceed the rate described in subdivision 1 of this section. Nothing in this section shall be interpreted to mean that such an increase is required.

Subd. 3. When the governing board of a local public corporation awards a contract for the publication of public notices based

on competitive bidding, the rate established by the competitive bidding shall be the rate charged for publication of the public notices.

Subd. 4. When a statute refers to publication of a public notice at the legal rate or at the rate provided in section 331.08, the maximum rate shall be as provided in this section.

Sec. 26. [331A.07] [AFFIDAVIT OF PUBLICATION.]

No compensation shall be recoverable for publishing legal or official matter in any newspaper not qualified, until there is filed with the county auditor the affidavit of a person having knowledge of the facts, showing the name and location of the newspaper and the existence of conditions constituting its qualifications as a qualified newspaper as set forth in section 21. If the matter published relates to proceedings in another county, a like affidavit must be filed with its auditor. The affidavit, if it states the required facts, shall be prima facie evidence of them and of the qualification. No compensation shall be recoverable for publishing legal or official matter in any newspaper unless the bill is accompanied by an affidavit of the publisher, or printer in charge, of the newspaper having knowledge of the facts, setting forth the fact that the newspaper has complied with all the requirements to constitute a legal newspaper. The affidavit must set forth the dates of the month and year and the day of the week upon which the legal or official matter was published in the newspaper.

Sec. 27. [331A.08] [COMPUTATION OF TIME.]

Subdivision 1. The time for publication of public notices shall be computed to exclude the first day of publication and include the day on which the act or event, of which notice is given, is to happen or which completes the full period required for publication.

Subd. 2. The time within which an act is to be done or proceeding had or taken, as prescribed by the rules of procedure, shall be computed by excluding the first day and including the last. If the last day is Sunday or a legal holiday the party shall have the next secular day in which to do the act or take the proceeding.

Sec. 28. [331A.09] [PUBLICATION ON SUNDAY.]

Any public notice may be printed in a newspaper published on Sunday, and the publication is a lawful publication and a full compliance with the order of the court or officer ordering the publication. Any notice that, by law or the order of any court, is required to be published for any given number of weeks may

be published on any day in each week or the term, and if published as many weeks and as many times in each week as required by the law or order, it is a lawful publication.

Sec. 29. [331A.10] [CHANGE OF NAME OR DISCONTINUANCE OF NEWSPAPER.]

Subdivision 1. When a legal notice is required or ordered to be published in a particular newspaper and the name of the newspaper is changed before the publication is completed, the publication shall be made or continued in the newspaper under its new name with the same effect as if the name had not been changed. The proof of the publication, in addition to other requirements, shall state the change of name and specify the period of publication in the newspaper under each name.

Subd. 2. When a newspaper ceases to be published before the publication of a public notice is commenced, or when commenced ceases before the publication is completed, the order for publication, when one is required in the first instance, may be amended by order of the court or judge, to designate another newspaper, as may be necessary. If no order is required in the first instance, publication may be made or completed in any other qualified newspaper. Any time during which the notice is published in the first newspaper shall be calculated as a part of the time required for the publication, proof of which may be made by affidavit of any person acquainted with the facts.

Sec. 30. [331A.11] [APPLICATION.]

Subdivision 1. Sections 20 to 30 apply to all municipalities and local public corporations.

Subd. 2. Sections 20 to 30 do not apply to notices required by private agreements or local laws to be published in newspapers, unless they refer to sections 20 to 30, or particular provisions of sections 20 to 30.

Sec. 31. Minnesota Statutes 1982, section 346.02, is amended to read:

346.02 [FINDER TO GIVE NOTICE; PENALTY.]

Every finder of an estray, within seven days thereafter, shall notify the owner thereof, if to him known, and request him to pay all reasonable charges and take such estray away; but, if such owner be to him unknown, he shall within ten days file a notice with the town clerk. The clerk shall transmit a copy thereof to the county recorder, who shall record the same in a book designated "estrays book." (IF THE ESTRAY IS OF LESS VALUE THAN \$5,) The finder shall give posted notice (THEREOF) of the finding of the estray in said town (, BUT, IF THE VALUE

EXCEEDS \$5, HE SHALL GIVE FOUR WEEKS' PUBLISHED NOTICE THEREOF). The notice shall briefly describe the estray, giving its marks, natural and artificial, as nearly as practicable, naming the residence of the finder, and specifying the town, section, and time when taken up. For failure to give such notice, the finder shall be liable to the owner of the estray in double the amount of damages sustained by him thereby.

Sec. 32. Minnesota Statutes 1982, section 370.04, is amended to read:

370.04 [RECORD PETITION; PUBLISH NOTICE.]

Upon issuance of the proclamation, the secretary of state shall record the petitions, affidavits, and proclamation, and (SHALL CAUSE THREE WEEKS' PUBLISHED NOTICE OF THE PROCLAMATION TO BE GIVEN AT THE COUNTY-SEAT OF EACH COUNTY WHOSE TERRITORY WILL BE AFFECTED BY THE PROPOSED CHANGE, AND SHALL ALSO) transmit a certified copy of the proclamation, by mail, to the auditor of each county.

Sec. 33. Minnesota Statutes 1982, section 370.07, is amended to read:

370.07 [CANVASS; PROCLAMATION; SECRETARY OF STATE; AUDITOR; NOTICE TO COUNTY COMMISSIONERS.]

The state canvassing board shall canvass such returns at the time of canvassing the votes cast for state officers, and in the same manner; and it may resort to the returns received from the election judges for the correction of errors in the returns of the county canvassing board, and for supplying omissions therein. When the canvass is completed, the board shall make and file with the secretary of state its certificate declaring the result of the vote; and, if the certificate shows that the proposition has received a majority of the votes cast thereon in each county to be affected thereby, and also has received a majority of the votes cast thereon in the territory forming the proposed new county, if the proposition was for the establishment of a new county, the governor, within ten days thereafter, shall issue his proclamation declaring the same adopted. The secretary of state shall record the certificate and proclamation in his office, and transmit a certified copy of the proclamation to the auditor of each county whose territory is affected thereby. The auditor shall (CAUSE THREE WEEKS' PUBLISHED NOTICE THEREOF TO BE GIVEN, AND), if the proposition was for the establishment of a new county, (SHALL) serve a certified copy (THEREOF) on each of the persons elected as county commis-

sioners of the new county. The proclamation shall also be published with the general laws enacted at the next session of the legislature thereafter.

Sec. 34. Minnesota Statutes 1982, section 371.04, is amended to read:

371.04 [NOTICE OF PROCLAMATION.]

Upon the issuing of the proclamation the secretary of state shall record the petitions, affidavits, and proclamation, and (SHALL CAUSE THREE WEEKS' PUBLISHED NOTICE OF THE PROCLAMATION TO BE GIVEN IN THE COUNTY-SEAT OF EACH COUNTY AFFECTED THEREBY, AND SHALL) transmit a certified copy of the proclamation, by mail, to the auditor of each county.

Sec. 35. Minnesota Statutes 1982, section 372.02, is amended to read:

372.02 [FORM OF NOTICE.]

When the order is filed the auditor shall forthwith make, seal, subscribe, and file in his office a notice substantially in the following form: "To the legal voters of the county of (here name the county), Minnesota: Notice is hereby given that a petition is on file in my office, signed by legal voters of the county to the number of (here state number as shown by the petition and affidavits), praying that the county-seat of the county be changed to (here designate the place), and that a special meeting of the county board will be held at (name the place of meeting), on the (state time), to consider the petition, at which time and place any legal voter of the county may appear, in person or by counsel, and be heard." The auditor shall cause (TWO WEEKS' PUBLISHED NOTICE OF THE MEETING TO BE GIVEN IN ALL THE NEWSPAPERS OF THE COUNTY AND) ten days' posted notice (THEREOF) *of the meeting to be given* in each town therein. Proof of (PUBLICATION AND) posting may be by the affidavit of any person having personal knowledge thereof, which affidavit shall be filed in the office of the auditor, and thereafter be prima facie evidence of the truth of the facts therein set forth. Two weeks' (PUBLISHED) *posted* notice of the intention to circulate such petition shall be given (IN ONE OR MORE NEWSPAPERS OF THE COUNTY, AND TWO WEEKS' POSTED NOTICE OF SUCH INTENTION SHALL BE GIVEN) at the county-seat. Proof of the (PUBLICATION AND) posting shall be made in like manner as in the case of notice of the special meeting of the board.

Sec. 36. Minnesota Statutes 1982, section 372.08, is amended to read:

372.08 [CANVASS; CERTIFICATE OF CANVASSING BOARD.]

When the canvass is completed the canvassing board shall forthwith make, subscribe, and file with the auditor a certificate setting forth the total number of votes cast at the election, the number cast in each election district in favor of and against the change, and the majority in each for or against the same, the number cast in favor of and against the change in the county, and the majority therein for or against the same. If 55 percent of all the votes cast at the election shall be in favor of the change, the board shall (GIVE TWO WEEKS' PUBLISHED NOTICE OF THE RESULT IN ALL THE NEWSPAPERS OF THE COUNTY. THE NOTICE SHALL STATE THAT FROM AND AFTER A DATE SPECIFIED THEREIN, WHICH SHALL BE) *set a date* not less than 60 nor more than 90 days after the election (,) *after which* the place so chosen shall be the county-seat.

Sec. 37. Minnesota Statutes 1982, section 374.13, is amended to read:

374.13 [TO ADVERTISE FOR BIDS.]

Upon the completion of such plans and specifications and their approval or adoption by the city council and the board of county commissioners, the commission shall (PROCEED TO ADVERTISE FOR), *after notice appropriate to inform possible bidders, obtain* bids or proposals for all or any portion of the work or materials, or both, to be done, performed, or furnished in the construction of the building. (THE ADVERTISEMENT FOR BIDS OR PROPOSALS SHALL BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF SUCH CITY, IF THERE BE ONE, AND, IF NOT, IN ANY NEWSPAPER PUBLISHED IN SUCH COUNTY TO BE SELECTED BY THE COMMISSION, AND MAY BE PUBLISHED IN SUCH OTHER NEWSPAPERS OR PUBLICATIONS, EITHER WITHIN OR WITHOUT THE STATE, AS THE COMMISSION MAY DEEM ADVISABLE, AND SHALL BE PUBLISHED FOR SUCH LENGTH OF TIME AS THE COMMISSION MAY DETERMINE.) All bids or proposals shall be sealed by the bidders or proposers and shall be filed with the commission at or before the time specified (IN SUCH ADVERTISING) for the opening of bids or proposals. At the time and place specified (IN THE ADVERTISEMENT) for the opening of bids or proposals, the commission shall meet, open the bids or proposals, and tabulate the same, and shall thereupon award the contract or contracts to the responsible bidder whose bid or proposal is the most favorable to the city or county, or reject all bids and proposals. In the event all bids or proposals are rejected, the commission may (READVERTISE FOR), *after similar notice, obtain more bids or proposals or may modify or change the plans and specifications and submit such modified plans and specifications to the*

city council and the board of county commissioners for approval, and when such modified or changed plans and specifications are satisfactory to both the city council and the board of county commissioners, the plans and specifications shall be returned to the commission and the commission shall proceed to again (ADVERTISE FOR), *after similar notice, obtain bids or proposals (IN THE MANNER HEREINBEFORE PROVIDED)*. Any such contract awarded by the commission shall be subject to approval by the city council and the board of county commissioners.

Sec. 38. Minnesota Statutes 1982, section 374.34, is amended to read:

374.34 [ADVERTISEMENT FOR BIDS.]

Upon the completion of such plans and specifications and their approval or adoption by the commission, the commission shall (PROCEED TO ADVERTISE FOR), *after notice appropriate to inform possible bidders, obtain bids or proposals for all or any portion of the work or materials, or both, to be done, performed or furnished in the construction of the building. (THE ADVERTISEMENT FOR BIDS OR PROPOSALS SHALL BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF SUCH CITY, IF THERE BE ONE, AND IN THE OFFICIAL NEWSPAPER OF SUCH COUNTY, AND MAY BE PUBLISHED IN SUCH OTHER NEWSPAPERS OR PUBLICATIONS, EITHER WITHIN OR WITHOUT THE STATE, AS THE COMMISSION MAY DEEM ADVISABLE, AND SHALL BE PUBLISHED FOR SUCH LENGTH OF TIME AS THE COMMISSION MAY DETERMINE.)* All bids or proposals shall be sealed by the bidders or proposers and shall be filed with the commission at or before the time specified (IN SUCH ADVERTISING) for the opening of bids or proposals, at which time the commission shall meet, open the bids or proposals and tabulate the same, and shall thereupon award the contract or contracts to the responsible bidder whose bid or proposal is the most favorable, or reject all bids and proposals. In the event all bids or proposals are rejected, the commission may (RE-ADVERTISE FOR), *after similar notice, obtain more bids or proposals or may modify or change the specifications, and shall (PROCEED TO) again (ADVERTISE FOR), after similar notice, obtain more bids or proposals in the manner hereinbefore provided.*

Sec. 39. Minnesota Statutes 1982, section 375.025, subdivision 4, is amended to read:

Subd. 4. [REDISTRICTING PLAN; ELECTION FOLLOWING REDISTRICTING.] A redistricting plan whether prepared by the county board or the redistricting commission shall be filed in the office of the county auditor. (NOTICE THAT THE PLAN IS ON FILE SHALL BE PUBLISHED

IN THE NEWSPAPER HAVING THE CONTRACT FOR PUBLISHING THE COMMISSIONERS' PROCEEDINGS FOR THE CURRENT YEAR.) A redistricting plan shall be effective on the 31st day after (PUBLICATION OF THE NOTICE) *filing* unless a later effective date is specified; provided, no redistricting plan shall be effective as to the next election of county commissioners unless the plan shall have been filed with the county auditor not less than 30 days before the first date candidates may file for the office of county commissioner. One commissioner shall be elected in each district who, at the time of the election, shall be a resident thereof and the person so elected shall be entitled to hold the office only while he remains a resident of the commissioner district. The county board or the redistricting commission as appropriate shall determine the number of members of the county board who shall be elected for two year terms and for four year terms in order to provide for staggered terms on the county board. Thereafter, all commissioners shall be elected for four years. When a county is redistricted, there shall be a new election of commissioners in all the districts of the county at the next general election except that where the change made in the boundaries of a district is less than 10 percent of the average of all districts of the county, the commissioner in office at the time of the redistricting shall serve for the full period for which he was elected.

Sec. 40. Minnesota Statutes 1982, section 375.12, is amended to read:

375.12 [PUBLICATION OF PROCEEDINGS.]

Subdivision 1. The county board shall cause the official proceedings of its sessions to be published in (SOME) a qualified newspaper (PRODUCED AND PUBLISHED IN ITS) *of general circulation in the county*, which publication shall be let annually by contract to the lowest bidder, at the first regular session of the board in January each year. (THE BOARD MAY ELECT TO PUBLISH ALL OR ANY PART OF THE OFFICIAL PROCEEDINGS; PROVIDED THAT IN THE CASE OF PARTIAL PUBLICATION, THE PUBLISHED PROCEEDINGS SHALL INDICATE IN WHAT RESPECT THEY ARE INCOMPLETE) *If the county board determines that publication of a summary of the proceedings would adequately inform the public of the substance of the proceedings, the county board may direct that only a summary be published, conforming to the requirements of section 20, subdivision 10.* In each county whose population exceeds 600,000, the proceedings shall be published in a daily newspaper. The board may reject any offer if, in its judgment, the public interests so require, and may thereupon designate a newspaper without regard to any rejected offer. In any county whose population exceeds 50,000, and is less than 250,000, the proceedings may be published in one daily and one weekly newspaper at their respective county seats. If the official newspaper of the county shall cease to exist for any reason, except by consolidation with another newspaper,

the county board shall have authority to designate another newspaper for the remainder of the year. (FOR THE PURPOSE OF THIS SECTION, A NEWSPAPER IS PRODUCED AND PUBLISHED IN THE COUNTY IF IT HAS IN THE COUNTY ITS KNOWN OFFICE OF ISSUE, AS SUCH TERM IS DEFINED IN SECTION 331.02, AND IF IT DOES ITS TYPOGRAPHIC COMPOSITION OR PRESSWORK OR BOTH IN THE COUNTY.) *The publication shall occur within 30 days of the meeting to which the proceedings relate.*

Subd. 2. Individualized itemized accounts, claims or demands allowed by the county board pursuant to section 471.38, subdivision 1, need not be published pursuant to subdivision 1, provided that the amount allowed from each claim is \$100 or less. The official proceedings following the itemization of accounts required shall contain a statement showing the total number of claims that did not exceed \$100, and the total dollar amount of those claims.

Sec. 41. [375.169] [PUBLICATION OF SUMMARY BUDGET STATEMENT.]

Annually, upon adoption of the county budget, the county board shall cause a summary budget statement to be published in the official newspaper of the county, or if there is none, in a qualified newspaper of general circulation in the county. The statement shall contain information relating to anticipated revenues and expenditures in a form prescribed by the state auditor. The form prescribed shall be designed so that comparisons can be made between the current year and the budget year. A note shall be included that the complete budget is available for public inspection at a designated location within the county.

Sec. 42. Minnesota Statutes 1982, section 375.17, is amended to read:

375.17 [PUBLICATION OF FINANCIAL STATEMENTS.]

Annually, not later than the first Tuesday after the first Monday in March, the county board shall make a full and accurate statement of the receipts and expenditures of the preceding year, which shall contain a statement of the assets and liabilities, a summary of receipts, disbursements, and balances of all county funds together with a detailed statement of each fund account, under the form and style prescribed by and on file with the state auditor, which prescribed form and any changes or modifications thereof shall so far as practical be uniform for all counties and shall be approved by the attorney general and the state printer and (WITHIN 30 DAYS THEREAFTER) *before June 1* shall cause the same to be published for one issue in some newspaper within the county, which newspaper must be a duly qualified legal newspaper, as provided by law. The county board

may also refrain from publishing an itemized account of amounts paid out, to whom and for what purpose to the extent that the published proceedings of the county board contain such information, provided that all disbursements aggregating \$5,000 or more to any person are set forth in a schedule of major disbursements showing amounts paid out, to whom and for what purpose and are made a part of, and published with, the financial statement. The county board may refrain from publishing the names and amounts of salaries and expenses paid to employees but shall publish the totals of disbursements for salaries and expenses. The county board may refrain from publishing the names of persons receiving poor relief or direct relief and the amounts paid to each, but the totals of the disbursements for such purposes must be published. In addition to the publication thereof in the newspaper designated by the board as the official newspaper for publication of the financial statement, the same shall be published in one other newspaper (OF THE COUNTY), if there be one (LOCATED) of *general circulation* in a different municipality in the county than the official newspaper. The county board shall call for separate bids for each publication. Insofar as any provision of this section is inconsistent with the provisions of section 393.07, the provisions of that section shall prevail.

Sec. 43. Minnesota Statutes 1982, section 375.51, subdivision 3, is amended to read:

Subd. 3. [PUBLICATION.] Every ordinance enacted by a county board shall be published at least once as part of the proceedings of the meeting at which the ordinance was enacted. Publication shall be made in the official newspaper of the county but additional publications, either in the official newspaper or other newspaper, may be ordered. An ordinance may be published in its entirety, or otherwise as hereinafter provided.

To the extent of the authority described in subdivision 1 of this section, a county may incorporate in an ordinance by reference any statute of Minnesota, any administrative rule or regulation of any department of the state of Minnesota affecting the county, or any code. The term "code" as used herein means any compilation of regulations or standards or parts thereof prepared by any governmental agency or any trade or professional association for general distribution in printed form as a standard or model on the subject of building construction, plumbing, electric wiring, inflammable liquids, sanitary provisions, public health, safety, or general welfare.

In the case of lengthy ordinances, or ordinances which include charts or maps, the ordinance need not be published in its entirety if the title of the ordinance and a summary of the ordinance conforming to section 20, subdivision 10, is included in the publication of the proceedings of the meeting at which the ordinance was enacted, with notice that a printed copy of the

ordinance is available for inspection by any person during regular office hours at the office of the county auditor. In such case and in the case a statute, administrative rule or regulation or a code is adopted by reference, all requirements of statute for the publication of ordinances shall be satisfied if the summary of the ordinance or the ordinance incorporating the statute, regulation, ordinance or code is published in the required manner and if, prior to such publication, at least one copy of the entire ordinance or of the statute, rule, regulation or code are marked as the official copy and filed for use and examination by the public in the office of the county auditor. Provisions of the entire ordinance or of the statute, rule, regulation or code thus incorporated in such ordinance by reference shall be as much a part of the ordinance as if they had been set out in full therein.

Sec. 44. Minnesota Statutes 1982, section 375.52, is amended to read:

375.52 [REVISION AND CODIFICATION.]

Any county may revise and codify and print in book, pamphlet or newspaper form any general and special laws, ordinances, resolutions and rules in force in the county. Such codification shall be a sufficient publication of any ordinance included in it and not previously published in a newspaper if a substantial quantity of the codification is printed for general distribution to the public. (A NOTICE THAT COPIES OF THE CODIFICATION ARE AVAILABLE IN THE OFFICE OF THE COUNTY AUDITOR SHALL BE PUBLISHED IN THE OFFICIAL COUNTY NEWSPAPER FOR AT LEAST TWO SUCCESSIVE WEEKS.) The county board is authorized to make a reasonable charge for the cost of printing and distribution of ordinances or a codification of ordinances.

Sec. 45. Minnesota Statutes 1982, section 383A.27, subdivision 2, is amended to read:

Subd. 2. [RULES; JOURNAL.] The board shall determine its own rules and order of business and shall provide for keeping a journal of its official proceedings. This journal shall be a public record and shall be published according to Minnesota Statutes, Section 375.12, in a newspaper having in the county its own office of issue (, AS THIS TERM IS DEFINED IN MINNESOTA STATUTES, SECTION 331.02,) and doing its typographic composition and presswork in the county.

Sec. 46. Minnesota Statutes 1982, section 412.191, subdivision 3, is amended to read:

Subd. 3. [PUBLICATION OF COUNCIL PROCEEDINGS.] The council (MAY PUBLISH ALL OR ANY PART OF THE OFFICIAL COUNCIL PROCEEDINGS IN THE OFFICIAL

NEWSPAPER. IN THE CASE OF PARTIAL PUBLICATION, THE PUBLISHED PROCEEDINGS SHALL INDICATE IN WHAT RESPECTS THEY ARE INCOMPLETE) *after every regular or special meeting shall publish the official council proceedings, a summary conforming to section 20, subdivision 10, or a condensed version of the official minutes which shall include action on motions, resolutions, ordinances, and other official proceedings. The publication shall occur within 30 days of the meeting to which the proceedings relate.*

Sec. 47. Minnesota Statutes 1982, section 412.191, subdivision 4, is amended to read:

Subd. 4. [ENACTMENT OF ORDINANCES.] Every ordinance shall be enacted by a majority vote of all the members of the council except where a larger number is required by law. It shall be signed by the mayor, attested by the clerk and published once in the official newspaper. *In the case of lengthy ordinances, or ordinances which include charts or maps, if the city council determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the council may by a four-fifths vote of its members direct that only the title of the ordinance and a summary be published, conforming to section 20, subdivision 10, with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the city clerk and any other location which the council designates. A copy of the entire text of the ordinance shall be posted in the community library, if there is one, or if not, in any other public location which the council designates. Prior to the publication of the title and summary the council shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published. The text of the summary shall be published in a body type no smaller than brevier or eight-point type (, AS DEFINED IN SECTION 331.07). Proof of the publication shall be attached to and filed with the ordinance.*

Every ordinance shall be recorded in the ordinance book within 20 days after publication of the ordinance or its title and summary. All ordinances shall be suitably entitled and shall be substantially in the style. "The City Council of ordains:".

Sec. 48. Minnesota Statutes 1982, section 414.09, subdivision 3, is amended to read:

Subd. 3. [ELECTIONS OF MUNICIPAL OFFICERS.] An order approving an incorporation or consolidation pursuant to this chapter shall set a date for this election of new municipal officers not less than 45 days nor more than 60 days after the

issuance of such order. The board shall appoint an acting clerk for election purposes, at least three election judges who shall be residents of the new municipality, and shall designate polling places within the new municipality.

The acting clerk shall prepare the official election ballot. Affidavits of candidacy may be filed by any person eligible to hold municipal office not more than four weeks nor less than two weeks before the date designated by the board for the election. (AT LEAST ONE WEEK BEFORE THE FIRST DAY TO FILE SUCH AFFIDAVITS THE ACTING CLERK SHALL PUBLISH A NOTICE IN A NEWSPAPER QUALIFIED AS A MEDIUM OF OFFICIAL PUBLICATION AND OF GENERAL CIRCULATION WITHIN THE NEW MUNICIPALITY STATING THE FIRST AND LAST DATES ON WHICH SUCH AFFIDAVITS MAY BE FILED, THE LOCATION OF THE CLERK'S OFFICE, THE CLERK'S OFFICE HOURS, AND THE AMOUNT OF THE FILING FEE.)

(THE ACTING CLERK SHALL PUBLISH A NOTICE OF ELECTION IN A NEWSPAPER QUALIFIED AS A MEDIUM OF OFFICIAL PUBLICATION AND OF GENERAL CIRCULATION WITHIN THE NEW MUNICIPALITY FOR TWO SUCCESSIVE WEEKS IMMEDIATELY PRIOR TO THE DATE DESIGNATED BY THE BOARD FOR THE ELECTION. THE ELECTION NOTICE SHALL STATE THE PURPOSE, DATE, AND POLLING PLACES FOR THE ELECTION, AND SHALL STATE THE TIME THE POLLS SHALL BE OPEN, WHICH TIME SHALL BE AT LEAST FIVE HOURS.)

The election shall be conducted in conformity with the charter and the laws for conducting municipal elections insofar as applicable. Any person eligible to vote at a township or municipal election within the area of the new municipality, is eligible to vote at such election.

Any excess in the expense of conducting the election over receipts from filing fees shall be a charge against the new municipality; any excess of receipts shall be deposited in the treasury of the new municipality.

Sec. 49. Minnesota Statutes 1982, section 415.021, is amended to read:

415.021 [CODIFICATION OF ORDINANCES.]

Any city, however organized, may revise and codify and print in book, pamphlet or newspaper form, any ordinances, resolutions, and rules of the city and may include therein for reference any applicable general or special laws. Such codification shall be a sufficient publication of any ordinance included in it and not

previously published in a newspaper if a substantial quantity of the codification is printed for general distribution to the public. (A NOTICE THAT COPIES OF THE CODIFICATION ARE AVAILABLE AT THE OFFICE OF THE CITY CLERK OR RECORDER SHALL BE PUBLISHED FOR AT LEAST TWO SUCCESSIVE WEEKS IN THE OFFICIAL NEWSPAPER, OR, IF THERE IS NONE, IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY.)

Sec. 50. Minnesota Statutes 1982, section 429.061, subdivision 2, is amended to read:

Subd. 2. [ADOPTION; INTEREST.] At such meeting or at any adjournment thereof the council shall hear and pass upon all objections to the proposed assessment, whether presented orally or in writing. The council may amend the proposed assessment as to any parcel and by resolution adopt the same as the special assessment against the lands named in the assessment roll. Notice of any adjournment of the hearing shall be adequate if the minutes of the meeting so adjourned show the time and place when and where the hearing is to be continued (, OR IF THREE DAYS NOTICE THEREOF BE PUBLISHED IN THE NEWSPAPER).

The council may consider any objection to the amount of a proposed assessment as to a specific parcel of land at an adjourned hearing upon further notice to the affected property owner as it deems advisable. At the adjourned hearing the council or a committee of it may hear further written or oral testimony on behalf of the objecting property owner and may consider further written or oral testimony from appropriate city officials and other witnesses as to the amount of the assessment. The council or committee shall prepare a record of the proceedings at the adjourned hearing and written findings as to the amount of the assessment. The amount of the assessment as finally determined by the council shall become a part of the adopted assessment roll. All objections to the assessments not received at the assessment hearing in the manner prescribed by this section are waived, unless the failure to object at the assessment hearing is due to a reasonable cause.

The assessment, with accruing interest, shall be a lien upon all private and public property included therein, from the date of the resolution adopting the assessment, concurrent with general taxes; but the lien shall not be enforceable against public property as long as it is publicly owned, and during such period the assessment shall be recoverable from the owner of such property only in the manner and to the extent provided in section 435.19. Except as provided below, all assessments shall be payable in equal annual installments extending over such period, not exceeding 30 years, as the resolution determines, payable on the first Monday in January in each year, but the

number of installments need not be uniform for all assessments included in a single assessment roll if a uniform criterion for determining the number of installments is provided by the resolution. The first installment of each assessment shall be included in the first tax rolls completed after its adoption and shall be payable in the same year as the taxes contained therein; except that the payment of the first installment of any assessment levied upon unimproved property may be deferred until a designated future year, or until the platting of the property or the construction of improvements thereon, upon such terms and conditions and based upon such standards and criteria as may be provided by resolution of the council. If special assessments against the property have been deferred pursuant to this subdivision, the governmental unit shall file with the county recorder in the county in which the property is located a certificate containing the legal description of the affected property and of the amount deferred. In any event, every assessment the payment of which is so deferred, when it becomes payable, shall be divided into a number of installments such that the last installment thereof will be payable not more than 30 years after the levy of the assessment. All assessments shall bear interest at such rate as the resolution determines, not exceeding eight percent per annum, except that the rate may in any event equal the average annual interest rate on bonds issued to finance the improvement for which the assessments are levied. To the first installment of each assessment shall be added interest on the entire assessment from a date specified in the resolution levying the assessment, not earlier than the date of the resolution, until December 31 of the year in which the first installment is payable, and to each subsequent installment shall be added interest for one year on all unpaid installments; or alternatively, any assessment may be made payable in equal annual installments including principal and interest, each in the amount annually required to pay the principal over such period with interest at such rate as the resolution determines, not exceeding the maximum period and rate specified above. In the latter event no prepayment shall be accepted under subdivision 3 without payment of all installments due to and including December 31 of the year of prepayment, together with the original principal amount reduced only by the amounts of principal included in such installments, computed on an annual amortization basis. When payment of an assessment is deferred, as authorized in this subdivision, interest thereon for the period of deferment may be made payable annually at the same times as the principal installments of the assessment would have been payable if not deferred; or interest for this period may be added to the principal amount of the assessment when it becomes payable; or, if so provided in the resolution levying the assessment, interest thereon to December 31 of the year before the first installment is payable may be forgiven.

Sec. 51. Minnesota Statutes 1982, section 430.02, subdivision 3, is amended to read:

Subd. 3. [NOTICE OF HEARING; HEARING; AWARD AND APPRAISEMENT.] The commissioners shall give notice, (BY TWO PUBLICATIONS IN THE OFFICIAL NEWSPAPER OF THE CITY) *in a manner appropriate to inform the public*, that the survey and plat and the pedestrian mall ordinance, if any, is on file in the office of the city clerk for the examination of all persons interested and that they will, on a day designated in this notice, (WHICH SHALL BE AT LEAST TEN DAYS AFTER THE FIRST PUBLICATION OF THE NOTICE,) meet at a place designated in the notice on or near the proposed improvement, and view the property proposed to be taken or interfered with for the purposes of these improvements, and ascertain and award therefor compensation and damages, and view the premises to be benefited by this improvement, and assess thereon in proportion to benefits, the amount necessary to pay the compensation and damage and the cost of making the improvement and that they will then and there hear such allegations and proofs as interested persons may offer. These commissioners shall meet and view the premises pursuant to the notice, and may adjourn, from time to time, and, after having viewed the premises, may, for the hearing of evidence and preparation of their award and assessment, adjourn or go to any other convenient place in the city, and may have the aid and advice of the city engineer and of any other officer of the city, and adjourn from time to time. If a pedestrian mall ordinance is proposed by the council under section 430.011, in connection with an improvement, the commissioners may consider the business uses of abutting property affected by such ordinance and by the improvement to which it relates and the probable effect which the ordinance and improvement will have on the value of such property and such uses and shall consider whether such property has access to some other street or alley for delivering and receiving merchandise and materials and the extent to which the use and value of property without such access will suffer as a result of the adoption of such ordinance and the making of such improvement. After viewing the premises and hearing the evidence offered, these commissioners shall prepare and make a true and impartial appraisal and award of the compensation and damages to be paid to each person whose property is to be taken or injured by the making of the improvement; but if the remainder of the same property, a part of which only is to be taken or damaged by the improvement, shall be benefited by the improvement, then the commissioners, in considering and awarding compensation and damages, shall also consider, estimate, and offset the benefits which will accrue to the same owner, in respect to the remainder of the same property, and award him only the excess of the compensation or damages over and above these benefits.

Sec. 52. Minnesota Statutes 1982, section 430.02, subdivision 7, is amended to read:

Subd. 7. [PUBLICATION OF NOTICE OF HEARING.] The commissioners shall, upon the completion of their report, file the same with the city clerk and thereupon it shall be the duty of the city clerk to (GIVE NOTICE TO ALL INTERESTED PARTIES BY PUBLISHING, AS SOON AS POSSIBLE, IN THE OFFICIAL NEWSPAPER OF THE CITY A NOTICE CONTAINING) *prepare a list of* descriptions of the several lots and parcels of land taken for these proposed improvements, the amount awarded for the taking of each lot or parcel, the names of the owner or owners of the same, descriptions of the several lots or parcels of land upon which benefits have been assessed, the amount assessed against each lot or parcel and the names of the owner or owners of the same the names of all owners referred to herein to be obtained from the commissioners and, so far as may be necessary, from the records in the office of the county treasurer. (IF A PEDESTRIAN MALL ORDINANCE IS PROPOSED TO BE ADOPTED IN CONNECTION WITH THE IMPROVEMENT UNDER SECTION 430.011, A COPY OF THE PROPOSED ORDINANCE SHALL BE PUBLISHED WITH THE NOTICE AND THE NOTICE SHALL REFER TO THE ORDINANCE AND SHALL STATE THAT ANY AND ALL OBJECTIONS TO THE ADOPTION OF THE ORDINANCE WILL BE HEARD AND CONSIDERED) *The clerk shall give notice of the proceedings appropriate to inform the owners of the proposed action.* The (PUBLISHED) notice shall (ALSO) designate and fix a place and time, (NOT EARLIER THAN THREE WEEKS FROM DATE OF PUBLICATION OF THE SAME,) at which a committee therein designated by the board of park commissioners or of the council will meet to hear and consider, from or on the part of the owner or owners of the several lots or parcels of land taken for the proposed improvement and of the several lots or parcels of land upon which benefits have been assessed, any and all objections to the making of the improvement, to the amount of damages awarded for the taking of or interference with the property involved, to the amount of the assessment for benefits to any property affected by the proceedings, and any and all claims of irregularities in the proceedings of the city council, board of park commissioners, or the commissioners so appointed by either thereof.

Sec. 53. Minnesota Statutes 1982, section 430.02, subdivision 11, is amended to read:

Subd. 11. [COMMITTEE REPORT.] Within ten days from the conclusion of the hearing or hearings the committee shall file with the city clerk its report and recommendation on the matter so submitted, and upon such filing the city clerk shall give notice that this report and recommendation has been filed and that the same, together with the report of the commissioners, will be considered by the city council at a meeting thereof to be designated in the notice, which notice shall be (PUBLISHED IN THE OFFICIAL NEWSPAPERS OF THE CITY ONCE A WEEK FOR TWO CONSECUTIVE WEEKS, THE LAST PUB-

LICATION THEREOF BEING AT LEAST TWO WEEKS BEFORE THE MEETING OF THE CITY COUNCIL) *given in a manner appropriate to inform the persons affected and the public.*

Sec. 54. Minnesota Statutes 1982, section 430.02, subdivision 12, is amended to read:

Subd. 12. [ACTION BY COUNCIL.] The city council, upon the day fixed for the consideration of the reports and recommendation or at any subsequent meeting to which the same may stand over or be referred, may, by resolution, annul and abandon the proceedings, or may confirm the awards and assessments or any or either thereof, or annul the same, or send the same back to the commissioners for further consideration; and the commissioners may, in such case, again meet at a time and place to be designated in a notice which shall be (PUBLISHED BY THE CITY CLERK ONCE IN THE OFFICIAL NEWS-PAPER OF THE CITY, COPIES OF WHICH TO BE SIMILARLY) mailed by the city clerk to all interested persons, at least two weeks prior to the meeting, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and may correct any mistakes in the award and assessment and alter and revise the same as they may deem just, and again report the same to the city council, who may thereupon confirm or annul the same. If it shall desire to confirm the awards and assessments, the city council shall then give its final reading to and vote on the adoption of any pedestrian mall ordinance proposed in connection with the improvement pursuant to section 430.011, and if it shall be amended or shall fail of adoption for lack of a sufficient majority of votes or otherwise, any improvement instituted in connection with such proposed ordinance shall either be abandoned or the awards and assessments shall be returned to the commissioners for further consideration.

Sec. 55. Minnesota Statutes 1982, section 430.04, is amended to read:

430.04 [AWARDS; HOW PAID; ASSESSMENTS.]

When any award of damages made to appellants upon any appeal to the district court shall exceed the amount of the award appealed from, and when any assessment of benefits made in respect to any appellant upon appeal shall be less than the amount of the assessment of benefits appealed from, the amount of this increase in the amount of the award of damages and the amount of this decrease in the assessment of benefits may be paid by the city from the permanent improvement fund or any fund of the city available therefor, or the city council may cause the same to be assessed upon and against any property benefited by the proposed improvements in addition and without prejudice to prior assessments made thereon in the proceedings, and may refer the matter to the commissioners theretofore appointed by the council in the proceeding or to new commissioners to be

appointed by the city council. These commissioners, whether new or old, shall have the same qualifications as required of commissioners appointed by section 430.02 and shall take oath to faithfully discharge their duties as commissioners and give notice of the time and place when and where they will meet to hear persons interested and assess the amounts of the increase of awards of damages and decrease of assessments of benefits upon the land and property, theretofore assessed for these benefits, or assess benefits on lots or parcels of land not theretofore assessed for benefits in the proceeding. The notice, as to the owners of the lots or parcels of land entitled to increase of awards upon any appeal, and as to the owners of any lots or parcels of land to be then assessed for benefits that were not so assessed in the original proceeding by the commissioners, shall be given by these commissioners by depositing the same in the post office of the city, postage postpaid, directed to each of the persons at his last known place of residence, if known to the commissioners, otherwise as obtained from the office of the county treasurer; provided that the failure of any owner to receive this notice shall not in any wise operate to invalidate any of the proceedings covered by this chapter. The commissioners shall meet, at the time and place so designated in their notice, hear all persons interested, and assess the amount of the increased awards of damages and decreased assessments of benefits, or new and original assessments of benefits, upon the property benefited by the proposed improvements, in proportion to the benefits, but in no case shall the amount of this assessment exceed the actual benefit to the lot or parcel of land so assessed, and the commissioners shall prepare and file with the city clerk an assessment list of the assessment so made by them, containing a brief description of each piece of property assessed, the name of the owners thereof, if known, and the amount assessed against the same, and the city clerk shall present this list to the city council for consideration. A brief minute of the presentation of this assessment list to the city council shall be (MADE AND PUBLISHED) *included* in the record of the proceedings of the city council, which shall be held to be sufficient notice to all persons concerned. This assessment list shall lie over without action thereon by the city council until the next regular meeting of the council which will occur at least one week thereafter, at which time, or at any meeting thereafter, the city council may confirm the assessments and assessment roll, or send the same back to the commissioners for further consideration and report thereon. Any person interested who is dissatisfied with the amount of an assessment may appeal from the confirmation of the assessment by the city council to the district court, in like manner and with like proceedings as provided in section 430.03 in respect to filing objections and taking appeals from original appeals made in such proceedings from such order of confirmation. Any decrease made in any assessments upon any appeal may be paid by the city from the permanent improvement fund or from any fund of the city available therefor, or the city council may cause the same to be reassessed as hereinabove provided.

Sec. 56. Minnesota Statutes 1982, section 430.07, subdivision 5, is amended to read:

Subd. 5. If, in any proceedings under this chapter, the actual cost of the improvement of any street, park, or parkway in the manner herein designated is less than the estimated cost thereof, as found and adopted by it, the city council, except as otherwise provided by this subdivision, shall immediately cancel and annul the assessments made in the proceedings to an amount which, in the aggregate, shall not exceed such fractional part of the total amount of the excess of estimated cost over the actual cost as shall be equivalent to the fraction obtained by dividing the total amount of the assessments by the total amount of the estimated cost.

In case the assessments in any proceeding have not been entirely collected or in case the city council deems that any such assessments cannot be fully collected, the city council may direct the city comptroller to retain in the fund in the proceeding a sum sufficient, in the judgment of the city council, to cover the deficiencies in the collection of the assessments, and the city council shall direct that the balance of the excess of estimated cost shall be disposed of in the following manner. The city council shall direct the city comptroller to certify the amount of this balance to the county auditor. The auditor shall thereupon deduct the amount from the first instalment of the assessment to be collected after the receipt of this certificate. This deduction shall be made from the assessment against each piece or parcel of property in the proportion that the excess, as certified by the city comptroller, bears to the total of the instalment of the assessment. If the balance as certified, exceeds one instalment, it shall also be deducted in like manner from succeeding instalments until the same is fully deducted.

If the assessment against a piece or parcel of property has been paid in full, and the amount to be refunded does not exceed \$1, the city council may deposit the amount of the potential refund in the city's permanent improvement fund or bond redemption fund. If the amount to be refunded exceeds \$1, but does not exceed \$20, the city comptroller shall mail to the current owner of the property a notice stating that the refund is available. The notice shall be mailed within 60 days after the city council determines the actual cost of the improvement. If the amount to be refunded exceeds \$20 the following notice procedure shall be followed. The city comptroller shall mail to the person who owned the property when the assessment was paid, at his last known address, a notice stating that the refund is available. The notice shall be mailed within 60 days after the city council determines the actual cost of the improvement. If a response is not received from the owner within ten days of the date of mailing, a second notice shall be mailed. (IF A RESPONSE IS NOT RECEIVED FROM THE OWNER WITHIN TEN DAYS OF THE DATE OF THE SECOND MAILING,

A NOTICE OF REFUND CONTAINING THE NAME OF THE PERSON WHO WAS THE OWNER WHEN THE ASSESSMENT WAS PAID, AND THE ADDRESS OF THE PROPERTY SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY.) If the refund is not claimed by the person who owned the property when the assessment was paid, within 30 days of the date of mailing of the last required notice (OR WITHIN 30 DAYS OF THE DATE OF PUBLICATION OF ANY REQUIRED NOTICE, WHICHEVER IS LATER,) the city council may deposit the amount of the potential refund in the city's permanent improvement fund or bond redemption fund.

Sec. 57. Minnesota Statutes 1982, section 430.102, subdivision 3, is amended to read:

Subd. 3. [ANNUAL IMPROVEMENT ASSESSMENT PROCEDURE; APPEALS.] When the council shall have acted on the estimate of costs, the city engineer, with the assistance of the city assessor, shall prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the district in proportion to the benefits, descriptions of such properties, and the names of the owners of such properties, so far as such names are available to him. The assessment roll, when so prepared, shall be filed in the office of the city clerk and be there available for inspection. The city council shall meet to consider objections to the amounts of such special assessments at least ten days after a notice of hearing has been (PUBLISHED ONCE IN THE OFFICIAL NEWSPAPER AND) mailed to the named owners of all tracts, parcels and lots of property proposed to be assessed. The notice shall set forth the time and place of meeting, and set forth the purpose of such meeting, but may refer to the assessment roll for further particulars. When the city council shall have approved the amounts of the special assessments set forth therein, or as may be changed by it, the city clerk shall forthwith certify a copy of the assessment roll, with such changes, if any, to the county auditor to be extended on the tax lists of the county and to be collected with and in the same manner as other taxes on property for the current year. Within 20 days after the adoption of the assessment, any person aggrieved may appeal to the district court as provided in section 430.03 except that commissioners shall not be appointed to consider the amount of benefits; if the court shall find that the assessment is not arbitrary, unreasonable, or made under a demonstrable mistake of fact or erroneous theory of law, it shall confirm the proceedings, but otherwise shall remand the same to the city council for reconsideration and reassessment of the benefits upon like notice and hearing as in the case of original assessments under this subdivision. All objections to the assessment shall be deemed waived unless presented on such appeal.

Sec. 58. Minnesota Statutes 1982, section 435.202, subdivision 2, is amended to read:

Subd. 2. [REFUND OF ASSESSMENTS.] the governing body of the municipality shall also notify the municipal clerk or recorder of such fact, and he shall forthwith (PUBLISH A) *provide* notice (IN THE OFFICIAL NEWSPAPER OF THE MUNICIPALITY) *appropriate to inform interested persons* describing the improvement and stating that it has been abandoned and that any person who paid any special assessments levied on account of such improvement may file a claim, within six months following the date of (PUBLICATION OF) the notice, for refund of such assessments paid by him, together with any interest he paid thereon. (IF THE MUNICIPALITY HAS NO OFFICIAL NEWSPAPER, SUCH NOTICE MAY BE PUBLISHED IN ANY NEWSPAPER PUBLISHED IN THE MUNICIPALITY OR, IF NO NEWSPAPER IS PUBLISHED IN THE MUNICIPALITY, IT MAY BE POSTED.) The municipality is not required to, but may, pay such claims filed after the period allowed, and it may require any claimant to furnish satisfactory evidence that he paid the amounts claimed. Such claims may be paid out of moneys in the fund of the improvement which was abandoned, unless obligations have been issued payable therefrom, or they may be paid out of moneys in the general fund.

Sec. 59. Minnesota Statutes 1982, section 441.04, is amended to read:

441.04 [ADVERTISE FOR BIDS.]

As soon as the plans and specifications are approved by the council of each city the committee shall (CAUSE ADVERTISEMENTS TO BE PUBLISHED ONCE IN EACH WEEK FOR THREE SUCCESSIVE WEEKS IN A DAILY NEWSPAPER OF EACH CITY FOR) *give notice appropriate to inform interested persons requesting* public bids for the construction of the bridge, specifying the time and place for opening the bids, the amount and character of deposit required with the bids, together with any reasonable requirements or conditions, and reserving the right to reject any and all bids. No contract shall be let except to the lowest responsible bidder; provided that any such city, acting through its council, may submit a bid and if its bid be the lowest bid the contract shall be awarded to the city, subject to the power of the committee to reject all bids.

Sec. 60. Minnesota Statutes 1982, section 462.427, subdivision 3, is amended to read:

Subd. 3. [PUBLIC HEARING; NOTICE; PUBLICATION; RESOLUTION.] The governing body of a political subdivision shall not adopt any resolution authorized by this and section 462.426 unless a public hearing has first been held. The clerk of such political subdivision shall give notice of the time, place, and purpose of the public hearing not less than ten days nor more than 30 days prior to the day on which the hearing is to be held,

in a (NEWSPAPER PUBLISHED IN SUCH POLITICAL SUBDIVISION; OR IF THERE IS NO NEWSPAPER PUBLISHED IN SUCH POLITICAL SUBDIVISION, THEN IN A NEWSPAPER PUBLISHED IN THE STATE AND HAVING A GENERAL CIRCULATION IN SUCH POLITICAL SUBDIVISION) *manner appropriate to inform the public*. Upon the date fixed for such public hearing an opportunity to be heard shall be granted to all residents of such political subdivision and to all other interested persons. (THE RESOLUTION SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE POLITICAL SUBDIVISION.)

Sec. 61. Minnesota Statutes 1982, section 465.32, is amended to read:

465.32 [NOTICE OF MEETING.]

The appraisers shall give notice of their meeting (BY PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY, ONCE A WEEK FOR SIX CONSECUTIVE WEEKS, WHICH LAST PUBLICATION SHALL BE AT LEAST TEN DAYS BEFORE THE DAY OF SUCH MEETING) *in a manner appropriate to inform the public*, which notice shall name the stream to be diverted, the point of diversion, the general course of the new channel and the height to which it is proposed to raise or maintain any lake, the location of proposed bridges, culverts, or tunnels, the estimated cost of construction, and contain a description of the lands designated by the city council to be taken for right of way and for flowage purposes, and give notice that a plan of the improvement has been filed in the office of the city clerk, and that the appraisers will meet at a place and time designated in the notice, and thence proceed to view the premises and appraise the damages for property to be taken, or which may be damaged by the diversion of water or otherwise by such improvement, and to assess benefits in the manner hereinafter specified. If any portion of such stream or of the lands to be taken is outside of the county containing such city, then the notice shall (BE PUBLISHED FOR A LIKE TIME IN SOME NEWSPAPER IN SUCH) *also be given in the outside county*.

Sec. 62. Minnesota Statutes 1982, section 465.38, is amended to read:

465.38 [NOTICE OF APPRAISEMENT; CONFIRMATION OR ANNULMENT.]

Upon such report being filed, the city clerk shall give notice that such appraisement has been returned and that the same will be considered by the city council at a meeting thereof to be named in the notice, which notice shall contain the schedule

of damages awarded and benefits assessed and be (PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE CITY ONCE A WEEK FOR TWO CONSECUTIVE WEEKS, AND THE LAST PUBLICATION SHALL BE AT LEAST TEN DAYS BEFORE SUCH MEETING) *given in a manner appropriate to inform the public.* Any person interested in any building standing in whole or in part upon any land required to be taken by such improvement shall, on or before the time specified for the meeting in such notice, notify the city council in writing of his election to remove such building, if he so elect. The city council, upon the day fixed for the consideration of such report, or at any subsequent meeting to which the same may stand over or be referred, shall have power in their discretion to confirm, revise, or annul the appraisalment and assessment, giving due consideration to any objections interposed by parties interested in the manner hereinafter specified; provided that the city council shall not have the power to reduce the amount of any award nor increase any assessment. In case the appraisalment and assessment is annulled, the city council may thereupon appoint new appraisers, who shall proceed in like manner as in case of the first appraisalment, and upon the coming in of their report, the city council shall proceed in a like manner and with the same powers as in the case of the first appraisalment.

Sec. 63. [471.6965] [PUBLICATION OF SUMMARY BUDGET STATEMENT.]

Annually, upon adoption of the city budget, the city council shall publish a summary budget statement in the official newspaper of the city, or if there is none, in a qualified newspaper of general circulation in the city. The statement shall contain information relating to anticipated revenues and expenditures, in a form prescribed by the state auditor. The form prescribed shall be designed so that comparisons can be made between the current year and the budget year. A note shall be included that the complete budget is available for public inspection at a designated location within the city.

Sec. 64. Minnesota Statutes 1982, section 471.697, subdivision 1, is amended to read:

Subdivision 1. In any city with a population of more than 2,500 according to the latest federal census, the city clerk or chief financial officer shall:

(a) Prepare a financial report covering the city's operations including operations of municipal hospitals and nursing homes, liquor stores, and public utility commissions during the preceding fiscal year after the close of the fiscal year and publish the report or a summary of the report, in a form as prescribed by the state auditor, in a *qualified newspaper of general*

circulation in the city, or, if there (BE) is none, post copies in three of the most public places in the city, *no later than 30 days after the report is due in the office of the state auditor*. The report shall contain financial statements and disclosures which present the city's financial position and the results of city operations in conformity with generally accepted accounting principles. The report shall include such information and be in such form as may be prescribed by the state auditor;

(b) File the financial report in his office for public inspection and present it to the city council after the close of the fiscal year. One copy of the financial report shall be furnished to the state auditor after the close of the fiscal year; and

(c) Submit to the state auditor audited financial statements which have been attested to by a certified public accountant, public accountant, or the state auditor within 180 days after the close of the fiscal year, except that the state auditor may upon request of a city and a showing of inability to conform, extend the deadline. The state auditor may accept this report in lieu of the report required in clause (b) above.

A municipal hospital or nursing home established before June 6, 1979 whose fiscal year is not a calendar year on August 1, 1980 is not subject to this subdivision but shall submit to the state auditor a detailed statement of its financial affairs audited by a certified public accountant, a public accountant or the state auditor no later than 120 days after the close of its fiscal year. It may also submit a summary financial report for the calendar year.

Sec. 65. Minnesota Statutes 1982, section 471.698, subdivision 1, is amended to read:

Subdivision 1. In any city with a population of less than 2,500 according to the latest federal census, the city clerk or chief financial officer shall:

(a) Prepare a detailed statement of the financial affairs of the city including operations of municipal hospitals and nursing homes, liquor stores, and public utility commissions in the style and form prescribed by the state auditor, for the preceding fiscal year showing all money received, with the sources, and respective amounts thereof; all disbursements for which orders have been drawn upon the treasurer; the amount of outstanding and unpaid orders; all accounts payable; all indebtedness; contingent liabilities; all accounts receivable; the amount of money remaining in the treasury; and all items necessary to show accurately the revenues and expenditures and financial position of the city;

(b) File the statement in his office for the public inspection and present it to the city council within 45 days after the close of the fiscal year;

(c) (1) Publish the statement within (60) 90 days after the close of the fiscal year in a *qualified* newspaper (PUBLISHED) of *general circulation* in the city; or

(2) If there is no *qualified* newspaper of *general circulation* in the city, the clerk shall, at the direction of the city council, (PUBLISH THE STATEMENT IN THE OFFICIAL NEWSPAPER PUBLISHED ELSEWHERE OR) post copies in three of the most public places in the city; or

(3) If city council proceedings are published monthly or quarterly, showing to whom and for what purpose orders are drawn upon the treasurer, the annual statement to be published as required by this section may be summarized in such form as the state auditor may prescribe. *It is not necessary to publish individual disbursements of less than \$100, if disbursements aggregating \$1,000 or more to any person, firm, or other entity are set forth in a schedule of major disbursements showing amounts paid out, to whom, and for what purpose, and are made a part of and published with the financial statement; and*

(d) Submit within 90 days after the close of the fiscal year a copy of the statement to the state auditor in such summary form as the state auditor may prescribe.

A municipal hospital or nursing home established before June 6, 1979 whose fiscal year is not a calendar year on August 1, 1980 is not subject to this subdivision but shall submit to the state auditor a detailed statement of its financial affairs audited by a certified public accountant, a public accountant or the state auditor no later than 120 days after the close of its fiscal year. It may also submit a summary financial report for the calendar year.

Sec. 66. Minnesota Statutes 1982, section 471.6985, is amended to read:

471.6985 [FINANCIAL STATEMENT PUBLICATION;
MUNICIPAL LIQUOR STORE.]

Any city operating a municipal liquor store shall publish a balance sheet using generally accepted accounting procedures and a statement of operations of the liquor store within 90 days after the close of the fiscal year in the official newspaper of the city. The statement shall be headlined, in a type size no smaller than 18 point: "Analysis of (city) municipal liquor store operations for (year)" and shall be written in clear and easily understandable language. It shall contain the following information: total sales, cost of sales, gross profit, profit as percent of sales, operating expenses, operating income, contributions to and from other funds, capital outlay, interest paid and debt retired. The form and style of the statement shall

be prescribed by the state auditor. Non-operating expenses may not be extracted on the reporting form prior to determination of net profits for reporting purposes only. Administrative expenses charged to the liquor store by the city must be actual operating expenses and not used for any other public purpose prior to the determination of net profits. The publication requirements of this section shall be in addition to any publication or posting requirements for financial reports contained in sections 471.697 and 471.698. *The statement may at the option of the city council be incorporated into the reports published pursuant to sections 471.697 and 471.698, in accordance with a form and style prescribed by the state auditor.*

Sec. 67. Minnesota Statutes 1982, section 472.04, subdivision 2, is amended to read:

Subd. 2. The governing body of a municipality shall consider such a resolution only after a public hearing thereon after notice (PUBLISHED IN A QUALIFIED NEWSPAPER AT LEAST ONCE,) *appropriate to inform the public given not less than 10 nor more than 30 days prior to the date of the hearing. Opportunity to be heard shall be granted to all residents of the municipality and its environs and to all other interested persons. The resolution shall be published in the same manner in which ordinances are published in the municipality.*

Sec. 68. Minnesota Statutes 1982, section 484.30, is amended to read:

484.30 [ADJOURNED AND SPECIAL TERMS.]

The judges of each district may adjourn court from time to time during any term thereof, and may appoint special terms for the trial of issues of law and fact, and, when necessary, direct petit juries to be drawn therefor. (THREE WEEKS' PUBLISHED NOTICE OF EVERY SPECIAL TERM SHALL BE GIVEN IN THE COUNTY WHEREIN IT IS TO BE HELD.) They may also appoint special terms for the hearing of all matters except issues of fact, the order for which shall be filed with the clerk, and a copy posted in his office for three weeks prior to the term.

Sec. 69. [REPEALER.]

Minnesota Statutes 1982, sections 55.09; 331.01; 331.02; 331.03; 331.04; 331.05; 331.06; 331.07; 331.08; 331.10; 331.11; and 441.51, are repealed.

Sec. 70. [EFFECTIVE DATE.]

Sections 1 to 69 are effective January 1, 1985, except as they apply to independent school districts, with respect to which Sections 1 to 69 are effective July 1, 1985.'

Delete the title and insert:

“A bill for an act relating to local government; providing procedures for the publication of legal notices; removing various requirements for publication of notices; amending Minnesota Statutes 1982, sections 3.21; 48.48, subdivision 1; 88.48, subdivision 2; 94.10, subdivision 1; 94.344, subdivision 7; 123.33, subdivision 11; 123.71, subdivision 1; 206.17, subdivision 2; 279.07; 279.08; 300.13, subdivision 4; 302A.727, subdivision 1; 306.023, subdivision 2; 306.111, subdivision 2; 306.16, subdivision 2; 306.21, subdivision 1; 307.06; 315.25; 326.18; 346.02; 370.04; 370.07; 371.04; 372.02; 372.08; 374.13; 374.34; 375.025, subdivision 4; 375.12; 375.17; 375.51, subdivision 3; 375.52; 383A.27, subdivision 2; 412.191, subdivisions 3 and 4; 414.09, subdivision 3; 415.021; 429.061, subdivision 2; 430.02, subdivisions 3, 7, 11, and 12; 430.04; 430.07, subdivision 5; 430.102, subdivision 3; 435.202, subdivision 2; 441.04; 462.427, subdivision 3; 465.32; 465.38; 471.697, subdivision 1; 471.698, subdivision 1; 471.6985; 472.04, subdivision 2; and 484.30; proposing new law coded in Minnesota Statutes, chapters 375 and 471; proposing new law coded as Minnesota Statutes, chapter 331A; repealing Minnesota Statutes 1982, sections 55.09; 331.01; 331.02; 331.03; 331.04; 331.05; 331.06; 331.07; 331.08; 331.10; 331.11; and 441.51.”

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. 1393, A bill for an act relating to education; providing for aids to education, tax levies, and the distribution of tax revenues; modifying the foundation aid formula; granting certain powers and duties to school boards, school districts, the state board of education, the commissioner of education, the department of education, the state board of vocational-technical education, the state director of vocational-technical education, the higher education coordinating board, and others; providing for an equalized summer school aid and levy; increasing the community education aid and levy; modifying the vocational instructional aid payment formula; establishing a schools of excellence program; requiring an arts education study; expanding in-service and instructional effectiveness training programs; improving the planning, evaluation, and reporting process; establishing assessment programs; establishing a research and development grant program; appropriating money; amending Minnesota Statutes 1982, sections 121.903, by adding a subdivision; 121.935, subdivisions 2 and 6; 121.936, subdivision 1; 122.532, by adding a subdivision; 123.36, subdivision 10; 123.74; 123.741, as amended; 123.742, as amended; 124.19, by adding a subdivision; 124.20; 124.201, subdivision 1; 124.214, subdivi-

sion 1; 124.565, subdivision 7; 136A.02, subdivision 6; 275.125, by adding subdivisions; 465.721; 471.61, subdivisions 1 and 2a; Minnesota Statutes 1983 Supplement, sections 120.17, subdivision 3b; 121.601; 121.608; 121.609; 121.904, subdivision 4a; 123.36, subdivision 13; 123.743; 124.155, subdivision 1; 124.195, subdivisions 1, 9, and 10; 124.201, subdivisions 2, 4, and 5; 124.2122; 124.2126, subdivision 3; 124.2138; 124.271, subdivision 2b; 124.5615, subdivision 5; 124.5629; 124A.06, subdivision 1; 124A.12, subdivision 1; 124A.14, subdivision 1; 124A.16, subdivision 4; 125.032, subdivision 2; 129B.32, subdivision 3; 129B.36, by adding a subdivision; 136C.04, by adding a subdivision; 275.125, subdivisions 2e, 2k, 8, 8a, 9b, 11a, and 11c; 298.28, subdivision 1; 466.06; 475.61, subdivision 3; Laws 1976, chapter 20, section 5, subdivision 1; Laws 1983, chapter 314, article 6, section 34, subdivision 12; article 7, section 45; article 8, section 23; and article 9, section 14, subdivision 3; proposing new law coded in Minnesota Statutes, chapters 121, 123, 124, and 136C; repealing Minnesota Statutes 1982, sections 124.201, as amended; 124.32, subdivisions 1a, 1e, and 2a; 125.60, subdivision 2a; and 275.125, subdivision 2g; and Minnesota Statutes 1983 Supplement, sections 124.32, subdivision 5a; and 275.125, subdivisions 2i and 2j.

Reported the same back with the following amendments:

Page 37, line 32, after the period insert "*The state director shall continue to maintain by institution records of revenues and expenditures and student enrollment in the current categories of post-secondary and adult vocational education.*"

Page 85, line 32, after "*program*" insert a period

Page 85, line 32, delete "*and*" and insert "*The department may use*"

Page 85, line 33, before the period insert "*; \$50,000 of which shall be used for one new professional position and the remaining \$100,000 is available for three positions and associated expenses currently funded with federal block grant dollars. This \$100,000 shall not be released until the commissioner of education has verified to the commissioner of finance that federal funding for these positions is no longer available. In the event of a transfer from federal to state funding, the complement for the affected positions is also transferred from federal to state status*"

Page 86, line 1, delete "*staff*" and insert "*state*"

Page 86, line 1, after "*complement*" insert "*by two positions*"

Page 86, line 7, delete "*\$375,000*" and insert "*\$475,000*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1406, A bill for an act relating to cities; permitting cities to reimburse officers or employees for certain legal expenses; proposing new law coded in Minnesota Statutes, chapter 465.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [465.76] [LEGAL COUNSEL; REIMBURSEMENT.]

If reimbursement is requested by the officer or employee, the governing body of a home rule charter or statutory city or county may, after consultation with its legal counsel, reimburse a city or county officer or employee for any costs and reasonable attorney's fees incurred by the person to defend charges of a criminal nature brought against the person that arose out of the reasonable and lawful performance of duties for the city or county, provided if less than a quorum of the governing body is disinterested, that such reimbursement shall be approved by a judge of the district court.”

Delete the title and insert:

“A bill for an act relating to local government; permitting cities and counties to reimburse officers or employees for certain legal expenses; proposing new law coded in Minnesota Statutes, chapter 465.”

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1499, A bill for an act relating to public utilities; permitting the public utilities commission to order reimbursement payments to intervenors in telephone rate proceedings; amending Minnesota Statutes 1982, section 237.075, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 14, delete “*proceeding*” and insert “*general rate case*”

Page 1, after line 17, insert:

“No entity which provides telephone services of any kind shall be eligible for reimbursement of out-of-pocket expenses under this subdivision.”

Page 1, line 19, delete “and” and insert a period

Page 1, delete line 20

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1559, A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 10; allowing public lands of the state to be exchanged for any other public land; amending Minnesota Statutes 1982, section 94.343, subdivision 1.

Reported the same back with the following amendments:

Page 2, after line 15, insert:

“Sec. 4. Minnesota Statutes 1982, section 94.349, subdivision 3, is amended to read:

Subd. 3. The classes of state land which may be involved in a transfer of title are the same as those which may be exchanged under land exchange laws and are subject to the same limitations as are applied to state lands under land exchange laws. (IN ADDITION, LAND SUBJECT TO THE PUBLIC SALE REQUIREMENTS OF MINNESOTA CONSTITUTION, ARTICLE XI, SECTION 8, SHALL BE CONDEMNED PRIOR TO ANY TITLE TRANSFER. THE CONDEMNATION AWARD MUST BE PAID AND THE TIME TO APPEAL FROM THE AWARD MUST HAVE EXPIRED PRIOR TO ANY TITLE TRANSFER UNDER THIS SECTION.)”

Page 2, line 17, delete “Section 3 is” and insert “Sections 3 and 4 are”

Renumber the section in sequence

Amend the title as follows:

Page 1, line 5, delete “section” and insert “sections”

Page 1, line 6, before the period insert “; and 94.349, subdivision 3”

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

The report was adopted.

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

H. F. No. 1578, A bill for an act relating to public welfare; extending the community work experience program; amending Minnesota Statutes 1983 Supplement, section 256.737.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1983 Supplement, section 256.737, is amended to read:

256.737 [COMMUNITY WORK EXPERIENCE PROGRAM.]

In order that persons receiving aid under this chapter may be assisted in achieving self-sufficiency by enhancing their employability through meaningful work experience and training and the development of job search skills, the commissioner of public welfare may (ESTABLISH) *continue the pilot community work experience demonstration programs in operation as of January 1, 1984. No new pilot community work experience demonstration programs may be established.* The commissioner shall: (a) assist counties in the design, implementation, and evaluation of these demonstration programs; (b) promulgate, in accordance with chapter 14, temporary rules necessary for the implementation of this section, except that the time restrictions of section 14.35 shall not apply and the rules may be in effect until the termination of the demonstration programs; and (c) seek any federal waivers necessary for proper implementation of this section in accordance with federal law. The commissioner shall prohibit use of participants in the programs to do work that was part or all of the duties or responsibilities of an authorized public employee position established as of January 1, 1983. *The exclusive bargaining representative shall be notified no less than 14 days in advance of any placement by the community work experience program. Concurrence with respect to job duties of persons placed under the community work experience program shall be obtained from the appropriate exclusive bargaining representa-*

tive. The appropriate oversight committee shall be given monthly lists of all job placements under a community work experience program.

Projects shall end no later than June 30, (1984) 1985, and a preliminary report shall be made to the legislature by February 15, (1984) 1985, on the feasibility of permanent implementation and on the cost effectiveness of each of the demonstration programs.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1707, A bill for an act relating to gambling; creating a charitable gambling control board and prescribing its powers and duties; imposing a tax on the gross receipts of charitable gambling; making an annual appropriation; prescribing penalties; amending Minnesota Statutes 1982, sections 349.11; 349.12; 349.13; 349.14; 349.15; 349.16; 349.17; 349.18; 349.19; 349.20; 349.21; 349.22; and 349.31, subdivision 1; Minnesota Statutes 1983 Supplement, sections 340.14, subdivision 2; 609.75, subdivision 3; and 609.761; proposing new law coded in Minnesota Statutes, chapter 349; repealing Minnesota Statutes 1982, section 349.26.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 340.14, subdivision 2, is amended to read:

Subd. 2. [RESTRICTIONS.] Every licensee shall be responsible for the conduct of his place of business and for conditions of sobriety and order therein. No licensee shall keep, possess, or operate, or permit the keeping, possession, or operation of, on the licensed premises, or in any room adjoining the licensed premises, any slot machine, dice, or any gambling device or apparatus, nor permit any gambling therein, nor permit the licensed premises or any room in the same, or in any adjoining building, directly or indirectly under its control to be used as a resort for prostitutes or other disorderly persons, except that gambling devices may be kept or operated and raffles con-

ducted on licensed premises and adjoining rooms when such activities are licensed by the (LOCAL UNIT OF GOVERNMENT PURSUANT TO SECTION 349.26) *charitable gambling control board under sections 349.11 to 349.213*. No person under 18 years of age shall be employed in any rooms constituting the place in which intoxicating liquors are sold at retail "on-sale," except that persons under 18 years of age may be employed as musicians or to perform the duties of a busboy or dishwashing services in places defined as a restaurant or hotel or motel serving food in rooms in which intoxicating liquors are sold at retail "on-sale." Persons under 18 years of age may be employed as waiters or waitresses in places defined as a restaurant, hotel or motel to serve food in rooms in which only wine is sold on-sale, provided they shall not be permitted to serve or sell wine.

Sec. 2. Minnesota Statutes 1982, section 349.11, is amended to read:

349.11 [PURPOSE.]

The purpose of sections 349.11 to (349.23) *349.22* is to (CLOSELY) regulate (AND CONTROL THE CONDUCT OF THE GAME OF BINGO AND TO PROHIBIT COMMERCIALIZATION OF BINGO) *legal forms of gambling to prevent their commercialization, to insure integrity of operations, and to provide for the use of net profits only for lawful purposes.*

Sec. 3. Minnesota Statutes 1982, section 349.12, is amended to read:

349.12 [DEFINITIONS.]

Subdivision 1. As used in sections 349.11 to (349.23) *349.22* the following terms have the meanings given them.

Subd. 2. "*Lawful gambling*" is the operation, conduct or sale of bingo, raffles, paddlewheels, tipboards, and pull-tabs.

Subd. 3. "Active member" means a member who has paid all his dues to the organization and has been a member of the organization for at least six months.

Subd. (3) 4. "Bingo" means a game where each player has a card or board for which a consideration has been paid containing five horizontal rows of spaces, with each row except the central one containing five figures. The central row has four figures with the word "free" marked in the center space thereof. *Bingo also includes games which are as described in this subdivision except for the use of cards where the figures are not preprinted but are filled in by the players.* A player wins a game of bingo by completing (ANY) a preannounced combination of spaces or, in the absence of a preannouncement of a combination of spaces, any combination of five spaces in a row, either vertical, horizontal or diagonal.

Subd. (4) 5. "Bingo occasion" means a single gathering or session at which a series of one or more successive bingo games is played.

Subd. (5) 6. "Checker" means a person who records the number of bingo cards purchased and played during each game and records the prizes awarded to the recorded cards, but does not collect the payment for the cards.

Subd. 7. "Paddlewheel" means a wheel marked off into sections containing one or more numbers, and which, after being turned or spun, uses a pointer or marker to indicate winning chances.

Subd. 8. "Tipboard" means a board, placard or other device marked off in a grid or columns, in which each section contains a hidden number or numbers, or other symbol, which determines the winning chances.

Subd. 9. "Raffle" means a game in which a participant buys a ticket for a chance at a prize with the winner determined by a random drawing to take place at a location and date printed upon the ticket.

Subd. 10. "Pull-tab" means a single folded or banded ticket or a card with a face covered to conceal one or more numbers or symbols, where one or more of each set of tickets or cards has been designated in advance as a winner. "Pull-tab" also includes a ticket sold in a gambling device known as a ticket jar.

Subd. (6) 11. "Lawful purpose" means one or more of the following: (a) benefiting persons by enhancing their opportunity for religious or educational advancement, by relieving or protecting them from disease, suffering or distress, by contributing to their physical well-being, by assisting them in establishing themselves in life as worthy and useful citizens, or by increasing their comprehension of and devotion to the principles upon which this nation was founded; (b) initiating, performing, or fostering worthy public works or enabling or furthering the erection or maintenance of public structures; (c) lessening the burdens borne by government or voluntarily supporting, augmenting or supplementing services which government would normally render to the people; or (d) the improving, expanding, maintaining or repairing real property owned or leased by an organization.

"Lawful purpose" does not include the erection or acquisition of any real property, unless the (LOCAL UNIT OF GOVERNMENT) board specifically authorizes the expenditures after finding that the property will be used exclusively for one or more of the purposes specified in this clause.

(SUBD. 7. "LOCAL UNIT OF GOVERNMENT" MEANS THE CITY OR TOWN IN WHICH BINGO IS PROPOSED TO BE PLAYED OR IS PLAYED OR, IF THERE IS NO CITY OR TOWN, THE COUNTY IN WHICH BINGO IS PROPOSED TO BE PLAYED OR IS PLAYED.)

Subd. (8) 12. "Organization" means any fraternal, religious, veterans, or other nonprofit organization.

Subd. (9) 13. "Profit" means the gross receipts collected from (ONE OR MORE BINGO OCCASIONS) *lawful gambling*, less reasonable sums necessarily and actually expended for (BINGO) *gambling* supplies and equipment, prizes, rent, and utilities used during the (BINGO) *gambling* occasions, (BINGO LICENSE FEES) *compensation paid to members for conducting gambling*, taxes (RELATED TO BINGO, AND OTHER EXPENSES PERMITTED BY LAWS 1976, CHAPTER 261) *imposed by this chapter, and maintenance of devices used in lawful gambling*.

(SUBD. 10. "BINGO MANAGER" MEANS A MEMBER WHO HAS PAID ALL HIS DUES TO THE ORGANIZATION AND HAS BEEN A MEMBER OF THE ORGANIZATION FOR AT LEAST TWO YEARS AND HAS BEEN DESIGNATED BY AN ORGANIZATION TO SUPERVISE BINGO OCCASIONS CONDUCTED BY IT.)

Subd. 14. "*Gambling manager*" means a person who has paid all dues to an organization and has been a member of the organization for at least two years and has been designated by the organization to supervise lawful gambling conducted by it.

Subd. 15. "*Gambling equipment*" means: bingo cards and devices for selecting bingo numbers, pull-tabs, ticket jars, paddlewheels, and tipboards.

Subd. 16. "*Board*" is the charitable gambling control board.

Subd. 17. "*Distributor*" is a person who sells gambling equipment he manufactures or purchases for resale.

Sec. 4. Minnesota Statutes 1982, section 349.13, is amended to read:

349.13 [NOT GAMBLING IF ORGANIZATION CONDUCTS BINGO.]

(BINGO SHALL) *Lawful gambling is not (BE CONSTRUED AS) a lottery or (AS) gambling within the meaning of sections 609.75 to 609.76 if it is conducted (BY AN ORGANIZATION IN COMPLIANCE WITH LAWS 1976, CHAPTER 261) under this chapter.*

Sec. 5. Minnesota Statutes 1982, section 349.14, is amended to read:

349.14 [ORGANIZATION MAY CONDUCT BINGO; LICENSE.]

An organization may conduct (BINGO OCCASIONS) *lawful gambling* if it has been in existence for at least three years, has at least 15 active members, has a license to conduct (BINGO) *lawful gambling* from the (LOCAL UNIT OF GOVERNMENT) board and complies with (SECTIONS 349.15 TO 349.21) *this chapter*.

Sec. 6. Minnesota Statutes 1982, section 349.15, is amended to read:

349.15 [USE OF PROFITS.]

Profits from (A BINGO OCCASION SHALL) *lawful gambling* may be expended only for lawful purposes as authorized at a regular meeting of the *conducting* organization.

Sec. 7. [349.151] [CHARITABLE GAMBLING CONTROL BOARD.]

Subdivision 1. [BOARD CREATED.] The charitable gambling control board is created with the powers and duties established by subdivision 4.

Subd. 2. [MEMBERSHIP.] The board consists of 13 members appointed as follows:

(1) *two persons appointed by the speaker of the house of representatives;*

(2) *two persons appointed by the president of the senate;*

(3) *seven persons appointed by the governor, four of whom must reside outside of the seven-county metropolitan area;*

(4) *the commissioner of public safety or his designee; and*

(5) *the attorney general or his designee.*

A member serving on the board by appointment must have been a resident of Minnesota for at least five years. Neither the speaker of the house nor the president of the senate may appoint as his appointees two persons who are members of the same political party, and of the appointees of the governor not more than two may belong to the same political party. A member appointed to the board may be removed at any time by the appointing au-

thority. Vacancies on the board are filled in the same manner as the original appointment. Appointments by the speaker of the house of representatives and the president of the senate are for two years and appointments by the governor are for three years. The governor shall appoint the chairperson from among his appointees.

Subd. 3. [COMPENSATION.] The compensation of board members is \$35 per day spent on commission activities, when authorized by the board, plus expenses in the same manner and amount as provided in the commissioner's plan adopted according to section 43A.18, subdivision 2.

Subd. 4. [POWERS AND DUTIES.] The board has the following powers and duties:

(1) to issue, revoke, and suspend licenses to organizations and suppliers under sections 349.16 and 349.161;

(2) to collect and deposit license fees and taxes due under this chapter;

(3) to receive reports required by this chapter and inspect the records, books, and other documents of organizations and suppliers to insure compliance with all applicable laws and rules;

(4) to make rules, including temporary rules, required by this chapter;

(5) to register gambling equipment and issue registration stamps under section 349.162;

(6) to provide by rule for the mandatory posting by organizations conducting lawful gambling of rules of play and the odds and/or house percentage on each form of lawful gambling; and

(7) to report annually to the governor and legislature on its activities and on recommended changes in the laws governing charitable gambling.

Subd. 5. [EMPLOYEES.] The board shall employ an executive secretary in the unclassified service and such other employees in the classified service as are required to enable it to carry out its functions. One or more of the employees must be bingo inspectors.

Subd. 6. [ATTORNEY GENERAL.] The attorney general is the attorney for the board. In addition the attorney general may prosecute any violation of sections 349.11 to 349.22 which is a felony or gross misdemeanor.

Sec. 8. Minnesota Statutes 1982, section 349.16, is amended to read:

349.16 [(LOCAL REGULATION) ORGANIZATION LICENSES.]

Subdivision 1. [ISSUANCE OF GAMBLING LICENSES.] (NOTHING IN SECTIONS 349.11 TO 349.23 SHALL BE CONSTRUED TO PROHIBIT A LOCAL UNIT OF GOVERNMENT FROM ADOPTING ORDINANCES, RULES AND REGULATIONS CONCERNING THE CONDUCT OF BINGO WHICH ARE MORE RESTRICTIVE THAN STATE REGULATIONS, INCLUDING AN ORDINANCE TO BAN THE CONDUCT OF BINGO. PRIOR TO PROMULGATING BINGO REGULATIONS OR ISSUING A BINGO LICENSE, THE LOCAL UNIT OF GOVERNMENT SHALL CONSULT WITH THE LOCAL BUILDING INSPECTOR, IF ANY, AND THE FIRE AND POLICE AUTHORITIES. A LOCAL UNIT OF GOVERNMENT WHICH PERMITS BINGO BUT HAS NOT ADOPTED REGULATIONS SHALL BE DEEMED TO HAVE ADOPTED THE PROVISIONS OF LAWS 1976, CHAPTER 261 AS ITS REGULATIONS. A LOCAL UNIT OF GOVERNMENT MAY AMEND ITS REGULATIONS.)

(SUBD. 2. A LOCAL UNIT OF GOVERNMENT THAT PERMITS BINGO SHALL ESTABLISH A SYSTEM FOR LICENSING ORGANIZATIONS TO CONDUCT BINGO OCCASIONS, AND SHALL ACT ON A BINGO LICENSE APPLICATION WITHIN 180 DAYS FROM THE DATE OF APPLICATION, BUT SHALL NOT ISSUE A LICENSE UNTIL AT LEAST 30 DAYS AFTER THE DATE OF APPLICATION. A LICENSE SHALL BE VALID FOR ONE YEAR, AND MAY BE SUSPENDED OR REVOKED BY THE ISSUING AUTHORITY FOR VIOLATION OF LAWS 1976, CHAPTER 261 OR OF ANY LOCAL ORDINANCE RELATING TO BINGO.)

(SUBD. 3. EACH YEAR THE LOCAL UNIT OF GOVERNMENT SHALL ALLOCATE AN AMOUNT OF MONEY AT LEAST EQUAL TO THE LESSER OF \$25,000 OR 25 PERCENT OF THE AMOUNT IT COLLECTED AND RETAINED FROM BINGO FEES, BINGO LICENSES, AND BINGO TAXES IN THE PRECEDING YEAR FOR THE SUPERVISION, REGULATION AND INSPECTION OF THE CONDUCT OF BINGO) *Licenses authorizing organizations to conduct lawful gambling may be issued by the board to organizations meeting the qualifications of section 349.14, if the board determines that the license is consistent with the purpose of sections 349.11 to 349.22. Licenses issued under this section are valid for one year and may be suspended by the board for a violation of law or board rule or revoked for what the board determines to be a pattern of willful violations of law or board rule. A revocation or suspension is a contested case under sections 14.57 to 14.69 of the Administrative Procedure Act.*

Subd. 2. [APPLICATION.] All applications for a license under this section must be on a form prescribed by the board. The board may require the applying organization to submit a copy of its articles of incorporation and other documents it deems necessary.

Subd. 3. [FEES.] The board shall by rule establish a schedule of fees for licenses under this section. The schedule must establish three classes of license, authorizing all forms of lawful gambling, all forms except bingo and bingo only. The fees must be in an amount, together with income from fees under section 349.161, sufficient to generate annual income to offset the costs incurred by the board in fulfilling its responsibilities under sections 349.11 to 349.21.

Sec. 9. [349.161] [DISTRIBUTOR LICENSES.]

Subdivision 1. [PROHIBITED ACTS; LICENSES REQUIRED.] No person may:

(1) sell, offer for sale, or furnish gambling equipment for use within the state for gambling purposes, other than for bingo exempt from licensing under section 340.19, except to an organization licensed for lawful gambling; or

(2) sell, offer for sale, or furnish gambling equipment to an organization licensed for lawful gambling without having obtained a distributor license under this section.

No licensed organization may purchase gambling equipment from any person not licensed as a distributor under this section.

Subd. 2. [LICENSE APPLICATION.] The board may issue licenses for the sale of gambling equipment to persons who meet the qualifications of this section if the board determines that a license is consistent with the purpose of sections 349.11 to 349.22. Applications must be on a form the board prescribes.

Subd. 3. [QUALIFICATIONS.] A license may not be issued under this section to a person, or to a corporation, firm, or partnership which has as an officer, director, or other person in a supervisory or management position a person, who:

(1) has been convicted of a felony in a state or federal court within the past five years or who has a felony charge pending;

(2) has ever been convicted in a state or federal court of a gambling-related felony; or

(3) is or has ever been engaged in an illegal business.

Subd. 4. [FEES.] The annual fee for a suppliers license is \$1,500.

Subd. 5. [PROHIBITION.] No distributor may also be a wholesale distributor of liquor or alcoholic beverages.

Subd. 6. [REVOCAION AND SUSPENSION.] A license under this section may be suspended by the board for a violation of law or board rule or for failure to meet the qualifications in subdivision 3 at any time or revoked for what the board determines to be a pattern of willful violations of law or board rule. A revocation or suspension is a contested case under sections 14.57 to 14.69 of the Administrative Procedure Act.

Subd. 7. [CRIMINAL HISTORY.] The board may request the assistance of the bureau of criminal apprehension in investigating the background of an applicant for a supplier's license and may reimburse the bureau for the costs thereof. The board has access to all criminal history data compiled by the bureau on licensees and applicants.

Sec. 10. [349.162] [EQUIPMENT REGISTERED.]

Subdivision 1. [STAMP REQUIRED.] A distributor may not sell to an organization and an organization may not purchase from a distributor gambling equipment unless the equipment has been registered with the board and has a registration stamp affixed. The board may charge a fee of up to 25 cents for each stamp. Each stamp must bear a registration number assigned by the board.

Subd. 2. [RECORDS REQUIRED.] A distributor must maintain a record of all gambling equipment which it sells to organizations. The record must include:

(1) the identity of the person or firm from whom the equipment was purchased;

(2) the registration number of the equipment;

(3) the name and address of the organization to which the sale was made; and

(4) the date of the sale.

The record for each sale must be retained for at least three years after the sale is completed. For purposes of this section, a sale is completed when the gambling equipment is physically delivered to the purchaser.

Each distributor must report monthly to the board, on a form the board prescribes, its sales of each type of gambling equipment. Employees of the board may inspect the books, records, and other documents of a distributor at any reasonable time without notice and without a search warrant.

Subd. 3. [SALES FROM FACILITIES.] All gambling equipment purchased by a licensed distributor for resale in Minnesota must prior to its resale be unloaded into a facility located in Minnesota which the distributor owns or leases.

Sec. 11. Minnesota Statutes 1982, section 349.17, is amended to read:

349.17 [CONDUCT OF BINGO.]

Subdivision 1. [BINGO OCCASIONS.] (NO COMPENSATION SHALL BE PAID TO ANY PERSON IN CONNECTION WITH A BINGO OCCASION EXCEPT AN ACTIVE MEMBER OF THE ORGANIZATION, OR ITS AUXILIARY, OR THE SPOUSE OR SURVIVING SPOUSE OF AN ACTIVE MEMBER, CONDUCTING THE BINGO OCCASION NOR SHALL ANY PERSON NOT AN ACTIVE MEMBER OF THE ORGANIZATION OR ITS AUXILIARY OR THE SPOUSE OR SURVIVING SPOUSE OF AN ACTIVE MEMBER PARTICIPATE IN THE CONDUCT OF A BINGO OCCASION, EXCEPT BY RESOLUTION OF A MAJORITY OF THE MEMBERSHIP, RECORDED IN THE OFFICIAL MINUTES OF THE ORGANIZATION, NON-MANAGEMENT ASSISTANTS WHO ARE NOT ACTIVE MEMBERS OF THE ORGANIZATION, OR ITS AUXILIARY, OR THE SPOUSE OR SURVIVING SPOUSE OF AN ACTIVE MEMBER, MAY BE HIRED TO ASSIST MEMBERS IN CONDUCTING A BINGO OCCASION. COMPENSATION SHALL NOT EXCEED \$20 FOR A BINGO OCCASION.)

(SUBD. 2. NO) *Not more than 104 bingo occasions each year or two bingo occasions each week (SHALL) may be conducted by (ANY) an organization (. EXCEPT THAT THE LOCAL UNIT OF GOVERNMENT ISSUING THE LICENSE MAY PERMIT ADDITIONAL BINGO OCCASIONS TO BE CONDUCTED BY AN ORGANIZATION), except as provided in this subdivision. A bingo occasion (SHALL) may not continue for more than four consecutive hours.*

The board may permit an organization to conduct more than two bingo occasions in a week and more than 104 bingo occasions in a year if the board determines that the additional occasions are consistent with the purpose of sections 349.11 to 349.22 and if the following procedures are followed:

(1) *the organization applies for the additional occasions, stating the number of additional occasions applied for;*

(2) *the board notifies the governing body of the county or home rule or statutory city in which the applicant is located; and*

(3) *the governing body fails to adopt a resolution disapproving the additional occasions within 30 days of the notification.*

Subd. (3) 2. [BINGO ON LEASED PREMISES.] ((1) ANY) A person or corporation, other than an organization, which leases any premises that it owns to two or more organizations for purposes including the conduct of bingo occasions, (SHALL) *may not allow more than four bingo occasions to be conducted on the premises in any week. The board may waive this restriction and permit a person or corporation to allow a specified member of bingo occasions on the premises in excess of four per week if it finds that the waiver is consistent with the purpose of sections 349.11 to 349.22 and if the following procedures are followed:*

(1) *the person or corporation applies for the waiver, stating the number of additional occasions sought per week;*

(2) *the board notifies the governing body of the county or home rule or statutory city in which the premises are located; and*

(3) *the governing body fails to adopt a resolution disapproving the waiver within 30 days of the notification.*

((2) ANY ORGANIZATION WHICH LEASES ANY PREMISES TO ONE OR MORE OTHER ORGANIZATIONS FOR PURPOSES INCLUDING THE CONDUCT OF BINGO OCCASIONS SHALL USE THE PROCEEDS OF THE RENTAL, LESS REASONABLE SUMS FOR MAINTENANCE, FURNISHINGS AND OTHER NECESSARY EXPENSES, ONLY FOR LAWFUL PURPOSES AS DEFINED IN SECTION 349.12. NOT LESS THAN ONCE EACH YEAR THE ORGANIZATION SHALL REPORT TO THE LICENSING AUTHORITY THE DISPOSITION OF ALL RECEIPTS WHICH IT HAS RECEIVED DURING THE REPORTING PERIOD FROM THE RENTAL OF ITS FACILITIES TO OTHER ORGANIZATIONS FOR PURPOSES INCLUDING THE CONDUCT OF BINGO OCCASIONS.)

((3) NO ORGANIZATION SHALL CONDUCT BINGO ON ANY LEASED PREMISES WITHOUT A WRITTEN LEASE FOR A TERM AT LEAST EQUAL TO THE REMAINDER OF THE TERM OF THE BINGO LICENSE OF THE ORGANIZATION. LEASE PAYMENTS SHALL BE AT A FIXED MONTHLY RATE, OR RATE PER BINGO OCCA-

SION, NOT SUBJECT TO CHANGE DURING THE TERM OF THE LEASE. NO SUCH LEASE SHALL PROVIDE THAT RENTAL PAYMENTS BE BASED ON A PERCENTAGE OF RECEIPTS OR PROFITS FROM BINGO OCCASIONS.)

(SUBD. 4. PRIZES FOR A SINGLE BINGO GAME SHALL NOT EXCEED \$100 EXCEPT PRIZES FOR A GAME OF THE TYPE COMMONLY KNOWN AS A "COVER-ALL" GAME. "COVER-ALL" PRIZES MAY EXCEED \$100 PROVIDED THAT THE AGGREGATE VALUE OF SUCH PRIZES FOR A BINGO OCCASION SHALL NOT EXCEED \$500. THE AGGREGATE VALUE OF PRIZES FOR A BINGO OCCASION SHALL NOT EXCEED \$2,500 EXCEPT THAT IN THE CASE OF A BINGO OCCASION DURING WHICH A "COVER-ALL" GAME IS PLAYED FOR A MAXIMUM PRIZE OF MORE THAN \$100 BUT NOT MORE THAN \$500, THE AGGREGATE VALUE OF PRIZES FOR THE BINGO OCCASION SHALL NOT EXCEED \$3,000. MERCHANDISE PRIZES SHALL BE VALUED AT FAIR MARKET RETAIL VALUE.)

(SUBD. 5. NO EXPENSE SHALL BE INCURRED OR AMOUNTS PAID IN CONNECTION WITH THE CONDUCT OF BINGO, EXCEPT THOSE REASONABLY EXPENDED FOR BINGO SUPPLIES AND EQUIPMENT, PRIZES, RENT, OR UTILITIES USED DURING THE BINGO OCCASION, BINGO LICENSE FEES, TAXES RELATED TO BINGO, AND COMPENSATION TO ACTIVE MEMBERS WHO CONDUCT THE GAME.)

Subd. (6) 3. Each bingo winner (SHALL) *must* be determined and every prize shall be awarded and delivered the same day on which the bingo occasion is conducted.

(SUBD. 7. ALL BINGO OCCASIONS SHALL BE UNDER THE SUPERVISION OF A BINGO MANAGER DESIGNATED BY THE ORGANIZATION WHO SHALL BE RESPONSIBLE FOR GROSS RECEIPTS AND PROFITS FROM BINGO AND FOR THE CONDUCT OF THE BINGO OCCASION IN COMPLIANCE WITH ALL APPLICABLE LAWS AND ORDINANCES. THE BINGO MANAGER SHALL GIVE A FIDELITY BOND IN THE SUM OF \$10,000 IN FAVOR OF THE ORGANIZATION CONDITIONED ON THE FAITHFUL PERFORMANCE OF HIS DUTIES. TERMS OF THE BOND SHALL PROVIDE THAT NOTICE SHALL BE GIVEN IN WRITING TO THE LICENSING AUTHORITY NOT LESS THAN 30 DAYS PRIOR TO ITS CANCELLATION. THE GOVERNING BODY OF A LOCAL UNIT OF GOVERNMENT MAY WAIVE THIS BOND REQUIREMENT BY INCLUDING A WAIVER PROVISION IN THE BINGO LICENSE ISSUED TO AN ORGANIZATION, PROVIDED THAT A LICENSE CONTAINING SUCH A PROVISION SHALL BE GRANTED ONLY BY UNANIMOUS VOTE.)

(SUBD. 8. NO PERSON SHALL ACT AS A BINGO MANAGER FOR MORE THAN ONE ORGANIZATION.)

Subd. 4. [CHECKERS.] One or more checkers must be engaged for each bingo occasion. The checker or checkers must record, on a form the board provides, the number of cards played in each game and the prizes awarded to recorded cards. The form must provide for the inclusion of the registration number of each card and must include a checker's certification that the figures recorded are correct to the best of the checker's knowledge.

Sec. 12. Minnesota Statutes 1982, section 349.18, is amended to read:

349.18 [(RECORDS; PLAYERS, CARDS AND PRIZES) PREMISES USED FOR GAMBLING.]

(ONE OR MORE CHECKERS SHALL BE ENGAGED FOR EACH BINGO OCCASION. THE CHECKER OR CHECKERS SHALL RECORD THE NUMBER OF CARDS PLAYED IN EACH GAME PRIOR TO THE COMPLETION OF EACH GAME AND RECORD THE PRIZES AWARDED TO THE RECORDED CARDS. EACH CHECKER SHALL CERTIFY ALL FIGURES WHICH HE HAS RECORDED AS ACCURATE AND CORRECT TO THE BEST OF HIS KNOWLEDGE. A LOCAL UNIT OF GOVERNMENT MAY REQUIRE THE RECORDS TO BE ON FORMS WHICH IT PROVIDES.)

Subdivision 1. [LEASE OR OWNERSHIP REQUIRED.] An organization may conduct lawful gambling only on premises it owns or leases. Leases must be for a period of at least one year and must be in writing. Copies of all leases must be made available to employees of the board on request. A lease may not provide for rental payments based on a percentage of receipts or profits from lawful gambling.

Subd. 2. [EXCEPTIONS.] (a) A licensed organization may conduct raffles on a premise it does not own or lease.

(b) A licensed organization may with the permission of the board, conduct bingo on premises it does not own or lease for up to six days in a calendar year, in connection with a county fair or civil celebration.

Subd. 3. [PROCEEDS FROM RENTAL.] A licensed organization which leases premises it owns to one or more other licensed organizations for purposes including the conduct of lawful gambling may expend the rental proceeds, less reasonable deductions for maintenance, furnishings, and utilities, only for lawful purposes. The rental proceeds must be recorded and reported as proceeds from gambling under section 349.19.

Sec. 13. Minnesota Statutes 1982, section 349.19, is amended to read:

349.19 [(EXEMPTION) *RECORDS AND REPORTS.*]

(BINGO MAY BE CONDUCTED WITHOUT COMPLYING WITH THE REQUIREMENTS OF SECTIONS 349.14 AND 349.17, SUBDIVISIONS 2 AND 3, IF CONDUCTED: (A) IN CONNECTION WITH A COUNTY FAIR CONDUCTED BY A COUNTY AGRICULTURAL SOCIETY OR ASSOCIATION, THE STATE FAIR CONDUCTED BY THE STATE AGRICULTURAL SOCIETY OR A CIVIC CELEBRATION RECOGNIZED BY RESOLUTION OR OTHER SIMILAR OFFICIAL ACTION OF THE LOCAL GOVERNING BODY PROVIDED THAT THE BINGO IS CONDUCTED FOR NO MORE THAN 12 CONSECUTIVE DAYS IN ANY ONE CALENDAR YEAR; OR, (B) BY AN ORGANIZATION THAT CONDUCTS LESS THAN FIVE BINGO OCCASIONS IN ANY CALENDAR YEAR.)

Subdivision 1. [REQUIRED RECORD OF RECEIPTS.] A licensed organization must keep a record of each occasion on which it conducts gambling, including each bingo occasion and each day on which other forms of lawful gambling are conducted. The record must include gross receipts, quantities of free plays if any, expenses, and profits. The board may by rule provide for the methods by which expenses are documented. In the case of bingo, gross receipts must be compared to the checkers' records for the occasion by a person who did not sell cards for the occasion. Separate records must be kept for bingo and all other forms of lawful gambling.

Subd. 2. [ACCOUNTS.] Gross receipts from lawful gambling must be segregated from all other revenues of the conducting organization and placed in a separate account. The person who accounts for gambling gross receipts and profits may not be the same person who accounts for other revenues of the organization.

Subd. 3. [EXPENDITURES.] All expenditures of bingo profits must be itemized as to payee, purpose, amount, and date of payment.

Subd. 4. [DISCREPANCIES.] If at a bingo occasion a discrepancy of more than \$20 is found between the gross receipts as reported by the checkers and the gross receipts determined by adding the cash receipts, the discrepancy must be reported to the board within five days of the bingo occasion.

Subd. 5. [REPORTS.] A licensed organization must report to the board and to its membership monthly on its gross receipts,

expenses, profits, and expenditure of profits from lawful gambling. If the organization conducts both bingo and other forms of lawful gambling, the figures for both must be reported separately. In addition, a licensed organization must report to the board monthly on its purchases of gambling equipment and must include the type, quantity, and dollar amount from each supplier separately. The reports must be on a form the board prescribes.

Subd. 6. [PRESERVATION OF RECORDS.] Records required to be kept by this section must be preserved for at least three years and may be inspected by employees of the board at any reasonable time without notice or a search warrant.

Subd. 7. [TAX RECORDS.] The board may by rule require each licensed organization to provide copies of forms it files with the United States department of the treasury which are required for organizations exempt from income tax.

Sec. 14. Minnesota Statutes 1982, section 349.20, is amended to read:

349.20 [(RECORDS; RECEIPTS AND PROFITS) MANAGERS.]

(EACH ORGANIZATION SHALL KEEP RECORDS OF ITS GROSS RECEIPTS AND PROFITS FOR EACH BINGO OCCASION. GROSS RECEIPTS SHALL BE COMPARED TO THE CHECKER'S RECORDS FOR THE BINGO OCCASION BY A PERSON WHO DID NOT SELL CARDS FOR THE BINGO OCCASION. ALL DEDUCTIONS FROM GROSS RECEIPTS FROM A BINGO OCCASION SHALL BE DOCUMENTED WITH RECEIPTS OR OTHER RECORDS. THE DISTRIBUTION OF PROFITS SHALL BE ITEMIZED AS TO PAYEE, AMOUNT AND DATE OF PAYMENT.)

(BINGO GROSS RECEIPTS SHALL BE SEGREGATED FROM OTHER REVENUES OF AN ORGANIZATION AND PLACED IN A SEPARATE ACCOUNT. EACH ORGANIZATION SHALL MAINTAIN SEPARATE RECORDS OF ITS BINGO OPERATIONS. THE PERSON WHO ACCOUNTS FOR BINGO GROSS RECEIPTS AND PROFITS SHALL NOT BE THE SAME PERSON WHO ACCOUNTS FOR OTHER REVENUES OF THE ORGANIZATION. RECORDS REQUIRED BY LAWS 1976, CHAPTER 261 SHALL BE PRESERVED FOR THREE YEARS. THE LAW ENFORCEMENT AGENCY OF THE LICENSING AUTHORITY SHALL HAVE THE AUTHORITY TO INVESTIGATE THE BINGO RECORDS OF AN ORGANIZATION AT ANY REASONABLE TIME. ORGANIZATIONS SHALL MAKE AVAILABLE THEIR BINGO RECORDS FOR INVESTIGATION UPON PROPER NOTICE.)

All lawful gambling conducted by a licensed organization must be under the supervision of one or more gambling managers. A gambling manager designated by an organization to supervise a gambling occasion is responsible for the gross receipts from the occasion and for its conduct in compliance with all laws and rules. An organization may designate a different person to act as manager for each type of lawful gambling conducted. Each person designated as a gambling manager must give a fidelity bond in the sum of \$10,000 in favor of the organization conditioned on the faithful performance of the managers duties, and the terms of the bond must provide that notice be given to the board in writing not less than 30 days before its cancellation.

A person may not act as a gambling manager for more than one organization.

Sec. 15. Minnesota Statutes 1982, section 349.21, is amended to read:

349.21 [(REPORTS; DISCREPANCIES, REPORTING AGENCIES) COMPENSATION.]

(SUBDIVISION 1. IF ANY DISCREPANCY IS FOUND BETWEEN THE AMOUNT OF GROSS RECEIPTS FOR A BINGO OCCASION AS DETERMINED BY THE CHECKER'S RECORDS AND THE AMOUNT OF GROSS RECEIPTS AS DETERMINED BY TOTALING THE CASH RECEIPTS AND THE DISCREPANCY EXCEEDS \$20, THE DISCREPANCY SHALL BE REPORTED TO AND INVESTIGATED BY THE LICENSING AUTHORITY OF THE PLACE WHERE THE BINGO OCCASION WAS HELD.)

(SUBD. 2. AN ORGANIZATION SHALL REPORT MONTHLY TO ITS MEMBERSHIP ITS GROSS RECEIPTS FROM BINGO, ITS PROFITS FROM BINGO AND THE DISTRIBUTION OF THOSE PROFITS ITEMIZED AS REQUIRED BY SECTION 349.20.)

(SUBD. 3. AT LEAST 30 DAYS PRIOR TO CONDUCTING ITS FIRST BINGO OCCASION OF THE YEAR AND ON AN ANNUAL BASIS THEREAFTER, AN ORGANIZATION SHALL FILE WITH THE LOCAL GOVERNMENT UNIT WHICH REGULATES ITS CONDUCT COPIES OF THE FOLLOWING:)

((A) DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE, "RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX," FORM 990, OR A COMPARABLE FORM IF THE ORGANIZATION IS REQUIRED TO FILE THE FORM WITH THE DEPARTMENT OF THE TREASURY;)

((B) DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE, "EXEMPT ORGANIZATION BUSINESS INCOME TAX," FORM 990-T, OR A COMPARABLE FORM IF THE ORGANIZATION IS REQUIRED TO FILE THE FORM WITH THE DEPARTMENT OF THE TREASURY;)

((C) A "STATEMENT OF BINGO OPERATIONS" IN THE FORM PRESCRIBED BY THE LOCAL GOVERNMENTAL UNIT. ALL INFORMATION CONTAINED IN THE STATEMENT SHALL BE TRUE, CORRECT, AND COMPLETE TO THE BEST OF THE KNOWLEDGE OF THE PERSON OR PERSONS SIGNING THE STATEMENT. ANY PERSON WHO SHALL KNOWINGLY MAKE A FALSE STATEMENT OR KNOWINGLY CONCEAL A MATERIAL FACT IN THE STATEMENT SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN SECTION 349.22;)

((D) ANY LEASE AGREEMENTS REQUIRED BY LAWS 1976, CHAPTER 261, EXECUTED BY THE ORGANIZATION IN REGARD TO PREMISES LEASED FOR THE CONDUCT OF BINGO)

Compensation to persons who participate in the conduct of lawful gambling may be paid only to active members of the conducting organization or its auxiliary, or the spouse or surviving spouse of an active member, except that nonmanagement assistants who are not active members or spouses may be hired to assist in the conduct of lawful gambling in nonmanagement positions if approved by a majority of the organization's members.

The amounts of compensation which may be paid under this section must be provided for in a schedule of compensation adopted by the board by rule. In adopting the schedule the board must consider the nature of the participation and the types of lawful gambling participated in.

A licensed organization may pay a percentage of the gross receipts from raffle ticket sales to a nonprofit organization which sells tickets for the licensed organization.

Sec. 16. [349.211] [PRIZE LIMITS.]

Subdivision 1. [BINGO.] Prizes for a single bingo game may not exceed \$100 except prizes for a cover-all game, which may exceed \$100 if the aggregate value of all cover-all prizes in a bingo occasion does not exceed \$500. Total prizes awarded at a bingo occasion may not exceed \$2,500, unless a cover-all game is played in which case the limit is \$3,000. For purposes of this subdivision, a cover-all game is one in which a player must cover all spaces except a single free space to win.

Subd. 2. [BINGO CUMULATIVE PRIZES.] A prize of up to \$1,000 may be awarded for a single bingo game if the prize is an accumulation of prizes not won in games in previous bingo occasions. The total amount awarded in cumulative prizes in any calendar year may not exceed \$12,000. For bingo occasions in which a cumulative prize is awarded the aggregate value of prizes which may be awarded for the occasion is increased by the amount of the cumulative prize so awarded less \$100.

Subd. 3. [OTHER GAMBLING.] The board by rule shall establish a schedule of prize limits for all other forms of gambling consistent with the purposes set out in section 349.11. The schedule may include daily and annual prize limits and prize limits for each game, raffle or operation of a gambling device.

Subd. 4. [PRIZE VALUE.] Merchandise prizes must be valued at their fair market value. For purposes of sections 349.11 to 349.22 "prizes" do not include free plays awarded.

Sec. 17. [349.212] [TAX IMPOSED.]

Subdivision 1. [RATE.] There is hereby imposed a tax on all lawful gambling conducted by licensed organizations at the rate specified in this subdivision. The tax imposed by this section is in lieu of the tax imposed by section 297A.02 and of all local taxes and license fees.

On all lawful gambling the tax is ten percent of the gross receipts of a licensed organization from lawful gambling less prizes actually paid out, payable by the organization.

Subd. 2. [COLLECTION; DISPOSITION.] The tax must be paid to the board at times and in a manner the board prescribes by rule. The proceeds must be paid to the state treasurer for deposit in the general fund.

Subd. 3. [ANNUAL APPROPRIATION.] At the end of each fiscal year, the commissioner of finance shall certify to the state treasurer the total revenues collected by the board from taxes and fees imposed by this act minus the amount appropriated by law from the general fund to the board for its expenses and operations. The net revenue so certified may be expended by legislative appropriation only to the state arts board for expenditure only as grants for the construction, maintenance, and operation of one or more schools for the arts located within the state.

Sec. 18. [349.213] [LOCAL AUTHORITY.]

Subdivision 1. [LOCAL REGULATION.] A statutory or home rule city or county has the authority to adopt more strin-

gent regulation of any form of lawful gambling within its jurisdiction, including the prohibition of any form of lawful gambling.

Subd. 2. [LOCAL APPROVAL.] Before issuing or renewing an organization license, the board must notify the city council of the statutory or home rule city in which the organization's premises are located or, if the premises are located outside a city, by the county board of the county where the premises are located. If the city council or county board adopts a resolution disapproving the license and so informs the board within 30 days of receiving notice of the license, the license may not be issued or renewed.

Sec. 19. [349.214] [EXEMPTIONS.]

Subdivision 1. [BINGO.] Bingo may be conducted without a license and without complying with sections 349.17, subdivision 1, and 349.18 if it is conducted:

(1) in connection with a county fair, the state fair, or a civic celebration if it is not conducted for more than 12 consecutive days in a calendar year; or

(2) by an organization which conducts four or fewer bingo occasions in a calendar year.

Subd. 2. [RAFFLES.] Raffles may be conducted by an organization as defined in section 349.12, subdivision 13, without complying with sections 349.11 to 349.213 if the value of all raffle prizes awarded by the organization in a calendar year does not exceed \$750. Merchandise prizes must be valued at their fair market value.

Subd. 3. [RAFFLES, CERTAIN ORGANIZATIONS.] The provisions of sections 349.21 and 349.211, subdivision 3, and the membership requirements of sections 349.14 and 349.20 do not apply to raffles conducted by an organization which directly or under contract to the state or a political subdivision delivers health or social services and which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954, as amended through December 31, 1983, if the prizes awarded in the raffles are real or personal property donated by an individual, firm, or other organization. The person who accounts for the gross receipts, expenses, and profits of the raffles may be the same person who accounts for other funds of the organization.

Sec. 20. Minnesota Statutes 1982, section 349.22, is amended to read:

349.22. [PENALTY.]

(VIOLATION OF ANY PROVISION OF LAWS 1976, CHAPTER 261 IS A GROSS MISDEMEANOR.)

Subdivision 1. [FELONY.] A sale of gambling equipment by a person not licensed for such sale, and a sale of gambling equipment which is not registered under section 349.162, in violation of sections 349.11 to 349.214 in violation of this act is a felony.

Subd. 2. [GROSS MISDEMEANOR.] Any other violation of sections 349.11 to 349.214 is a gross misdemeanor.

Subd. 3. [OTHER ACTION.] This section (SHALL) does not preclude civil or criminal actions under other applicable law or preclude any agency of government from investigating or prosecuting violations of the provisions of (LAWS 1976, CHAPTER 261) sections 349.11 to 349.214.

Sec. 21. Minnesota Statutes 1982, section 349.31, subdivision 1, is amended to read:

Subdivision 1. [INTENTIONAL POSSESSION; WILFUL KEEPING.] The intentional possession or wilful keeping of a gambling device (UPON ANY) on a licensed premises is cause for the revocation of any license under which the licensed business is carried on upon the premises where the gambling device is found, provided that possession of gambling (DEVICES COMMONLY KNOWN AS "PADDLEWHEELS" OR "TIP-BOARDS" OR "PULL-TABS" (OR "TICKET JARS") OR APARATUS USED IN CONDUCTING RAFFLES ON THE PREMISES OF A NONPROFIT ORGANIZATION AND OPERATED BY ORGANIZATIONS LICENSED FOR SUCH OPERATION PURSUANT TO SECTION 349.26) equipment as defined in section 349.12, subdivision 17, which is used for gambling licensed by the charitable gambling control board and the manufacture of gambling devices for use in jurisdictions where use of the gambling device is legal as provided for by section 349.40 shall not be cause for revocation of a license.

Sec. 22. Minnesota Statutes 1983 Supplement, section 609.75, subdivision 3, is amended to read:

Subd. 3. [WHAT ARE NOT BETS.] The following are not bets:

(1) A contract to insure, indemnify, guarantee or otherwise compensate another for a harm or loss sustained, even though the loss depends upon chance.

(2) A contract for the purchase or sale at a future date of securities or other commodities.

(3) Offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength, endurance, or quality or to the bona fide owners of animals or other property entered in such a contest.

(4) The game of bingo when conducted in compliance with sections 349.11 to 349.23.

(5) A private social bet not part of or incidental to organized, commercialized, or systematic gambling.

(6) The operation of (A GAMBLING DEVICE) *equipment* or the conduct of a raffle (AS DEFINED IN SECTION 349.26) *under sections 349.11 to 349.22*, by an organization licensed (FOR SUCH OPERATION BY A LOCAL UNIT OF GOVERNMENT PURSUANT TO SECTION 349.26) *by the charitable gambling control board*.

(7) Pari-mutuel betting on horse racing when the betting is conducted under chapter 240.

Sec. 23. Minnesota Statutes 1983 Supplement, section 609.761, is amended to read:

609.761 [OPERATIONS PERMITTED.]

Notwithstanding sections 609.755 and 609.76, (A FRATERNAL, RELIGIOUS, VETERANS OR OTHER NONPROFIT) *an organization may (SET UP OR OPERATE A GAMBLING DEVICE OR CONDUCT A RAFFLE) conduct lawful gambling* as defined in section (349.26) *349.12*, if licensed by the (LOCAL UNIT OF GOVERNMENT) *charitable gambling control board* and conducted under (SECTION 349.26) *sections 349.11 to 349.22*, and a person may manufacture, sell or offer for sale a gambling device to the organization, and pari-mutuel betting on horse racing may be conducted under chapter 240.

Sec. 24. [APPROPRIATION.]

There is appropriated from the general fund to the charitable gambling control board for the period beginning the day following final enactment of this act and ending June 30, 1985, the sum of \$....., or so much thereof as is necessary to carry out the purposes of this act.

Sec. 25. [REPEALER.]

Minnesota Statutes 1982, section 349.26, is repealed.

Sec. 26. [EFFECTIVE DATE.]

Sections 7 and 24 are effective the day following final enactment. All other sections of this act are effective March 1, 1985. All licenses issued by local units of government under Minnesota Statutes 1982, sections 349.16 and 349.26 expire on February 28, 1985."

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

The report was adopted.

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

H. F. No. 1764, A bill for an act relating to governmental operations; requesting the regents of the University of Minnesota to conduct a job evaluation study and report to the legislature.

Reported the same back with the following amendments:

Page 1, delete lines 17 and 18 and insert:

"The regents of the University of Minnesota are requested to compile and submit to the legislative commission on employee relations by April 1, 1985, a list showing those female-dominated classes for which a compensation inequity exists based on comparability of the value of the work, an estimate of the cost to provide comparability adjustments, and the steps taken to achieve pay equity."

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

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 1835, A bill for an act relating to transportation; allowing prepayment of state contractual obligations to governmental subdivisions under agreements for the construction, improvement or maintenance of trunk highways; amending Minnesota Statutes 1982, section 16A.41, subdivision 1, and by adding a subdivision.

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

The report was adopted.

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

H. F. No. 1886, A bill for an act relating to the dissemination and collection of data; welfare data; providing for the release of information in emergencies; classifying investigative data not on individuals; classifying certain licensing data; establishing procedures for the handling of medical data; amending Minnesota Statutes 1982, section 13.46, subdivisions 3, 4, 5, and 6; and Minnesota Statutes 1983 Supplement, section 13.46, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 25, after "acting" insert "*for a state agency, political subdivision or statewide system*"

Page 3, line 30, after "(5)" delete "2" and insert "3"

Page 4, line 3, delete "*nonpublic*" and insert "*not public*"

Page 4, line 8, strike "1" and insert "2"

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

The report was adopted.

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

H. F. No. 1892, A bill for an act relating to hospitals; giving various public hospital authorities the powers of nonprofit corporations; proposing new law coded in Minnesota Statutes, chapter 317.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [144.581] [HOSPITAL AUTHORITIES.]

Subdivision 1. A municipality, political subdivision, state agency, or other governmental entity that owns or operates a hospital authorized, organized, or operated under chapters 158, 250, 376, and 397; or under sections 383A.41, 412.221, 447.05 to 447.13, 447.31, or 471.59, or under any special law authorizing or establishing a hospital or hospital district shall, relative to the delivery of health care services, have, in addi-

tion to any authority vested by law, the authority and legal capacity of a nonprofit corporation under Minnesota Statutes, chapter 317, including authority to

- (a) enter shared service and other cooperative ventures,
- (b) join or sponsor membership in organizations intended to benefit the hospital or hospitals in general,
- (c) enter partnerships,
- (d) incorporate other corporations,
- (e) have members of its governing authority or its officers or administrators serve as directors, officers, or employees of the ventures, associations, or corporations,
- (f) own shares of stock in business corporations, and
- (g) offer, directly or indirectly, products and services of the hospital, organization, association, partnership, or corporation to the general public.

Subd. 2. In the event that the municipality, political subdivision, state agency, or other governmental entity provides direct financial subsidy to the hospital from tax revenue at the time an undertaking authorized under subdivision 1 is established or funded, the hospital may not contribute funds to the undertaking for more than three years and thereafter all funds must be repaid, with interest, in no more than five years.

Subd. 3. The conversion of public funds for the benefit of any individual shall constitute grounds for review and action by the attorney general or the county attorney under section 609.54.

Subd. 4. Any organization or other arrangement established under this section and involved in the governance of a hospital shall be subject to the public purchasing requirements of section 471.345, the open meeting law, section 471.705, and the data practices act, chapter 13."

Amend the title as follows:

Page 1, line 5, delete "317" and insert "144"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1976, A bill for an act relating to agriculture; requiring agricultural land preservation planning and official controls outside of the metropolitan area; establishing agricultural land preservation and conservation awareness and assistance programs; allowing valuation of agricultural land on the basis of productivity and net earning capacity; creating a legislative commission on agricultural land preservation and conservation; authorizing a special levy; creating a cost-sharing account in the state treasury; imposing a penalty; appropriating money; amending Minnesota Statutes 1982, section 40.036, by adding a subdivision; proposing new law coded as Minnesota Statutes, chapter 40A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [40A.02] [DEFINITIONS.]

Subdivision 1. [TERMS DEFINED.] As used in this chapter, the terms defined in this section have the meanings given them.

Subd. 2. [BOARD.] "Board" means the state soil and water conservation board.

Subd. 3. [COMMISSIONER.] "Commissioner" means the commissioner of agriculture.

Subd. 4. [DEPARTMENT.] "Department" means the department of agriculture.

Subd. 5. [DISTRICT.] "District" means a soil and water conservation district.

Sec. 2. [40A.14] [AGRICULTURAL LAND PRESERVATION AND CONSERVATION AWARENESS PROGRAM.]

Subdivision 1. [ESTABLISHMENT AND ADMINISTRATION.] An agricultural land preservation and conservation awareness program is created. The department shall administer the program as provided in this section. The purposes of the program are to promote and increase public awareness of:

(1) the need for agricultural land preservation and conservation and the consequences of resource degradation;

(2) the physical, environmental, and social factors that affect agricultural land use; and

(3) *the availability and effectiveness of agricultural land preservation and conservation approaches and technologies.*

The department shall administer the program in order to develop a working partnership between the state and local governments.

Subd. 2. [SURVEY.] The department shall survey awareness of agricultural land preservation and conservation problems, technologies, and available technical and financial resources. The survey must include:

(1) *an assessment of related efforts of the United States Department of Agriculture, the board, the Minnesota association of soil and water conservation districts, and other related public and private organizations;*

(2) *an assessment of programs in other states; and*

(3) *an assessment of attitudes among a variety of target audiences in Minnesota that are involved in or affected by land use decisions.*

Subd. 3. [PUBLIC PARTICIPATION.] The department shall ensure the participation of a cross-section of the public in developing and promoting programs under this chapter. The department shall actively solicit public involvement in reviewing proposed agricultural land preservation plans and proposed official controls. The department shall assist the public in obtaining information concerning the status of county proposals and the agricultural land preservation and conservation assistance program. The department may form a citizen advisory board to assist it in assessing needs, determining the feasibility of different approaches, and securing applications for assistance and resources in local situations.

Sec. 3. [40A.18] [LEGISLATIVE COMMISSION ON AGRICULTURAL LAND PRESERVATION AND CONSERVATION.]

Subdivision 1. [CREATION.] A legislative commission on agricultural land preservation and conservation is created. The commission consists of 16 members appointed as follows:

(1) *eight members of the senate from the transportation, agriculture and natural resources, and local and urban government committees appointed by the subcommittee on committees of the committee on rules and administration;*

(2) *eight members of the house of representatives from the transportation, agriculture, environment and natural resources, and local and urban affairs committees appointed by the speaker of the house; and*

(3) no more than the lowest possible numerical majority from each body shall be from the majority caucus.

Vacancies occurring on the commission do not affect the authority of the remaining members to perform its functions, and vacancies are filled in the same manner as the original positions.

The commission shall elect a chairman from its members.

Subd. 2. [STAFF.] The commission may hire employees in the unclassified service necessary to carry out its functions and may contract for services. State employees currently in the classified service who are assigned to the commission may retain their classified status.

Subd. 3. [EXPENSES.] Commission members and staff are entitled to reimbursement pursuant to the rules governing legislators and legislative employees.

Subd. 4. [DUTIES.] The commission shall monitor and review the implementation of the policies and programs contained in this chapter and other state policies and programs relating to agricultural land preservation and conservation, including chapter 473H. The commission shall cooperate with and assist the department, the board, districts, and counties in performing their duties under this chapter. The commission shall collect and appraise data on land use in Minnesota, including the conversion of land to and from agricultural use and the relative effectiveness of soil conservation strategies. The commission shall monitor, review, and comment on any state or federal grants made for agricultural land preservation and conservation activities.

Subd. 5. [DATA FROM STATE AGENCIES; AVAILABILITY.] The commission may request information from any state officer or agency to assist it in carrying out its duties and the officer or agency shall promptly supply any information that is requested.

Subd. 6. [REPORTS AND RECOMMENDATIONS.] The commission shall report to the legislature by November 15 of each even-numbered year on its activities under this section. The report must include recommendations for appropriate legislation.

Sec. 4. [40A.19] [DEPARTMENT REPORT.]

The department shall report to the legislative commission on agricultural land preservation and conservation in January of each year on its activities under this chapter. The report must include the survey of public awareness under section 2, subdivision 2. The report shall include recommendations for funding levels and other necessary legislative action.

Sec. 5. Minnesota Statutes 1982, section 40.036, is amended by adding a subdivision to read:

Subd. 7. [COST-SHARING ACCOUNT.] There is created in the state treasury a special account for financing cost-sharing contracts under this section. The account consists of all amounts appropriated for cost-sharing contracts and any unencumbered funds that are returned to the state board by a district for reallocation. In distributing funds that are returned for reallocation, the state board shall give priority to districts in counties that have scheduled completion of the county soil survey. Money in the cost-sharing account is appropriated to the state board for the purposes of this section.

Sec. 6. [TRANSFER OF COST-SHARING APPROPRIATION.]

The commissioner of finance shall transfer the unencumbered balances of the appropriations made in Laws 1983, chapter 293, section 5, for cost-sharing contracts to the special account created in section 5.

Sec. 7. [APPROPRIATIONS.]

Subdivision 1. [AGRICULTURAL LAND PRESERVATION AND CONSERVATION AWARENESS PROGRAM.] The sum of \$ is appropriated from the general fund to the commissioner of agriculture for the agricultural land preservation and conservation awareness program to provide a minimum of one full-time staff position and necessary support services to be located in the soil and water conservation board, and to be available for the fiscal year ending June 30, 1985.

Subd. 2. [PRESERVATION AND CONSERVATION.] The sum of \$ is appropriated from the general fund to the legislative commission on agricultural land preservation and conservation for hiring staff and performing its duties, to be available for the fiscal year ending June 30, 1985."

Delete the title and insert:

"A bill for an act relating to agriculture; establishing an agricultural land preservation and conservation awareness program; creating a legislative commission on agricultural land preservation and conservation; creating a cost-sharing account in the state treasury; appropriating money; amending Minnesota Statutes 1982, section 40.036, by adding a subdivision; proposing new law coded as Minnesota Statutes, chapter 40A."

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

The report was adopted.

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

H. F. No. 1982, A bill for an act relating to towns; permitting towns to make charitable contributions; amending Minnesota Statutes 1982, section 365.10.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 365.10, is amended to read:

365.10 [TOWN MEETINGS, POWERS.]

The electors of each town have power, at their annual town meeting:

(1) To determine the locations of pounds, and number of poundmasters, and to discontinue any such pounds;

(2) To select such town officers as are to be chosen;

(3) To make such lawful orders and bylaws as they deem proper for restraining horses, cattle, sheep, swine, and other domestic animals from going at large on the highways, and provide for impounding such animals so going at large;

(4) to fix penalties for violations of any order or bylaw made by such town, except such as relate to the keeping and maintaining of fences;

(5) To vote money for the repair and construction of roads and bridges, and determine the amount thereof to be assessed as labor tax, and to vote such sums as they deem expedient for other town expenses, including the construction and maintenance of docks and breakwaters;

(6) When they deem it for the interest of the town to direct that a specified amount of the poll and road tax be expended, under the direction of their town board, on the roads of an adjoining town;

(7) To authorize the town board to sell and convey or lease any real or personal property belonging to the town, not con-

veyed to and required to be held by the town for a special purpose;

(8) To authorize the town board to purchase or build a town hall or other building for the use of the town, and to determine, by ballot, the amount of money to be raised for that purpose; but, if a site for a town hall is once obtained, it shall not be changed for another site, except by vote therefor designating a new site by two-thirds of the votes cast at such election of the legal voters of the town;

(9) To authorize the town board, by vote, to purchase grounds for a town cemetery, and limit the price to be paid, and to vote a tax for the payment thereof;

(10) To authorize the town, either by itself or in conjunction with one or more other towns, to purchase grounds for a public park and to limit the price to be paid therefor, to authorize the town, alone or in conjunction with such other town or towns, to care for, improve, and beautify such parks, and to determine, by ballot, the amount of money to be raised for that purpose, and to vote a tax for the payment thereof;

(11) To vote money to aid in the construction of community halls, to be erected by farm bureaus, farmers clubs, or other like organizations.

(12) To vote a tax to purchase and maintain a public dumping ground.

(13) To authorize the town board, by resolution, to determine whether to open or maintain town roads upon which no maintenance or construction has been conducted for 25 years or more. For purposes of this clause the provisions of section 163.16 shall not apply to town roads described in this clause, nor shall the provisions of this clause apply to cartways.

(14) To authorize the town board to contract in an amount not to exceed a total of \$5,000 in any year with nonprofit organizations for health, social, or recreational services when deemed in the public interest and of benefit to the town."

Delete the title and insert:

"A bill for an act relating to towns; authorizing contributions to certain organizations; amending Minnesota Statutes 1982, section 365.10."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2012, A bill for an act relating to local government; providing for financing of county and county regional jails; amending Minnesota Statutes 1982, sections 641.24; and 641.264, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 16, after "plans" insert "*prepared by or at the request of the county board and*"

Page 2, line 29, after "or" insert "*, with the approval of the board of county commissioners of each cooperating county,*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 2047, A bill for an act relating to transportation; authorizing the expenditure of county turnback account funds and state transportation bond funds for bridges ten feet or more in length following replacement; amending Minnesota Statutes 1982, section 174.50, subdivision 7; and Minnesota Statutes 1983 Supplement, section 161.082, subdivision 2a.

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

The report was adopted.

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

H. F. No. 2062, A bill for an act relating to state departments; providing statutory changes requested by commissioner of administration required by reorganization orders; amending Minnesota Statutes 1982, sections 60A.15, subdivisions 1, 2, 8, 9, 10, and by adding a subdivision; 69.021, subdivision 2; 69.031, subdivision 6; 116C.03, subdivision 4; 116J.64, subdivisions 5 and 7; and 161.20, subdivision 4; Minnesota Statutes 1983 Supplement, sections 60A.15, subdivision 12; 116C.03, subdivision 2; 116J.01, subdivision 3; 116J.42, subdivisions 4 and 9; 161.465; and 299A.-04; Laws 1983, chapter 289, section 115, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1982, section 116C.04, subdivisions 5 and 6.

Reported the same back with the following amendments:

Page 1, line 19 to page 7, line 35, delete article 1

Page 12, line 29, after "section" insert ", except those with private persons,"

Renumber the articles in sequence

Amend the title as follows:

Page 1, line 5, delete everything after "sections"

Page 1, delete line 6

Page 1, line 7, delete everything before "116C.03,"

Page 1, line 10, delete "60A.15, subdivision 12;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2070, A bill for an act relating to communications; deregulating radio common carriers; amending Minnesota Statutes 1982, section 237.01, subdivision 2, and by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 1, delete "A radio"

Page 2, delete lines 2 to 4

Page 2, after line 4, insert:

"Sec. 3. Minnesota Statutes 1982, section 237.01, is amended by adding a subdivision to read:

Subd. 5. [CELLULAR RADIO.] A radio common carrier does not include a person, firm, association, or corporation providing these or similar services by means of the technology known as cellular radio.

Sec. 4. [REPEALER.]

Section 3 is repealed effective June 1, 1985."

Amend the title as follows :

Page 1, line 4, delete "a subdivision" and insert "subdivisions"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2098, A bill for an act relating to public welfare; revising procedures for determining operating cost payment rates for nursing homes; amending Minnesota Statutes 1982, section 144.072; Minnesota Statutes 1983 Supplement, sections 144A.31, subdivision 4; 256B.421, subdivision 2; 256B.431, subdivisions 1, 2, 4, 5, and by adding a subdivision; 256B.50; proposing new law coded in Minnesota Statutes, chapter 144.

Reported the same back with the following amendments :

Delete everything after the enacting clause and insert :

"Section 1. Minnesota Statutes 1983 Supplement, section 45.16, subdivision 2, is amended to read :

Subd. 2. [DUTIES.] The attorney general shall :

(a) enforce the provisions of law relating to consumer fraud and unlawful practices in connection therewith as set forth in sections 325F.68 and 325F.69 ;

(b) *enforce the provisions of law set forth in sections 2 to 4 ;*

(c) make recommendations to the governor and the legislature for statutory needs that exist in adequately protecting the consumer.

Sec. 2. [80D.19] [ANNUAL FINANCIAL STATEMENT REQUIRED.]

A provider shall prepare and distribute an annual financial statement to the residents of a facility. The statement shall be prepared in accordance with generally accepted accounting principles and shall be distributed within four months of the end of the provider's fiscal year. The statement must reflect all of the income and expense attributable to the facility for the fiscal year covered. The statement must account for all receipts and disbursements from whatever source derived, to whatever source paid, arising from the operation of the facility.

All entrance and maintenance fees, actual interest received and paid, and loan proceeds received, and interest and principal paid thereon, must be accounted for whether or not included in separate accounts because of trust, escrow, or other requirements. Items of income and expense to be allocated between a facility and another accounting entity must be allocated in accordance with generally accepted accounting principles. The allocation must be noted in the statement. The statement must be in sufficient detail to be meaningful but must be easily readable by, and understandable to, a person of average intelligence and education. The statement must include comparable data for the fewer of: each of the last five years; or for each year since the first receipts or disbursements, arising out of the facility project. If comparable data does not exist and cannot be created for a past year, the variation must be noted and explained in the statement.

Sec. 3. [80D.20] [RESIDENTS' REVIEW OF BUDGET; MONTHLY STATEMENTS; MANAGEMENT CONTRACTS.]

Subdivision 1. [FORMATION OF ASSOCIATION.] The residents of a facility may form a residents' association to deal with common interests related to their residency. The association may be organized in any way so long as each resident is given an equal opportunity to participate and an equal vote in the association's decisions including those delegating authority to the association's officers, board, and committees, if any.

Subd. 2. [ANNUAL BUDGET REVIEW.] Upon notification to it of the existence of a residents' association, the provider must present its annual budget to the association for comment before its adoption. The budget must be in sufficient detail to be meaningful, but must be readable by, and understandable to, a person of average intelligence and education. The budget must reflect the projected collection and disbursement of receipts of any kind, for any purpose by the provider, or any person related in business to the provider, attributable to residents of the facility, including interest income, and trust assets, during the budget year.

Subd. 3. [REVIEW OF MONTHLY EXPENDITURE STATEMENTS.] Throughout the budget year, the provider must give the association timely monthly statements of current income and expense showing year-to-date relationship to the annual budget, and explanations for a deviation from the budget. The association or its representative may comment on, or raise questions about, the monthly statements, to the provider.

Subd. 4. The penalty provisions of section 80D.16 shall apply to provider actions in sections 2 and 3.

Sec. 4. [TIME OF EFFECT.]

The first reporting fiscal year a provider must comply with section 2 is the first of its fiscal years that ends after the effective date of sections 1 to 3. Comparable data from up to five years earlier than the reporting fiscal year is required to comply with section 1 according to its terms.

Sec. 5. Minnesota Statutes 1982, section 144.072, is amended to read:

144.072 [IMPLEMENTATION OF SOCIAL SECURITY AMENDMENTS OF 1972.]

Subdivision 1. The state commissioner of health shall implement by rule, pursuant to the administrative procedures act, those provisions of the social security amendments of 1972 (P. L. 92-603) required of state health agencies, including rules which:

(a) establish a plan, consistent with regulations prescribed by the secretary of health, education, and welfare, for the review by appropriate professional health personnel, of the appropriateness and quality of care and services furnished to recipients of medical assistance; and

(b) provide for the determination as to whether institutions and agencies meet the requirements for participation in the medical assistance program, and the certification that those requirements, including utilization review, are being met.

Subd. 2. The policies and procedures, including survey forms, reporting forms, and other documents developed by the commissioner of health for the purpose of conducting the inspections of care required under the provisions of 42 CFR 456.600 to 456.614 in effect on March 1, 1984, have the force and effect of law and shall remain in effect and govern inspections of care until June 30, 1986, unless otherwise superceded by rules promulgated by the commissioner of health.

Sec. 6. [144.0721] [ASSESSMENTS OF CARE AND SERVICES TO NURSING HOME RESIDENTS.]

Subdivision 1. The commissioner of health shall assess the appropriateness and quality of care and services furnished to private paying residents in nursing homes and boarding care homes that are certified for participation in the medical assistance program under United States Code, title 42, section 1396 et seq. These assessments shall be conducted in accordance with section 144.072, with the exception of the provisions requiring the making of recommendations for changes in the level of care provided to the private paying residents.

Subd. 2. [ACCESS TO DATA.] With the exception of summary data, data on individuals that is collected, maintained, used, or disseminated by the commissioner of health under subdivision 1 shall be private data on individuals and shall not be disclosed to others except:

- (1) pursuant to section 13.05;*
- (2) pursuant to a valid court order;*
- (3) to the nursing home or boarding care home in which the individual resided at the time the assessment was completed; or*
- (4) to the commissioner of public welfare.*

Sec. 7. Minnesota Statutes 1983 Supplement, section 144A.31, subdivision 4, is amended to read:

Subd. 4. [ENFORCEMENT.] The board shall develop and recommend for implementation effective methods of enforcing quality of care standards. When it deems necessary, and when all other methods of enforcement are not appropriate, the board shall recommend to the commissioner of health closure of all or part of a nursing home or certified boarding care home and revocation of the license. The board shall develop, and the commissioner of public welfare shall implement, a resident relocation plan that instructs the county in which the nursing home or certified boarding care home is located of procedures to ensure that the needs of residents in nursing homes or certified boarding care homes about to be closed are met. The duties of a county under the relocation plan also apply when residents are to be discharged from a nursing home or certified boarding care home as a result of change in certification, closure, or loss or termination of the facility's medical assistance provider agreement. The county shall ensure placement in swing beds in hospitals, placement in unoccupied beds in other nursing homes, utilization of home health care on a temporary basis, foster care placement, or other appropriate alternative care. In preparing for relocation, the board shall ensure that residents and their families or guardians are involved in planning the relocation.

Sec. 8. Minnesota Statutes 1983 Supplement, section 256B.421, subdivision 2, is amended to read:

Subd. 2. [ACTUAL ALLOWABLE HISTORICAL OPERATING COST PER DIEM.] "Actual allowable historical operating cost per diem" means the per diem (PAYMENT FOR ACTUAL) operating costs (, INCLUDING OPERATING COSTS,) allowed by the commissioner for the most recent reporting year.

Sec. 9. Minnesota Statutes 1983 Supplement, section 256B.-421, Subdivision 5, is amended to read:

Subd. 5. [GENERAL AND ADMINISTRATIVE COSTS.] "General and administrative costs" means all allowable costs for administering the facility, including but not limited to: salaries of administrators, assistant administrators, (MEDICAL DIRECTORS,) accounting personnel, data processing personnel, and all clerical personnel; board of directors fees; business office functions and supplies; travel, *except as necessary for training programs for nursing personnel and dieticians required to maintain licensure, certification, or professional standards requirements*; telephone and telegraph; advertising; (LICENSES AND PERMITS;) membership dues and subscriptions; postage; insurance, except as included as a fringe benefit under subdivision 14; professional services such as legal, accounting and data processing services; central or home office costs; management fees; management consultants; employee training, for any top management personnel and for other than direct resident care related personnel; and business meetings and seminars. These costs shall be included in general and administrative costs in total, without direct or indirect allocation to other cost categories.

In a nursing home of 60 or fewer beds, part of an administrator's salary may be allocated to other cost categories to the extent justified in records kept by the nursing home. Central or home office costs representing services of required consultants in areas including, but not limited to, dietary, pharmacy, social services, or activities may be allocated to the appropriate department, but only if those costs are directly identified by the nursing home.

Sec. 10. Minnesota Statutes 1983 Supplement, section 256B.-421, subdivision 8, is amended to read:

Subd. 8. [OPERATING COSTS.] "Operating costs" means the day-to-day costs of operating the facility in compliance with licensure and certification standards. Operating cost categories are: nursing, including nurses and nursing assistants training; dietary; laundry and linen; housekeeping; plant operation and maintenance; other care-related services; general and administration; payroll taxes; real estate taxes and actual special assessments paid; and fringe benefits, including clerical training *and travel necessary for nursing personnel or dieticians for training programs required to maintain licensure, certification, or professional standards requirements*.

Sec. 11. Minnesota Statutes 1983 Supplement, section 256B.-431, subdivision 1, is amended to read:

Subdivision 1. [IN GENERAL.] The commissioner shall determine prospective payment rates for resident care costs. In

determining the rates, the commissioner shall group nursing homes according to different levels of care and geographic location until July 1, 1985 (, AND AFTER THAT DATE, MIX OF RESIDENT NEEDS, AND GEOGRAPHIC LOCATION, AS DEFINED BY THE COMMISSIONER). *For rates established on or after July 1, 1985, the commissioner shall develop procedures for determining operating cost payment rates that take into account the mix of resident needs, geographic location, special resident populations served, administrative relationship to a hospital, and other factors as determined by the commissioner.* The commissioner shall consider the use of the standard metropolitan statistical areas when developing groups by geographic location. Until (GROUPS ARE ESTABLISHED ACCORDING TO MIX OF RESIDENT NEEDS) *the commissioner establishes procedures for determining operating cost payment rates,* the commissioner shall group all convalescent and nursing care units attached to hospitals into one group for purposes of determining reimbursement for operating costs. On or before June 15, 1983, the commissioner shall mail notices to each nursing home of the rates to be effective from July 1 of that year to June 30 of the following year. In subsequent years, the commissioner shall provide notice to each nursing home on or before May 1 of the rates effective for the following rate year. If a statute enacted after May 1 affects the rates, the commissioner shall provide a revised notice to each nursing home as soon as possible.

The commissioner shall establish, by rule, limitations on compensation recognized in the historical base for top management personnel. *For rate years beginning July 1, 1985, the commissioner shall not provide, by rule, limitations on top management personnel.* The commissioner shall also establish, by rule, limitations on allowable nursing hours for each level of care for the rate years beginning July 1, 1983 and July 1, 1984. *For the rate year beginning July 1, 1984, nursing homes in which the nursing hours exceeded 2.9 hours per day for skilled nursing care or 2.3 hours per day for intermediate care during the reporting year ending on September 30, 1983 shall be limited to a maximum of 3.2 hours per day for skilled nursing care and 2.45 hours per day for intermediate care.*

Sec. 12. Minnesota Statutes 1983 Supplement, section 256B.431, subdivision 2, is amended to read :

Subd. 2. [OPERATING COSTS.] (a) *For the rate year beginning July 1, 1984, the commissioner shall establish, by rule, procedures for determining per diem reimbursement for operating costs based on actual resident days. The commissioner shall disallow any portion of the general and administration cost category, exclusive of fringe benefits and payroll taxes, that exceeds:*

(10 PERCENT) (1) *for nursing homes with more than 100 certified beds in total, the greater of ten percent or the median of*

general and administrative cost per diems of nursing homes grouped by level of care;

(12 PERCENT) (2) for nursing homes with fewer than 101 but more than 40 certified beds in total, *the greater of 12 percent or the median of general and administrative cost per diems of nursing homes grouped by level of care;*

(14 PERCENT) (3) for nursing homes with 40 or fewer certified beds in total, *the greater of 14 percent or the median of general and administrative cost per diems of nursing homes grouped by level of care; and*

(4) 15 percent for convalescent and nursing care units attached to hospitals for the rate year beginning July 1, (1983) 1984, of the expenditures in all operating cost categories except fringe benefits, payroll taxes, and general and administration.

(b) For the rate year beginning July 1, 1983 and ending June 30, 1984, the prospective operating cost payment rate for each nursing home shall be determined by the commissioner based on the allowed historical operating costs as reported in the most recent cost report received by December 31, 1982 and audited by March 1, 1983, and may be subsequently adjusted to reflect the costs allowed. To determine the allowed historical operating cost, the commissioner shall update the historical per diem shown in those cost reports to June 30, 1983, using a nine percent annual rate of increase after applying the general and administrative cost limitation described in paragraph (a). The commissioner shall calculate the 60th percentile of actual allowable historical operating cost per diems for each group of nursing homes established under subdivision 1.

(1) Within each group, each nursing home whose actual allowable historical operating cost per diem as determined under this paragraph (b) is above the 60th percentile shall receive the 60th percentile increased by six percent plus 80 percent of the difference between its actual allowable operating cost per diem and the 60th percentile.

(2) Within each group, each nursing home whose actual allowable historical operating cost per diem is at or below the 60th percentile shall receive that actual allowable historical operating cost per diem increased by six percent.

For the rate year beginning July 1, 1984, and ending June 30, 1985, the prospective operating cost payment rate for each nursing home shall be determined by the commissioner based on actual allowable historical operating costs incurred during the reporting year preceding the rate year. The commissioner shall analyze and evaluate each nursing home's report of allowable operating costs incurred by the nursing home during the report-

ing year immediately preceding the rate year. The actual allowable historical operating costs, after the commissioner's analysis and evaluation, shall be added together and divided by the number of actual resident days to compute the actual allowable historical operating cost per diems. The commissioner shall calculate the 60th percentile of actual allowable historical operating cost per diems for each group of nursing homes established under subdivision 1.

(3) Within each group, each nursing home whose actual allowable historical operating cost per diem is above the 60th percentile of payment rates shall receive the 60th percentile increased at an annual rate of six percent plus 75 percent of the difference between its actual allowable historical operating cost per diem and the 60th percentile.

(4) Within each group, each nursing home whose actual allowable historical operating cost per diem is at or below the 60th percentile shall receive that actual allowable historical operating cost per diem increased at an annual rate of six percent.

(c) For (SUBSEQUENT YEARS) *rate years beginning on or after July 1, 1985*, the commissioner shall establish procedures for determining per diem reimbursement for operating costs. The commissioner shall:

(1) Contract with an econometric firm with recognized expertise in and access to national economic change indices that can be applied to the appropriate cost categories when determining the operating cost payment rate;

(2) (ESTABLISH THE 60TH PERCENTILE OF ACTUAL ALLOWABLE HISTORICAL OPERATING COST PER DIEMS FOR EACH GROUP OF NURSING HOMES ESTABLISHED UNDER SUBDIVISION 1 BASED ON COST REPORTS OF ALLOWABLE OPERATING COSTS IN THE PREVIOUS REPORTING YEAR.) The commissioner shall analyze and evaluate each nursing home's *cost* report of allowable operating costs incurred by the nursing home during the reporting year immediately preceding the rate year for which the payment rate becomes effective. (THE ALLOWABLE HISTORICAL OPERATING COSTS, AFTER THE COMMISSIONER'S ANALYSIS AND EVALUATION, SHALL BE ADDED TOGETHER AND DIVIDED BY THE ACTUAL NUMBER OF RESIDENT DAYS IN ORDER TO COMPUTE THE ACTUAL ALLOWABLE HISTORICAL OPERATING COST PER DIEM;)

(3) *Establish limits on actual allowable historical operating cost per diems based on cost reports of allowable operating costs for the reporting year that begins October 1, 1983, taking*

into consideration relevant factors including resident needs, geographic location, age, and size of the nursing home. The limits established under this clause shall remain in effect until the commissioner establishes a new base period. Until the new base period is established, the commissioner shall adjust the limits annually using the appropriate economic change indices established in paragraph (c), clause (4).

In determining allowable historical operating cost per diems for purposes of setting limits and nursing home payment rates, the commissioner shall divide the allowable historical operating costs by the actual number of resident days, except that where a nursing home is occupied at less than 90 percent of licensed capacity days, the commissioner may establish procedures to adjust the computation of the per diem to an imputed occupancy level at or below 90 percent.

The commissioner may establish efficiency incentives for different operating cost categories. The commissioner may combine one or more operating cost categories and may use different methods for calculating payment rates for each operating cost category or combination of operating cost categories.

((3)) (4) Establish a composite index (FOR EACH GROUP) or indices by determining the (WEIGHTED AVERAGE OF ALL) appropriate economic change indicators to be applied to (THE) specific operating cost categories (IN THAT GROUP;) or combination of operating cost categories.

((4) WITHIN EACH GROUP, EACH NURSING HOME SHALL RECEIVE THE 60TH PERCENTILE INCREASED BY THE COMPOSITE INDEX CALCULATED IN PARAGRAPH (C)(3). THE HISTORICAL BASE FOR DETERMINING THE PROSPECTIVE PAYMENT RATE SHALL NOT EXCEED THE OPERATING COST PAYMENT RATES DURING THAT REPORTING YEAR.)

(5) Each nursing home shall receive an operating cost payment rate equal to the sum of the nursing home's operating cost payment rates for each operating cost category. The operating cost payment rate for an operating cost category shall be the lesser of the nursing home's historical operating cost in the category increased by the appropriate index established in paragraph (c), clause (4) for the operating cost category plus an efficiency incentive established pursuant to paragraph (c), clause (3), or the limit for the operating cost category increased by the same index. If a nursing home's actual historic operating costs are greater than the prospective payment rate for that rate year, there shall be no retroactive cost settle-up. In establishing payment rates for one or more operating cost categories, the commissioner may establish separate rates for different classes of residents based on their relative care needs.

(6) The commissioner shall include the reported actual real estate tax liability of each proprietary nursing home as an operating cost of that nursing home. The commissioner shall include a reported actual special assessment for each nursing home as an operating cost of that nursing home. Total real estate tax liability and actual special assessments paid for each nursing home (i) shall be divided by actual resident days in order to compute the operating cost payment rate for this operating cost category, (BUT (II) SHALL NOT BE USED TO COMPUTE THE 60TH PERCENTILE) (ii) shall not be used to compute the 60th percentile or other operating cost limits established by the commissioner, and (iii) shall not be increased by the composite index or indices established pursuant to paragraph (c), clause (4).

(7) For rate years beginning on or after July 1, 1986, the commissioner may allow a one-time adjustment to historical operating costs of a nursing home that has been found by the commissioner of health to be significantly below care related minimum standards as established by state and federal requirements appropriate to the mix of resident needs in that nursing home when it is determined by the commissioners of health and welfare that the nursing home is unable to meet minimum standards through reallocation of nursing home costs and efficiency incentives or allowances. In developing procedures to allow adjustments, the commissioner shall specify the terms and conditions governing any additional payments made to a nursing home as a result of the adjustment. The commissioner shall establish procedures to recover amounts paid pursuant to this clause, in whole or in part, and to adjust current and future rates, for nursing homes that fail to use the adjustment to satisfy care related minimum standards.

(d) (THE COMMISSIONER SHALL ALLOW THE NURSING HOME TO KEEP, AS AN EFFICIENCY INCENTIVE, THE DIFFERENCE BETWEEN THE NURSING HOME'S OPERATING COST PAYMENT RATE ESTABLISHED FOR THAT RATE YEAR AND THE ACTUAL HISTORICAL OPERATING COSTS INCURRED FOR THAT RATE YEAR, IF THE LATTER AMOUNT IS SMALLER. IF A NURSING HOME'S ACTUAL HISTORIC OPERATING COSTS ARE GREATER THAN THE PROSPECTIVE PAYMENT RATE FOR THAT RATE YEAR, THERE SHALL BE NO RETROACTIVE COST SETTLE-UP.) If an annual cost report or field audit indicates that (THE) expenditures for direct resident care have been reduced in amounts large enough to indicate a possible detrimental effect on the quality of care, the commissioner shall notify the commissioner of health and the interagency board for quality assurance. If a field audit reveals that unallowable expenditures have been included in the nursing home's historical operating costs, the commissioner shall disallow the expenditures and recover the entire overpayment. The commissioner shall establish, by rule, pro-

cedures for assessing an interest charge at the rate determined for unpaid taxes or penalties under section 270.75 on any outstanding balance resulting from an overpayment or underpayment.

(e) *Until procedures for determining operating cost payment rates according to mix of resident needs are established,* the commissioner may negotiate, with a nursing home that is eligible to receive medical assistance payments, a payment rate of up to 125 percent of the allowed payment rate to be paid for a period of up to three months for individuals who have been hospitalized for more than 100 days, or who have extensive care needs based on nursing hours actually provided or mental or physical disability, or need for respite care for a specified and limited time period (, AND). *The payment rate shall be based on an assessment of the nursing home's resident mix as determined by the commissioner of health. The payment rate negotiated and paid pursuant to this paragraph is specifically exempt from the definition of "rule" and the rule-making procedures required by chapter 14 and section 256B.502.*

(f) **UNTIL (GROUPS ARE ESTABLISHED ACCORDING TO MIX OF RESIDENT CARE NEEDS)** *procedures for determining operating cost payment rates according to mix of resident needs are established,* nursing homes licensed on June 1, 1983 by the commissioner to provide residential services for the physically handicapped and nursing homes that have an average length of stay of less than 180 days shall not be included in the calculation of the 60th percentile of any group. For rate year beginning July 1, 1983 and July 1, 1984, each of these nursing homes shall receive their actual allowed historical operating cost per diem increased by six percent. The commissioner shall also apply to these nursing homes the percentage limitation on the general and administrative cost category as provided in subdivision 2, paragraph (a).

Sec. 13. Minnesota Statutes 1983 Supplement, section 256B.431, subdivision 4, is amended to read:

Subd. 4. [SPECIAL RATES.] (a) A newly constructed nursing home or one with a capacity increase of 50 percent or more may, upon written application to the commissioner, receive an interim payment rate for reimbursement for property-related costs calculated pursuant to the statutes and rules in effect on May 1, 1983 and for operating costs negotiated by the commissioner based upon the 60th percentile established for the appropriate group under subdivision 2, paragraph (b) to be effective from the first day a medical assistance recipient resides in the home or for the added beds. For newly constructed nursing homes which are not included in the calculation of the 60th percentile for any group, subdivision 2(f), the commissioner shall establish by rule procedures for determining interim operating cost payment rates and interim property-related cost payment rates. The interim payment rate shall not be in effect for

more than 17 months. The commissioner shall establish, by temporary and permanent rules, procedures for determining the interim rate and for making a retroactive cost settle-up after the first year of operation; the cost settled operating cost per diem shall not exceed 110 percent of the 60th percentile established for the appropriate group. *Until procedures determining operating cost payment rates according to mix of resident needs are established*, the commissioner shall establish by rule procedures for determining payment rates for nursing homes which provide care under a lesser care level than the level for which the nursing home is certified.

(b) For rate years beginning on or after July 1, 1983, the commissioner may exclude from a provision of 12 MCAR S 2.050 any facility that is licensed by the department of health only as a boarding care home, is certified by the department of health as an intermediate care facility, is licensed by the department of public welfare under 12 MCAR S 2.036, and has less than five percent of its licensed boarding care capacity reimbursed by the medical assistance program. Until a permanent rule to establish the payment rates for facilities meeting these criteria is promulgated, the commissioner shall establish the medical assistance payment rate as follows:

(1) The desk audited payment rate in effect on June 30, 1983, shall remain in effect until the end of the facility's fiscal year. The commissioner shall not allow any amendments to the cost report on which this desk audited payment rate is based.

(2) For each fiscal year beginning between July 1, 1983, and June 30, 1985, the facility's payment rate shall be established by increasing the desk audited payment rate determined in paragraph (b), clause (1) at an annual rate of five percent.

(3) For fiscal years beginning on or after July 1, 1985, the facility's payment rate shall be established by increasing the facility's payment rate in the facility's prior fiscal year by the increase indicated by the consumer price index for Minneapolis and St. Paul.

(4) For the purpose of establishing payment rates under this clause, the facility's rate and reporting years coincide with the facility's fiscal year.

A facility that meets the criteria of paragraph (b) shall submit annual cost reports on forms prescribed by the commissioner.

Sec. 14. Minnesota Statutes 1983 Supplement, section 256B.-431, subdivision 5, is amended to read:

Subd. 5. [ADJUSTMENTS.] When resolution of appeals or on-site field audits of the records of nursing homes within a

group result in adjustments to the 60th percentile of the payment rates within the group in (ANY) *the reporting year ending on September 30, 1983*, the 60th percentile established for the following rate year for that group shall be increased or decreased by the adjustment amount.

Sec. 15. Minnesota Statutes 1983 Supplement, section 256B.-431, is amended by adding a subdivision to read:

Subd. 6. The commissioners of health and welfare shall adopt temporary rules necessary for the implementation and enforcement of the reimbursement system established in sections 5 to 17. The commissioner of health may adopt temporary rules relating to the licensure requirements of boarding care homes and nursing homes promulgated under sections 144.56 and 144A.08 if appropriate due to the changes in the reimbursement system. Until June 30, 1986, any temporary rules promulgated by the commissioners of health or welfare under this section shall be adopted in accordance with the provisions contained in sections 14.29 to 14.36 in effect as of March 1, 1984. Temporary rules adopted under this section shall have the force and effect of law and shall remain in effect until June 30, 1986 unless otherwise superseded by rule. The procedures for the adoption of the temporary rules authorized by this section shall prevail over any other act which amends the provisions of chapter 14 regardless of the date of final enactment of those amendments. The rules shall be developed in consultation with the interagency board for quality assurance, provider groups and consumers and the board shall conduct public hearings as appropriate. The commissioners of health and welfare shall consider all comments received and shall not implement the temporary rules until a report on the proposed rules has been presented to the senate health and human services committee and the house of representatives health and welfare committee. The rules shall be effective five days after publication in the State Register.

Sec. 16. Minnesota Statutes 1983 Supplement, section 256B.-50, is amended to read:

256B.50 [APPEALS.]

A nursing home may appeal a decision arising from the application of standards or methods pursuant to sections 256B.41 and 256B.47 if the appeal, if successful, would result in a change to the nursing home's payment rate. *The appeal procedures also apply to appeals of payment rates calculated under 12 MCAR S 2.049 filed with the department on or after May 1, 1984.* To appeal, the nursing home shall notify the commissioner *in writing* of its intent to appeal within 30 days and submit a written appeal request within 60 days of receiving notice of the payment rate determination or decision. The appeal request shall specify each disputed item, the reason for the dispute, an estimate of the

dollar amount involved for each disputed item, the computation that the nursing home believes is correct, the authority in statute or rule upon which the nursing home relies for each disputed item, the name and address of the person or firm with whom contacts may be made regarding the appeal, and other information required by the commissioner. The appeal shall be heard by a hearing examiner according to sections 14.48 to 14.56, or upon agreement by both parties according to a modified appeals procedure established by the commissioner and the hearing examiner. In any proceeding under this section, the appealing party must demonstrate by a preponderance of the evidence that the commissioner's determination is incorrect. Regardless of any rate appeal, the rate established shall be the rate paid and shall remain in effect until final resolution of the appeal or subsequent desk or field audit adjustment, notwithstanding any provision of law or rule to the contrary. To challenge the validity of rules established by the commissioner pursuant to sections 256B.41, 256B.421, 256B.431, 256B.47, 256B.48, 256B.50, and 256B.502, a nursing home shall comply with section 14.44.

Sec. 17. [256B.504] [PROHIBITION.]

Except for beds in state-operated institutions, no person, corporation, foreign or domestic, partnership, or association of such entities shall own, possess, or exercise control over, in any manner, more than ten percent of the beds in skilled nursing facilities, or intermediate care facilities, or boarding care homes certified for participation in the medical assistance program under United States Code, title 42, section 1396 et seq. Facilities certified as intermediate care facilities mentally retarded shall be considered a separate classification.

Sec. 18. [REPORT.] *By February 1, 1985, the commissioner of health shall report to the legislature recommendations to reduce the amount and cost of regulation for nursing homes. The recommendations shall identify at least ten specific regulations and regulatory procedures that are not cost effective and that do not enhance the quality of care for residents of nursing homes.*

Sec. 19. [APPROPRIATION.]

There is appropriated to the commissioner of health \$ for purposes of sections 5, 6, and 15. The approved complement of the department of health is increased by positions for the purposes of sections 5, 6, and 15. This appropriation is available until expended.

Sec. 20. [EFFECTIVE DATE.]

Sections 5 to 19 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "requiring financial statements by providers of continuing care facilities; allowing residents to form associations;"

Page 1, line 4, after the semicolon, insert "appropriating money;"

Page 1, line 5, after "sections" insert "45.16, subdivision 2;"

Page 1, line 6, delete "subdivision 2" and insert "subdivisions 2, 5, and 8"

Page 1, line 9, delete "chapter 144" and insert "chapters 80D; 144; and 256B"

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

The report was adopted.

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

H. F. No. 2128, A bill for an act relating to public welfare; establishing an experimental family-based services program for children; providing grants; proposing new law coded in Minnesota Statutes, chapter 257.

Reported the same back with the following amendments:

Page 2, line 7, delete everything after the period

Page 2, delete lines 8 and 9

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

The report was adopted.

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

H. F. No. 2185, A bill for an act relating to local government; providing for the conduct of the business of towns; setting various conditions for elections; providing for certain town debt; revising various other town laws; providing penalties; amending Minnesota Statutes 1982, sections 6.54, as amended;

6.55; 117.011; 160.02, subdivision 6; 160.05, subdivision 1; 160.17, subdivisions 1 and 2; 164.06; 164.11; 164.14, by adding a subdivision; 340.14, subdivision 5; 365.10; 365.15; 365.37; 365.51; 365.53; 366.01, subdivisions 2, 3, 4, 7, and by adding subdivisions; 366.015; 366.07; 367.02; 367.05, subdivision 1; 367.10; 367.15; 367.19; 367.23; 367.24; 367.30, subdivision 2; 367.31, subdivision 6; 368.01, subdivisions 1, 17, 21, 22, and 26; 368.121; 450.19; 624.44; and 624.51; Minnesota Statutes 1983 Supplement, sections 365.52; 366.20; 367.11; and 429.011, subdivision 2b; proposing new law coded in Minnesota Statutes, chapters 365; 366; and 368; repealing Minnesota Statutes 1982, sections 160.21, subdivision 5; 365.105; 365.106; 365.12; 366.06; 367.035; 367.05, subdivision 2; 368.01, subdivision 28; 368.02; 368.03; 368.04; 368.05; 368.06; 368.07; 368.08; 368.09; 368.10; 368.11; and 368.86.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 6.54, as amended by Laws 1983, chapter 314, article 7, section 2, is amended to read:

6.54 [EXAMINATION OF MUNICIPAL RECORDS PURSUANT TO PETITION.]

The registered voters in a home rule charter or statutory city or the electors at an annual or special town meeting of a town may petition the state auditor to examine the books, records, accounts, and affairs of the home rule charter or statutory city, town, or of any organizational unit, activity, project, enterprise, or fund thereof; and the scope of the examination may be limited by the petition, but the examination shall cover, at least, all cash received and disbursed and the transactions relating thereto, provided that the state auditor shall not examine more than the six latest years preceding the circulation of the petition, unless it appears to the state auditor during the examination that the audit period should be extended to permit a full recovery under bonds furnished by public officers or employees, and may if it appears to the auditor in the public interest confine the period or the scope of audit or both period and scope of audit, to less than that requested by the petition. In the case of a home rule charter or statutory city (OR TOWN), the petition shall be signed by a number of registered voters at least equal to 20 percent of those voting in the last presidential election. The eligible voters of any school district, as defined in section 123.32, subdivision 1a, may petition the state auditor, who shall be subject to the same restrictions regarding the scope and period of audit, provided that the petition shall be signed by at least ten eligible voters for each 50 resident pupils in average daily membership during the preceding school year as shown on the records in the office of the commissioner of education. (IN NO

CASE SHALL THE PETITION FOR AN EXAMINATION OF A TOWN BEAR THE NAMES OF LESS THAN 25 REGISTERED VOTERS; AND PROVIDED, THAT) In the case of school districts, the petition shall be signed by at least ten eligible voters. At the time it is circulated, every petition shall contain a statement that the cost of the audit will be borne by the city (, TOWN,) or school district as provided by law. Thirty days before the petition is delivered to the state auditor it shall be presented to the appropriate city (, TOWN) or school district clerk and the county auditor. The county auditor shall determine and certify whether the petition is signed by the required number of registered voters or eligible voters as the case may be. The certificate shall be conclusive evidence thereof in any action or proceeding for the recovery of the costs, charges and expenses of any examination made pursuant to the petition.

Sec. 2. Minnesota Statutes 1982, section 6.55, is amended to read:

6.55 [EXAMINATION OF RECORDS PURSUANT TO RESOLUTION OF GOVERNING BODY.]

The governing body of any city, town, county or school district, by appropriate resolution may ask the state auditor to examine the books, records, accounts and affairs of their government, or of any organizational unit, activity, project, enterprise, or fund thereof; and the state auditor shall examine the same upon receiving, pursuant to said resolution, a written request signed by a majority of the members of the governing body; and the governing body of any public utility commission, or of any public corporation having a body politic and corporate, or of any instrumentality joint or several of any city, town, county, or school district, may request an audit of its books, records, accounts and affairs in the same manner; provided that the scope of the examination may be limited by the request, but such examination shall cover, at least, all cash received and disbursed and the transactions relating thereto. Such written request shall be presented to the clerk, or recording officer of such city, town, county, school district, public utility commission, public corporation, or instrumentality, before being presented to the state auditor, who shall determine whether the same is signed by a majority of the members of such governing body and, if found to be so signed, shall certify such fact, and the fact that such resolution was passed, which certificate shall be conclusive evidence thereof in any action or proceedings for the recovery of the costs, charges and expenses of any examination made pursuant to such request. Nothing contained in any of the laws of the state relating to the state auditor, shall be so construed as to prevent any city, town or school district from employing a certified public accountant to examine its books, records, accounts and affairs. *For the purposes of this section, the governing body of a town is the town board.*

Sec. 3. Minnesota Statutes 1982, section 117.011, is amended to read:

117.011 [RIGHT OF EMINENT DOMAIN.]

All bodies, public or private, who have the right of eminent domain, when exercising (SUCH) *the* right, shall do so in the manner prescribed by this chapter, even though a different procedure may be provided by charter provisions, ordinance or statute, but nothing herein shall apply to the taking of property under laws relating to drainage or to town roads when (SUCH) *those* laws themselves expressly provide for (SUCH) *the* taking and specifically prescribe the procedure (CONNECTED THEREWITH).

Sec. 4. Minnesota Statutes 1982, section 160.02, subdivision 6, is amended to read:

Subd. 6. [TOWN ROADS.] "Town roads" includes those roads and cartways which have heretofore been or which hereafter may be established, constructed, or improved under the authority of the several town boards, roads established, constructed, or improved by counties that have been maintained by the towns for a period of at least one year prior to July 1, 1957 (, AND ALL ROADS LYING WITHIN THE TOWN ESTABLISHED BY USER).

Sec. 5. Minnesota Statutes 1982, section 160.05, subdivision 1, is amended to read:

Subdivision 1. [SIX YEARS.] When any road or portion of a road has been used and kept in repair and worked for at least six years continuously as a public highway *by a road authority*, it shall be deemed dedicated to the public to the width of the actual use and be and remain, until lawfully vacated, a public highway whether it has ever been established as a public highway or not. Nothing contained in this subdivision shall impair the right, title, or interest of the water department of any city of the first class secured under Special Laws 1885, Chapter 110. This subdivision shall apply to roads and streets except platted streets within cities.

Sec. 6. Minnesota Statutes 1982, section 160.17, subdivision 1, is amended to read:

Subdivision 1. [PLANS AND SPECIFICATIONS TO BE FILED IN CERTAIN CASES.] No contract for the construction or improvement of any road by a county or town (WHEREIN) *in which* the contract price exceeds (\$3,500) *the amount for which sealed bids are required as provided in section 471.345* shall be let unless the plans and specifications for (SUCH) *the* construction or improvement are on file in the office of the

county auditor and a true copy (THEREOF) of them available for reference in the office of the county highway engineer with respect to county and county state-aid highways, and with the town clerk with respect to town roads.

Sec. 7. Minnesota Statutes 1982, section 160.17, subdivision 2, is amended to read:

Subd. 2. [ADVERTISEMENT FOR BIDS.] No county or town road contract for construction or improvement exceeding (\$3,500) *the amount for which sealed bids are required as provided in section 471.345* shall be let without first advertising for bids in a newspaper of general circulation published in the county where the construction or improvement is proposed to be done. The advertisement shall be published once a week for three successive weeks, the last publication to be made at least ten days before the time fixed for receiving bids and letting the contract. It shall specify, generally, the work to be done, the place where the plans and specifications are on file, and the time and place of receiving bids and awarding the contract.

Sec. 8. Minnesota Statutes 1982, section 164.06, is amended to read:

164.06 [ESTABLISH (OR), ALTER, OR VACATE BY RESOLUTION.]

(IN ADDITION TO THE METHODS HEREIN PROVIDED, THE) A town board, when (THEREUNTO DULY) authorized by a vote of the electors at (ANY) *the* annual meeting, or at (ANY) *a* special meeting called for that purpose, may establish (OR), alter, *or vacate* a town road by resolution, and may acquire (SUCH) *the* right of way as may be necessary for (SUCH) *the* road by gift, purchase or (EMINENT DOMAIN PROCEEDINGS) as provided in (CHAPTER 117 AND ACTS AMENDATORY THERTO) *section 164.07*.

Sec. 9. Minnesota Statutes 1982, section 164.11, is amended to read:

164.11 [LANDS DEDICATED AS ROADS OR STREETS; IMPROVEMENT.]

Land dedicated to public use as a street, road or cartway, if not less than 30 feet in width, shall be deemed a legal cartway (AND SUBJECT TO IMPROVEMENT BY THE TOWN BOARD AS IN THE CASE OF CARTWAYS TWO OR MORE RODS IN WIDTH).

Sec. 10. Minnesota Statutes 1982, section 164.14, is amended by adding a subdivision to read:

Subd. 4. [INEQUITABLE AGREEMENTS.] If an agreement for the division, as provided in subdivision 2, has proved to be inequitable, either the town board or the governing body of the city may petition the county board, or where the road is on a county line, the county boards of the counties concerned, to resolve the matter, and the county board or boards shall determine the proper division of responsibility. Where deemed necessary, the services of the county engineer may be used.

Sec. 11. Minnesota Statutes 1982, section 340.14, subdivision 5, is amended to read:

Subd. 5. [SUNDAY SALES.] (a) Notwithstanding the provisions of subdivision 1, in any municipality establishments to which on sale licenses have been issued or hereafter may be issued for the sale of intoxicating liquors which are hotels or restaurants or clubs as defined in section 340.07, and which have facilities for serving not less than 30 guests at one time, may serve intoxicating liquors between the hours of 12 o'clock noon and 12 o'clock midnight on Sundays in conjunction with the serving of food. The governing body of any municipality within the seven county metropolitan area, as defined in section 473.121, subdivision 2, may adopt an ordinance that allows the licensees to serve intoxicating liquors between the hours of 10 o'clock a.m. and 12 o'clock midnight on Sundays in conjunction with the serving of food, provided that the licensee establishment is in conformance with the Minnesota Clean Indoor Air Act.

(b) It is unlawful for any such establishment, directly or indirectly, to sell or serve such intoxicating liquors as provided in paragraph (a) above, without having first obtained a special license from the municipality therefor. Such special license may be issued by the governing body of the municipality for a period of one year and for such a fee as it shall determine, but not exceeding \$200. The special license may be revoked by the governing body, for cause. The provisions of section 340.112 shall apply to such license. Application for the special license shall be made to the governing body of the municipality in the same manner as application for other licenses to sell intoxicating liquor are made.

(c) This subdivision shall not apply to any municipality until authorized by the voters of the municipality voting on the question at a special election called for such purpose or at the general election in the municipality, the election to be conducted in accordance with the applicable provisions of the Minnesota election law. Provided, however, that municipal voter approval shall not be required in the case of major airports operated by public corporations organized and existing under sections 473.601 to 473.679, which are operated by such public corporations as terminals for regular, scheduled air passenger service where the lands or any part thereof constituting the same have been detached from cities under and pursuant to sections 473.625 to

473.631, nor in the case of common carriers licensed under the provisions of sections 340.11, subdivision 3, and 340.12 and any license to sell intoxicating liquors on Sunday issued to a common carrier by the commissioner of public safety shall, in addition to all other license fees, require the payment to the commissioner of public safety of a fee of \$50 per annum plus a fee of \$5 for each duplicate of said license required to be posted in each place where intoxicating liquor is sold by said common carrier.

(d) An election conducted in a town on the question of the issuance by the county of Sunday sales licenses to establishments located in the town shall be held on the day of the annual election of town officers.

Sec. 12. Minnesota Statutes 1982, section 365.10, is amended to read:

365.10 [TOWN MEETINGS, POWERS.]

The electors of each town have power, at their annual town meeting:

(1) To determine the locations of pounds, and number of poundmasters, and to discontinue any such pounds;

(2) To select such town officers as are to be chosen;

(3) To make (SUCH) lawful orders and bylaws as they deem proper for restraining horses, cattle, sheep, swine, and other domestic animals from going at large on the highways, (AND) provide for impounding (SUCH) those animals so going at large, and to fix penalties for violations of the orders or bylaws;

(4) (TO FIX PENALTIES FOR VIOLATIONS OF ANY ORDER OR BYLAW MADE BY SUCH TOWN, EXCEPT SUCH AS RELATE TO THE KEEPING AND MAINTAINING OF FENCES;)

((5)) To vote money for the repair and construction of roads and bridges, (AND DETERMINE THE AMOUNT THEREOF TO BE ASSESSED AS LABOR TAX,) and to vote such sums as they deem expedient for other town expenses, including the construction and maintenance of docks and breakwaters;

((6)) (5) When they deem it for the interest of the town to direct that a specified amount of the (POLL AND) road tax be expended, under the direction of their town board, on the roads of an adjoining town;

((7) TO AUTHORIZE THE TOWN BOARD TO SELL AND CONVEY OR LEASE ANY REAL OR PERSONAL PROPERTY BELONGING TO THE TOWN, NOT CONVEYED TO AND REQUIRED TO BE HELD BY THE TOWN FOR A SPECIAL PURPOSE;)

((8)) (6) To authorize the town board to purchase or build a town hall or other building for the use of the town, and to determine, by ballot, the amount of money to be raised for that purpose; but, if a site for a town hall is once obtained, it shall not be changed for another site, except by vote therefor designating a new site by two-thirds of the votes cast at such election of the legal voters of the town;

((9)) (7) To authorize the town board, by vote, to purchase grounds for a town cemetery, and limit the price to be paid, and to vote a tax for the payment thereof;

((10)) (8) To authorize the town, either by itself or in conjunction with one or more other towns, to purchase grounds for a public park and to limit the price to be paid therefor, to authorize the town, alone or in conjunction with such other town or towns, to care for, improve, and beautify such parks, and to determine, by ballot, the amount of money to be raised for that purpose, and to vote a tax for the payment thereof;

((11)) (9) To vote money to aid in the construction of community halls, to be erected by farm bureaus, farmers clubs, or other like organizations (.) ;

((12)) (10) To vote a tax to purchase and maintain a public dumping ground (.) ;

((13)) (11) To authorize the town board, by resolution, to determine whether to open or maintain town roads upon which no maintenance or construction has been conducted for 25 years or more. For purposes of this clause the provisions of section 163.16 shall not apply to town roads described in this clause, nor shall the provisions of this clause apply to cartways (.) ;

(12) *To authorize the town board to spend money in an amount as determined by the electors for the purpose of commemorating an event of historical significance to the town; and*

(13) *To authorize the town board to provide, by ordinance, for licensing and regulating the presence or keeping of dogs and cats and their running at large within the town.*

Sec. 13. [365.125] [ENACTMENT OF ORDINANCES.]

Every ordinance shall be enacted by a majority vote of all the members of the town board unless a larger number is required

by law. It shall be signed by the chairman of the town board, attested by the clerk, and published once in a qualified newspaper having general circulation within the town. If the town board determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the town board may by a two-thirds vote of its members, or a four-fifths vote in a town having a five-member board direct that only the title of the ordinance and a summary be published with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours of the town clerk and any other location which the town board designates. A copy of the entire text shall be posted in the community library, if there is one, or if not, in any other public location which the town board designates. Before the publication of the title and summary, the town board shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published. The text of the ordinance shall be published in body type no smaller than brevier or eight-point type, as defined in section 331.07. Proof of the publication shall be attached to and filed with the ordinance. Every ordinance shall be recorded in the ordinance book within 20 days after publication of the ordinance or its title and summary. All ordinances shall be suitably entitled and shall be substantially in the style: "The Town Board of Supervisors of ordains:".

Sec. 14. Minnesota Statutes 1982, section 365.15, is amended to read:

365.15 [FIRE AND POLICE PROTECTION; ACQUISITION OF APPARATUS.]

The electors of each town shall have the power at any annual or special town meeting to authorize the town board to provide for fire protection or for police protection, or both, and for the purchase or acquisition of apparatus therefor, either by itself or jointly with any other town, city, or any number thereof, and for the maintenance and operation of such apparatus, and to determine (BY BALLOT) the maximum amount of money to be raised in that year and each year thereafter for any or all of such purposes until changed in the same manner by the electors at a subsequent meeting.

Sec. 15. Minnesota Statutes 1982, section 365.37, is amended to read:

365.37 [CONTRACTS; LET ON BIDS, OFFICERS NOT TO BE INTERESTED.]

Except as provided in (LAWS 1951, CHAPTER 379) sections 471.87 to 471.89, no supervisors, town clerk, or town board shall

become a party to, or be directly or indirectly interested in, any contract made or payment voted by the town board and all contracts (INVOLVING AN EXPENDITURE OF \$1000 OR MORE) *let on bid* shall be let to the lowest responsible bidder after ten days public notice, posted in the three most public places in the town or published for two weeks in a newspaper generally circulated in the town, of the time and place of receiving bids. (IN CASES OF SPECIAL EMERGENCY, AMOUNTS IN EXCESS OF \$1000 MAY BE EXPENDED WITHOUT SUCH NOTICE BEING GIVEN. IN TOWNS HAVING LESS THAN 25 LEGAL VOTERS, THE OFFICERS MAY BE EMPLOYED UPON ROAD WORK BY THE DAY AT SUCH PRICE AS MAY HAVE BEEN FIXED FOR SUCH WORK BY THE TOWN AT ITS ANNUAL MEETING.) Every contract made and payment voted or made contrary to the provisions of this section shall be void and any such officer violating the provisions of this section shall be guilty of a misdemeanor and, in addition to the provisions prescribed by law, removed from office.

Sec. 16. Minnesota Statutes 1983 Supplement, section 365.52, is amended to read:

365.52 [SPECIAL TOWN MEETINGS; PRECINCT; POLLING PLACES.]

A special town meeting may be held for the purpose of election to fill a vacancy when the town board has failed to fill the vacancy by appointment, or for transacting any other lawful business whenever the supervisors (,) and town clerk, or any two of them, together with at least 12 other freeholders of the town, file in the office of the town clerk a written statement setting forth the reasons and necessity for the meeting and the particular business to be transacted at it and that the interests of the town require that the meeting be held. A town meeting may also be called upon a petition of 20 percent of the eligible voters of the town, based upon the number of voters at the last general election. The town board may, with respect to an election by ballot at a special town meeting for the purpose of selecting town officers or of determining any matter of town business, provide for the casting of ballots in precincts and at polling places. The precincts and polling places shall be designated by the town board in the manner prescribed by sections 204B.14 and 204B.16.

Sec. 17. Minnesota Statutes 1982, section 365.53, is amended to read:

365.53 [NOTICES; PUBLICATION.]

When (SUCH) *the* statement is so filed, the clerk shall record (THE SAME) *it*, and (CAUSE TEN DAYS' POSTED NOTICE THEREOF TO BE GIVEN, SPECIFYING THE PURPOSE

FOR WHICH IT IS TO BE HELD, AND IF A NEWSPAPER IS PUBLISHED IN THE TOWN CAUSE ONE WEEK'S PUBLISHED NOTICE OF SUCH MEETING TO BE GIVEN) *give ten days' published notice specifying the time and place and the purpose for which the meeting is to be held in a qualified newspaper having general circulation within the town, or by posted notice, as the town board shall direct unless the voters at the annual town meeting direct otherwise.* If a vacancy in an office is to be filled, the notice shall specify in what office it exists, how it occurred, who was the last incumbent, and when the legal term of (SUCH) *the office expires.*

Sec. 18. Minnesota Statutes 1982, section 366.01, subdivision 2, is amended to read:

Subd. 2. They may *by ordinance* prohibit or license and regulate the keeping of billiard, pool, and pigeon-hole tables, games of amusement, games of skill, juke boxes, roller skating rinks, bowling alleys, circuses, shows, *and* theatrical performances, (AND THE SALE OF FIREWORKS. AND MAY LICENSE AND REGULATE PUBLIC DANCING PLACES,) fix the price and time of continuance of (SUCH) *the* license, and, when in their opinion the public interest requires it, revoke the (SAME) *license.* They may license the sale of soft drinks and soft drink vending machines and may fix the price and duration of (SUCH) *the* licenses and when in their opinion the public interest requires it, revoke the (SAME) *license.* Within any platted residential area of the town they may license and regulate the presence or keeping of dogs or domestic animal pets and may regulate or prohibit the discharge of firearms, when deemed to be in the public interest.

Sec. 19. Minnesota Statutes 1982, section 366.01, subdivision 3, is amended to read:

Subd. 3. They may appropriate out of the general fund of the town and draw orders on the treasurer for the disbursement of money to pay the annual dues in the Minnesota (UNIT OF THE NATIONAL ASSOCIATION OF TOWNSHIP OFFICERS) *association of townships* or a county unit that belongs to the (MINNESOTA UNIT) *state association* and the actual and necessary expenses of (SUCH DELEGATES AS THE TOWN BOARD MAY DESIGNATE TO ATTEND MEETINGS OF ANY SUCH ASSOCIATION) *township officers for meetings relating to town business including meetings of township associations.*

Sec. 20. Minnesota Statutes 1982, section 366.01, subdivision 4, is amended to read:

Subd. 4. They may select and designate a bank as the depository of town money for a time not extending beyond their

official term, on the execution by such bank of a sufficient bond to the town (, IN DOUBLE THE SUM DEPOSITED,) to be approved by the board and filed in the office of the town clerk, and thereupon may require the treasurer to deposit all or any part of the town money in such bank. Such designation shall be in writing, and set forth all the terms and conditions upon which the deposits are made, be signed by the chairman and clerk, and filed with the clerk. The town treasurer shall not be liable for the loss of money while so deposited, and all interest thereon shall belong to the town.

Sec. 21. Minnesota Statutes 1982, section 366.01, subdivision 7, is amended to read:

Subd. 7. (THE BOARD OF SUPERVISORS SHALL HAVE POWER TO) *They may provide for the prosecution or defense of actions at law or other proceedings in which the township may be interested, and (IT) they may employ counsel for the purpose. Nothing contained (HEREIN) in this subdivision shall limit any powers conferred on (TOWNSHIP) town boards of supervisors by any other provision of law.*

Sec. 22. Minnesota Statutes 1982, section 366.01, is amended by adding a subdivision to read:

Subd. 8. They shall designate one or more places in the town as public places at which legal notices shall be posted, and provide facilities for posting notices at the places; provided, that in a town in which is located within the geographical limits a city, one or more notices may be posted in the city. The town board may waive the posted notice requirements of any law but shall then instead provide for notice to be published once each week for two successive weeks in a newspaper of general circulation in the town.

Sec. 23. Minnesota Statutes 1982, section 366.01, is amended by adding a subdivision to read:

Subd. 9. They may sell and convey or lease real or personal property belonging to the town, not conveyed to and required to be held by the town for a special purpose.

Sec. 24. Minnesota Statutes 1982, section 366.01, is amended by adding a subdivision to read:

Subd. 10. They may declare that a violation of an ordinance shall be a penal offense and may prescribe the penalties for violations, except as otherwise provided by law. No penalty shall exceed that which is provided by law for a misdemeanor, but the costs of prosecution may be added.

Sec. 25. Minnesota Statutes 1982, section 366.015, is amended to read:

366.015 [VOTE REQUIRED ON WEED DESTRUCTION.]

Subdivision 1. [BALLOT, CONTENTS.] The town board at the annual town meeting may submit to a vote by ballot the following question: "Shall persons owning or occupying real estate adjoining a town road and not a part of (ANY) an incorporated municipality be required to *remove rocks in excess of five inches in diameter from and to* cut, destroy or remove all weeds (AND), grass and other plants of up to three inches in diameter growing upon the town road adjacent to their land? Yes No"

Subd. 2. [COST, LIEN ON LAND.] If a majority of the electors voting on (SUCH) *the* question (SHALL) vote "Yes," (ANY) a person owning or occupying real estate adjoining a town road and not a part of (ANY) an incorporated municipality shall cut, destroy or remove (ALL WEEDS OR GRASS GROWING) *the material described on the ballot located* upon the town road adjacent to his land. (ANY) A person who erects or maintains a mail-box on land not owned by him shall cut, destroy or remove (ALL WEEDS OR GRASS) *the material* within five feet of such mail-box. If any such person fails to comply with this provision, the town board of the town in which his real estate is located may, after ten days notice in writing, order the local weed inspector or other person to cut, destroy or remove the weeds or grass and the expense thus incurred shall be a lien on such real estate. The town board shall certify to the county auditor an itemized statement of the amount of the expense paid by the town and the county auditor shall enter such amount on the tax books as a tax upon the land, which shall be collected in the same manner as other real estate taxes.

Sec. 26. Minnesota Statutes 1982, section 366.07, is amended to read:

366.07 [TREASURER MAY SELECT DEPOSITORY.]

If the town board (SHALL REFUSE) *refuses* or (FAIL) *fails* to act, as provided in section (366.06) *366.01, subdivision 4,* within 30 days after the annual town meeting, the treasurer shall select one or more depositories (, NOT EXCEEDING FOUR IN NUMBER,) for the *deposit and the safekeeping* of town funds and deposit town funds (THEREIN,) in the name of the town, (TO THE EXTENT OF NOT MORE THAN \$10,000 IN EACH DEPOSITORY SO SELECTED WITHOUT REQUIRING SECURITY THEREFOR, PROVIDING THAT SUCH BANK IS INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION) *obtaining security for the funds as provided in section 366.01, subdivision 4.*

Sec. 27. [366.095] [FINANCING PURCHASE OF CERTAIN EQUIPMENT.]

The town board may issue certificates of indebtedness within the existing debt limits for the purpose of purchasing fire or police equipment or ambulance equipment or street construction or maintenance equipment. The certificates shall be payable in not more than five years and shall be issued on the terms and in the manner as the board may determine. If the amount of the certificates to be issued to finance the purchase exceeds one percent of the assessed valuation of the town, excluding money and credits, they shall not be issued for at least ten days after publication in a newspaper of general circulation in the town of the board's resolution determining to issue them; and if before the end of that time, a petition asking for an election on the proposition signed by voters equal to ten percent of the number of voters at the last regular town election is filed with the clerk, the certificates shall not be issued until the proposition of their issuance has been approved by a majority of the votes cast on the question at a regular or special election. A tax levy shall be made for the payment of the principal and interest on the certificates as in the case of bonds.

Sec. 28. Minnesota Statutes 1983 Supplement, section 366.20, is amended to read:

366.20 [MEETINGS.]

The town board shall constitute a board of audit and shall meet each year, on (THE TUESDAY PRECEDING THE ANNUAL TOWN MEETING) a date fixed by the town board, for the purpose of auditing and settling all charges against the town. All unpaid accounts of town officers for services rendered since the last annual meeting of the board shall be presented at the meeting. It may also meet at any other times for the purpose of auditing and settling charges against the town. No allowance of any account shall be made which does not specifically itemize the account. (IF ANY SUPERVISOR FAILS TO ATTEND, THE REMAINING SUPERVISORS SHALL FILL THE VACANCY BY APPOINTMENT. IF THEY ARE UNABLE TO AGREE, THE SENIOR COUNTY OR MUNICIPAL COURT JUDGE HAVING JURISDICTION OVER THE TOWN SHALL FILL THE VACANCY BY APPOINTMENT. THE PERSON APPOINTED MUST BE A RESIDENT OF THE TOWN) A quorum for transacting business by the board of audit shall be the same as for the board of supervisors.

Sec. 29. Minnesota Statutes 1982, section 367.02, is amended to read:

367.02 [RESIGNATIONS.]

The town board, for sufficient cause shown to it, (MAY) shall accept the resignation of any town officer, in which case the board shall forthwith give notice thereof to the town clerk.

Sec. 30. Minnesota Statutes 1982, section 367.05, subdivision 1, is amended to read:

367.05 [COMPENSATION; TOWN OFFICERS AND EMPLOYEES.]

Subdivision 1. ([ASSESSORS.] THE TOWN ASSESSORS, EXCEPT IN TOWNS WHEREIN SPECIAL LAWS SET THE SALARY AND COMPENSATION OF THE ASSESSOR, SHALL BE COMPENSATED IN AN AMOUNT TO BE DETERMINED BY THE TOWN BOARD. THE TOWN BOARD IS ALSO AUTHORIZED TO REIMBURSE ANY TOWN ASSESSOR FOR EXPENSES AND MILEAGE) *The town board shall set the compensation of supervisors, town assessors, the treasurer, clerk, deputy clerk, if one is employed, the road overseer, and other employees of the town in an amount to be determined by the town board. In addition to the compensation provided pursuant to this section, supervisors, assessors, treasurers, clerks, deputy clerks, road overseers, and other employees of the town shall be entitled to mileage for the use of the person's own automobile at a rate to be determined by the town board for each mile necessarily traveled on official town business. The town board may fix the hours of employment for town employees, and reimburse a town assessor for expenses.*

Sec. 31. Minnesota Statutes 1982, section 367.10, is amended to read:

367.10 [TOWN CLERK; BOND; OATH.]

Every (PERSON ELECTED OR APPOINTED TO THE OFFICE OF) town clerk, before (HE ENTERS UPON THE) *beginning the* duties of (HIS) *the* office, shall give bond to the town (, WITH SURETIES APPROVED BY THE TOWN TREASURER, IN SUCH PENAL SUM AS) *in an amount to be determined by the town board (DIRECTS),* conditioned for the faithful discharge of (HIS) *the* duties of clerk. The bond, with (HIS) *the* oath of office, shall be filed with the county auditor (, AND AN ACTION MAY BE MAINTAINED THEREON BY THE TOWN OR ANY PERSON AGGRIEVED).

Sec. 32. Minnesota Statutes 1983 Supplement, section 367.11, is amended to read:

367.11 [DUTIES.]

It shall be the duty of the town clerk:

(1) to act as clerk of the town board, and to keep in his office a true record of all of its proceedings;

(2) unless otherwise provided by law, to have the custody of the records, books, and papers of the town, and to file and safely keep all papers required by law to be filed in his office;

(3) to record minutes of the proceedings of every town meeting in the book of town records, and to enter in them at length every order or direction and all rules and regulations made by the town meeting;

(4) to file and preserve all accounts audited by the town board or allowed at a town meeting, and to enter a statement of them in the book of records;

(5) to transmit to the clerk of the district court, immediately after the election of any town constable, a written notice stating the name of the person elected; the term for which he was elected; if elected to fill a vacancy, the name of the last incumbent of the office; and after a constable is qualified, and, upon the resignation of a constable, to immediately notify the clerk;

(6) to record every request for any special vote or special town meeting, and properly post the requisite notices of them;

(7) to post, as required by law, fair copies of all bylaws made by the town, and enter, over his signature, in the town records, the time when and the places where they were posted and keep an ordinance book in which shall be recorded in full all ordinances passed by the town board;

(8) to furnish to the annual meeting of the town board of audit every statement from the county treasurer of money paid to the town treasurer, and all other information about fiscal affairs of the town in his possession, and all accounts, claims, and demands against the town filed with him; and

(9) to perform any other duties required by law.

Sec. 33. Minnesota Statutes 1982, section 367.15, is amended to read:

367.15 [TOWN TREASURER; BOND.]

Every town treasurer, before (HE ENTERS UPON) *beginning* the duties of (HIS) *the* office, shall give bond to the town in an amount to be determined by the board, conditioned for the faithful discharge of (HIS) *the* duties (AS SUCH) of treasurer. (WITHIN SIX DAYS THEREAFTER THE CHAIRMAN SHALL FILE SUCH BOND, WITH HIS APPROVAL ENDORSED THEREON,) *The bond shall be filed* for record with the county auditor.

Sec. 34. Minnesota Statutes 1982, section 367.19, is amended to read:

367.19 [ORDER OF PAYMENT; INTEREST.]

Town orders shall bear interest at the rate (OF NOT TO EXCEED SIX PERCENT) *provided in section 475.55* from the date when presented to the treasurer for payment, and shall be paid in the order in which they are registered, out of the first money that comes into the treasurer's hands for that purpose.

Sec. 35. Minnesota Statutes 1982, section 367.23, is amended to read:

367.23 [BONDS, HOW EXECUTED.]

Every bond required of a town officer shall be executed to the town by its name and, when no other provision is made, shall be in a sum fixed by the town board; and, if none (BE) is fixed, then in the sum of the bond of the last incumbent of the office. Every bond shall be approved by the chairman (, IN WRITING THEREON,) and filed with the town clerk within the time prescribed for filing the oath of office, except the bonds of the clerk and the treasurer, which shall be filed with the (CLERK OF THE DISTRICT COURT AND THE COUNTY RECORDER, RESPECTIVELY) *county auditor*. Whenever the town board deems any bond insufficient, it may require an additional bond to be made and filed, in a sum, and within a time not less than ten days, to be fixed by it.

Sec. 36. Minnesota Statutes 1982, section 367.24, is amended to read:

367.24 [FEES AND DUTIES OF POUNDMASTERS.]

Poundmasters shall be allowed fees (AS FOLLOWS) *in amounts as determined by the town board for the following:*

(1) (FOR) Taking animals into the pound and discharging (THE SAME:) *them;*

((A) SHEEP, THREE CENTS EACH,)

((B) HOGS, FIVE CENTS EACH,)

((C) ALL OTHER ANIMALS, TEN CENTS EACH;)

(2) Keeping animals in pound (, 20 CENTS FOR EACH 24 HOURS); *and*

(3) (FOR) Selling impounded animals (, TWO PERCENT OF THE AMOUNT OF SALE).

The poundmaster shall have a lien on impounded animals for his fees, which shall be paid before such animals are discharged. If not discharged within four days, they shall be advertised by the poundmaster for sale at public auction to the highest bidder, at the place where impounded, upon 15 days' posted notice. At the time and place fixed by the notice the poundmaster shall sell the same pursuant thereto. Out of the moneys received from such sale he shall deduct his fees and charges, and pay the balance to the chairman of the town board and, at the same time, deliver to the chairman a correct written description of each animal sold and a statement of the amount received for the same. He shall take duplicate receipts therefor, one of which shall be filed with the clerk. If the owner of any animal so sold appears within (SIX MONTHS) 30 days, the money received by the chairman shall be paid to him. If not claimed within that time, it shall be paid into the town treasury.

Sec. 37. Minnesota Statutes 1982, section 367.30, subdivision 2, is amended to read:

Subd. 2. [OPTION B; APPOINTMENT OF CLERK AND TREASURER.] Any town may provide for the appointment by the town board of its clerk (AND) *or* treasurer, *or both*, *or* clerk-treasurer, as hereinafter provided for in Laws 1975, Chapter 274. This option shall be referred to as option B.

Sec. 38. Minnesota Statutes 1982, section 367.31, subdivision 6, is amended to read:

Subd. 6. [ABANDONMENT OF OPTIONS; THREE-YEAR LIMITATION.] At any time more than three years after the adoption of an option, the question of abandonment of the option may be submitted to the electors, in the same manner as provided for the submission of the question of adoption, except that in the statement of the question on the ballot, the word "abandoned" shall be substituted for the word "adopted". If a majority of the votes cast on the question is in favor of abandonment, the plan shall be abandoned. Subject to the provisions for transition back to the regular form of town government, the form of town government existing prior to adoption of the abandoned option shall be resumed in the town. (OPTION A SHALL NOT BE ABANDONED IN ANY TOWN EXERCISING THE POWERS OF A STATUTORY CITY PURSUANT TO SECTION 368.01 OR PURSUANT TO A SPECIAL LAW GRANTING SUBSTANTIALLY SIMILAR POWERS.)

Sec. 39. Minnesota Statutes 1982, section 368.01, subdivision 1, is amended to read:

Subdivision 1. [TOWNS DESCRIBED.] Any town having therein platted portions in which there reside 1,200 or more

people or any towns having platted area within 20 miles of the city hall of a city of the first class having over 200,000 population shall have and possess the powers enumerated in this section. The town board thereof may adopt, amend, or repeal ordinances (,) and rules (, AND BYLAWS) for any purposes enumerated as it deems expedient.

Sec. 40. Minnesota Statutes 1982, section 368.01, subdivision 1a, is amended to read:

Subd. 1a. [CERTAIN OTHER TOWNS.] Any town with a population of 1,000 or more according to the most recent federal decennial census or *special census or population estimate as provided in section 44* that does not otherwise qualify pursuant to subdivision 1 to exercise the powers enumerated in this section, shall have and possess the enumerated powers upon an affirmative vote of the electors of the town at the annual town meeting.

Sec. 41. Minnesota Statutes 1982, section 368.01, subdivision 21, is amended to read:

Subd. 21. [ENACTMENT OF ORDINANCES.] Every ordinance shall be enacted by a majority vote of all the members of the town board except where a larger number is required by law. It shall be signed by the chairman of the town board, attested by the clerk and published once in (THE OFFICIAL) a *qualified newspaper having general circulation within the town*. If the town board determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the town board may by a *two-thirds vote of its members, or a four-fifths vote (OF ITS MEMBERS) in a town having a five-member board* direct that only the title of the ordinance and a summary be published with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours of the town clerk and any other location which the town board designates. A copy of the entire text of the ordinance shall be posted in the community library, if there is one, or if not, in any other public location which the town board designates. (PRIOR TO) *Before* the publication of the title and summary the town board shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published. The text of the summary shall be published in a body type no smaller than *brevier or eight-point type*, as defined in section 331.07. Proof of the publication shall be attached to and filed with the ordinance. Every ordinance shall be recorded in the ordinance book within 20 days after publication of the ordinance or its title and summary. All ordinances shall be suitably entitled and shall be substantially in the style: "the Town Board of Supervisors ordains:".

Sec. 42. Minnesota Statutes 1982, section 368.01, subdivision 22, is amended to read:

Subd. 22. [PENALTIES.] The town board of supervisors shall have the power to declare that the violation of any ordinance shall be a penal offense and to prescribe penalties therefor. No (SUCH) penalty shall exceed (A FINE OF \$300 OR IMPRISONMENT IN A STATUTORY CITY OR COUNTY JAIL FOR A PERIOD OF 90 DAYS, OR BOTH) *that which is provided by law for a misdemeanor*, but (IN EITHER CASE) the costs of prosecution may be added.

Sec. 43. Minnesota Statutes 1982, section 368.01, subdivision 26, is amended to read:

Subd. 26. [FINES AND PENALTIES.] All fines, forfeitures, and penalties recovered for the violation of any *statute or ordinance to which the town is entitled by law* shall be paid into the town treasury. Every court or officer receiving (SUCH MONEYS) *money for the violation*, shall (MAKE) return (THEREOF) *it* under oath (ON OR BEFORE THE TENTH DAY AFTER THE LAST DAY OF THE MONTH DURING WHICH THE MONEYS WERE RECEIVED) *in accordance with law*, and be entitled to duplicate receipts for the amounts paid. One of the receipts shall be filed with the town clerk.

Sec. 44. [368.015] [TOWNS; CENSUS.]

The town board of a town may, in any year, request the state demographer to take a special census of the town or make an estimate of the population of the town for the purpose of being eligible to exercise the powers contained in section 368.01 as provided in section 368.01, subdivision 1a. A cost for the special census or estimate shall be borne by the town.

Sec. 45. Minnesota Statutes 1982, section 368.121, is amended to read:

368.121 [EMPLOYMENT OF ATTORNEY; FEES.]

The *town* board of (SUPERVISORS IN) any town may employ an attorney and pay up to (\$5,000) *\$15,000* in attorney's fees annually without an affirmative vote of or approval by the electors of the town.

Sec. 46. Minnesota Statutes 1982, section 450.19, is amended to read:

450.19 [TOURIST CAMPING GROUNDS.]

All cities and towns in the state are hereby authorized and empowered to establish and maintain public tourist camping

grounds and the council or other legislative or governing body thereof is hereby empowered to acquire, by lease, purchase, or by gift, suitable lands located either within or without the corporate limits for use as public tourist camping grounds and to provide for the equipment, operation, and maintenance of the same. (THE AMOUNT EXPENDED FOR THE ACQUISITION OF PUBLIC TOURIST CAMPING GROUNDS SHALL NOT EXCEED THE SUM OF \$6,000.) The amount that may be expended for the maintenance, improvement, or operation of tourist camping grounds shall not exceed, in any one year, a sum equal to the amount which may be raised by a one-third of one mill tax upon the taxable property of the municipality (AND IN NO EVENT TO EXCEED THE SUM OF \$5,000 PER ANNUM).

Sec. 47. Minnesota Statutes 1982, section 624.51, is amended to read:

624.51 [HOURS.]

No public dance shall be held or conducted between the hours of one o'clock and six o'clock a.m., of any day; provided, that no public dance shall be held or conducted on Sunday between the hours of one o'clock a.m. and 12 o'clock noon thereof. In all other cases the public authorities issuing the permit herein provided for may, if they so desire, fix the hours within which public dances may be held, not inconsistent herewith, and shall also have authority, by ordinance (,) or resolution, (OR BY-LAW,) to regulate or to prohibit the same on Sunday, within the limits of the city or territory within which such public authorities may grant permits for public dancing as herein provided.

Sec. 48. [REPEALER.]

Minnesota Statutes 1982, sections 365.105; 365.106; 365.12; 366.06; 367.035; 367.05, subdivision 2; 368.01, subdivisions 17 and 28; 368.02; 368.03; 368.04; 368.05; 368.06; 368.07; 368.08; 368.09; 368.10; 368.11; and 368.86, are repealed."

Delete the title and insert:

"A bill for an act relating to local government; providing for the conduct of the business of towns; providing for certain town debt; revising various other town laws; providing penalties; amending Minnesota Statutes 1982, sections 6.54, as amended; 6.55; 117.011; 160.02, subdivision 6; 160.05, subdivision 1; 160.17, subdivisions 1 and 2; 164.06; 164.11; 164.14, by adding a subdivision; 340.14, subdivision 5; 365.10; 365.15; 365.37; 365.53; 366.01, subdivisions 2, 3, 4, 7, and by adding subdivisions; 366.015; 366.07; 367.02; 367.05, subdivision 1; 367.10; 367.15; 367.19; 367.23; 367.24; 367.30, subdivision 2; 367.31, subdivision 6; 368.01, subdivisions 1, 1a, 21, 22, and 26; 368.121;

450.19; and 624.51; Minnesota Statutes 1983 Supplement, sections 365.52; 366.20; and 367.11; proposing new law coded in Minnesota Statutes, chapters 365; 366; and 368; repealing Minnesota Statutes 1982, sections 365.105; 365.106; 365.12; 366.06; 367.035; 367.05, subdivision 2; 368.01, subdivisions 17 and 28; 368.02; 368.03; 368.04; 368.05; 368.06; 368.07; 368.08; 368.09; 368.10; 368.11; and 368.86."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2186, A bill for an act relating to public finance; providing for allocation of federal authority to issue certain state and local obligations; amending Minnesota Statutes 1982, sections 116J.42, by adding a subdivision; 273.77; 429.091, by adding a subdivision; 430.12; and 472.09, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 458; 459; 462; 474; and 475.

Reported the same back with the following amendments:

Page 10, line 34, delete "*which shall be the product of*" and insert "*The amount of authority for an issuer is*"

Page 10, line 36, delete "*times*" and insert "*multiplied by*"

Page 10, line 36, after "*fraction*" insert a period

Page 10, line 36, delete "*which*" and insert "*the fraction*"

Page 10, line 36, after the second "*the*" insert "*highest three-year*"

Page 11, line 1, delete "*, and*" and insert a period

Page 11, line 2, delete "*which*" and insert "*the fraction*"

Page 11, line 2, after "*combined*" insert "*highest three-year*"

Page 11, line 6, after the period insert "*In such cases the amount of the issuance authority to be allocated to each issuer shall be determined by the city council in the case of a city or the county board in the case of a county.*"

Page 11, line 14, after the third "of" insert "*its remaining unused*"

Page 11, line 18, after "*portion*" insert "*not already used and*"

Page 11, line 19, delete "*canceled*" and insert "*cancelled*"

Page 11, line 22, delete "*November 30*" and insert "*October 31*"

Page 11, line 36, delete "*November 30*" and insert "*October 31*"

Page 12, line 3, delete "*amoung*" and insert "*among*"

Page 12, line 9, delete "*October*" and insert "*September*"

Page 13, line 15, delete "*2/100*" and insert "*two*"

Page 13, line 16, delete "*\$1,000*" and insert "*\$100,000*"

Page 13, line 35, delete "*, and the project site does not*" and insert "*. To qualify under this clause the project need not*"

Page 13, line 36, delete "*have to*"

Page 14, line 2, after "*for*" insert "*the additional*"

Page 14, line 3, delete "*or state energy conservation*" and insert "*investment*"

Page 14, line 3, after "*credits*" insert "*for energy property*"

Page 14, line 30, after "*submitted*" insert "*either (a)*"

Page 14, line 34, before the period insert "*or (b) the project is an expansion of the operations of an existing business which is not likely to result in the transferring of existing employment from one or more other municipalities within the state to the municipality in which the project is located*"

Page 15, line 1, delete "*Ninety*" and insert "*Seventy-five*"

Page 15, line 5, delete "*project*" and insert "*bond issue*"

Page 15, line 17, delete "*and (ii)*" and insert "*(ii) any project which is authorized by chapter 115A, chapter 400, or sections 473.801 to 473.834, shall receive an allocation of issuance authority without regard to its numerical rank to the extent that the amount of issuance authority allocated to the project when*"

added to the issuance authority previously allocated during the calendar year pursuant to this clause does not exceed 50 percent of the amount provided in subdivision 1, and (iii)"

Page 15, line 33, delete "canceled" and insert "cancelled"

Page 16, line 4, delete the first "December" and insert "November"

Page 16, line 15, delete "November" and insert "October"

Page 16, line 22, delete "December" and insert "November"

Page 16, line 24, delete "December" and insert "November"

Page 16, line 25, delete "November" and insert "October"

Page 18, after line 13, insert:

"Sec. 18. [REPEALER.]

This act is repealed effective August 1, 1985."

Renumber the remaining section

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2218, A bill for an act relating to public finance; authorizing additional investment alternatives; providing for the delivery of municipal obligations in certificated or uncertificated form; providing restrictions on the use of certain data; providing a formula for determining limitations on interest rates on municipal obligations; providing an alternative procedure for conducting a public sale of municipal obligations; amending Minnesota Statutes 1982, sections 471.56, by adding a subdivision; 475.55, subdivisions 1, 4, and by adding a subdivision; 475.60, subdivision 3, and by adding a subdivision; repealing Minnesota Statutes 1982, sections 475.71; and 475.76, subdivision 5.

Reported the same back with the following amendments:

Page 1, line 23, delete "purchase or"

Page 1, line 24, delete "*equal and opposite*" and "*positions*" and "*or sold*"

Page 4, line 19, delete "*five*" and insert "*four*"

Page 4, line 22, delete "*officer or agent*" and insert "*municipality*"

Page 5, line 10, after "*the*" insert "*future*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2245, A bill for an act relating to crimes; prohibiting the purchase or sale of human organs; amending Minnesota Statutes 1982, section 145.422, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 10, after "*or*" insert "*nonrenewable*"

Page 1, line 17, after "*of the*" insert "*nonrenewable*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2257, A bill for an act relating to state departments and agencies; requiring senate approval for the governor's appointment of state planning director; amending Minnesota Statutes 1983 Supplement, section 116K.02, subdivision 2.

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

The report was adopted.

Pursuant to House Rule No. 9.3, H. F. No. 2257 was re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 2303, A bill for an act relating to state monuments; adding the Roy Wilkins State Monument to the list of state monuments; appropriating money; amending Minnesota Statutes 1982, section 138.585, by adding a subdivision.

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

The report was adopted.

Mann from the Committee on Transportation to which was referred:

S. F. No. 887, A bill for an act relating to transportation; providing for the inclusion of former municipal state-aid streets in the county state-aid highway system; amending Minnesota Statutes 1982, section 162.02, subdivision 1, and by adding a subdivision.

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

The report was adopted.

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

S. F. No. 1418, A bill for an act relating to public welfare; authorizing the alcohol and drug abuse section of the department of public welfare to collect certain information; establishing an American Indian advisory council relating to chemical dependency policies; clarifying the evaluation functions of the commissioner of public welfare with respect to chemical dependency policies; amending Minnesota Statutes 1982, sections 254A.03; 254A.05, subdivision 1; 254A.07; 254A.16, subdivisions 1 and 2; and proposing new law coded in Minnesota Statutes, chapter 254A.

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

The report was adopted.

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

S. F. No. 1455, A bill for an act relating to health; exempting schools from license fee requirements of the department of health; exempting certain places of lodging from licensing requirements of the department; amending Minnesota Statutes 1982, sections 157.03 and 157.14.

Reported the same back with the following amendments:

Pages 3 and 4, delete section 2

Amend the title as follows:

Page 1, line 3, delete "exempting"

Page 1, delete line 4

Page 1, line 5, delete "of the department;"

Page 1, line 6, delete "Sections" and insert "Section"

Page 1, line 6, delete "and 157.14"

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 499, 1010, 1302, 1393, 1406, 1499, 1578, 1835, 1886, 1892, 1982, 2012, 2047, 2062, 2070, 2185, 2186, 2218 and 2245 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 887, 1418 and 1455 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Clawson, Swanson and Wynia introduced:

H. F. No. 2305, A bill for an act relating to public welfare; specifying procedures of the moratorium on nursing home or boarding care beds; limiting state or county funds to certified

facilities except under certain conditions; disallowing medical assistance to nursing homes whose practices are prohibited; providing general assistance to eligible persons in licensed facilities; amending Minnesota Statutes 1982, sections 256B.25; 256D.06, by adding a subdivision; Minnesota Statutes 1983 Supplement, sections 144A.071, subdivision 2; and 256B.48, subdivision 1, and by adding subdivisions.

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

Sherman, Swanson, Dempsey, Ogren and Johnson introduced:

H. F. No. 2306, A bill for an act relating to the city of Winona; appropriating money for boat access to the Mississippi River.

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

Gruenes, Brinkman, Marsh, Omann and Bergstrom introduced:

H. F. No. 2307, A bill for an act relating to taxation; providing temporary sales tax exemptions for certain paper processing plants; proposing new law coded in Minnesota Statutes, chapter 297A.

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

Gruenes, Bergstrom, Marsh, Omann and Brinkman introduced:

H. F. No. 2308, A bill for an act relating to taxation; providing temporary property tax and sales tax exemptions for certain paper processing facilities; amending Minnesota Statutes 1983 Supplement, section 272.02, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 297A.

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

Sarna introduced:

H. F. No. 2309, A bill for an act relating to local police and salaried firefighters relief associations; providing a supplemental medical allowance and group health insurance; proposing new law coded in Minnesota Statutes, chapter 423A.

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

HOUSE ADVISORIES

The following House Advisory was introduced:

Rodriguez, F., and McEachern introduced:

H. A. No. 57, A proposal to study the effects of desegregation plans on children's attendance at neighborhood schools.

The advisory was referred to the Committee on Education.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

S. F. Nos. 1760, 1770, 1810 and 1927.

PATRICK E. FLAHAVER, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1760, A bill for an act relating to governmental operations; requesting the regents of the University of Minnesota to conduct a job evaluation study and report to the legislature.

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

S. F. No. 1770, A bill for an act relating to the city of Duluth; changing the boundaries of the tracts of land administered by the Spirit Mountain recreation area authority; amending Laws 1973, chapter 327, section 2, subdivision 1.

The bill was read for the first time.

Gustafson moved that S. F. No. 1770 and H. F. No. 2131, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1810, A bill for an act relating to insurance; homeowner's; providing certain notice requirements upon policy non-renewal, reduction in the limits of coverage, or elimination of coverage; authorizing the commissioner to adopt rules; amend-

ing Minnesota Statutes 1982, section 65A.29, by adding subdivisions; repealing Minnesota Statutes 1982, section 65A.29, subdivision 2.

The bill was read for the first time.

Riveness moved that S. F. No. 1810 and H. F. No. 1859, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1927, A bill for an act relating to St. Louis County; establishing positions in the unclassified civil service; amending Laws 1941, chapter 423, section 6, as amended.

The bill was read for the first time.

Elioff moved that S. F. No. 1927 and H. F. No. 1913, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Clark, K., was excused for the remainder of today's session.

CONSENT CALENDAR

S. F. No. 1757 was reported to the House.

Welch moved to amend S. F. No. 1757, the first engrossment, as follows:

Page 1, line 12, after "*any*" insert "*earth-coupled*"

Page 1, line 13, after "*system*" delete the comma

Page 1, line 14, after "*ground*" delete the comma

Amend the title as follows:

Page 1, line 5, after "*coded*" delete "*in*" and insert "*as*"

Page 1, line 6, after "*chapter*" delete "*156A*" and insert "*156A.11*"

The motion prevailed and the amendment was adopted.

S. F. No. 1757, A bill for an act relating to water well contractors; licensing and regulating use of vertical heat exchangers; amending Minnesota Statutes 1982, section 156A.02, by adding a subdivision; proposing new law coded as Minnesota Statutes, chapter 156A.

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 96 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Krueger	Pauly	Skoglund
Anderson, G.	Forsythe	Larsen	Peterson	Solberg
Battaglia	Graba	Levi	Piepho	Sparby
Beard	Greenfield	Long	Piper	Stadum
Begich	Gustafson	Marsh	Quinn	Staten
Bennett	Gutknecht	McEachern	Quist	Swanson
Bergstrom	Halberg	McKasy	Redalen	Tomlinson
Bishop	Haukoos	Metzen	Reif	Tunheim
Blatz	Heap	Munger	Riveness	Valento
Boo	Heinitz	Murphy	Rodosovich	Vanasek
Brandl	Hoffman	Nelson, D.	Rodriguez, C.	Vellenga
Carlson, D.	Hokr	Nelson, K.	Rodriguez, F.	Welch
Carlson, L.	Jacobs	Neuenschwander	St. Onge	Welle
Clark, J.	Jennings	Norton	Sarna	Wenzel
Clawson	Jensen	Ogren	Schreiber	Wynia
Cohen	Johnson	Olsen	Seaberg	Speaker Sieben
Coleman	Kahn	Omann	Segal	
Dimler	Kelly	Onnen	Shea	
Eken	Knickerbocker	Osthoff	Sherman	
Ellingson	Kostohryz	Otis	Simoneau	

Those who voted in the negative were:

Dempsey	Fjoslien	Mann	Thiede	Welker
DenOuden	Frerichs	McDonald	Uphus	Wigley
Erickson	Ludeman	Sviggum	Waltman	Zaffke
Findlay				

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

H. F. No. 427 was reported to the House.

There being no objection H. F. No. 427 was continued on the Consent Calendar for one day.

H. F. No. 1633, A bill for an act relating to metropolitan government; allowing the mosquito control district to take certain actions; amending Minnesota Statutes 1982, section 473.704, subdivision 17.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1911, A bill for an act relating to state lands; authorizing the sale of a certain lakeshore property in Kandiyohi County.

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 1 nay as follows:

Those who voted in the affirmative were:

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

Shea	Stadum	Tunheim	Waltman	Wynia
Sherman	Staten	Uphus	Welch	Zaffke
Simoneau	Sviggum	Valan	Welker	Speaker Sieben
Skoglund	Swanson	Valento	Welle	
Solberg	Thiede	Vanasek	Wenzel	
Sparby	Tomlinson	Vellenga	Wigley	

Those who voted in the negative were:

Piper

The bill was passed and its title agreed to.

H. F. No. 1778, A bill for an act relating to environment; changing the date by which the pollution control agency must adopt an acid deposition standard for acid deposition in certain sensitive areas; amending Minnesota Statutes 1982, section 116.44, subdivision 2.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

CALENDAR

S. F. No. 1350, A bill for an act relating to courts; providing for court of appeal representation on the judicial board of standards and certain advisory committees; amending Minnesota Statutes 1982, sections 480.052; 480.059, subdivision 2; and Minnesota Statutes 1983 Supplement, section 490.15, subdivision 1.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1562, A bill for an act relating to labor; providing for the prompt payment of commissions to commission sales persons who leave or lose their job; providing civil penalties for non-prompt payment; providing that wages can be promptly paid through the mail at the request of the employee or salesperson; amending Minnesota Statutes 1982, sections 181.13; and 181.14; proposing new law coded in Minnesota Statutes, chapter 181.

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 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1655, A bill for an act relating to financial institutions; providing an expedited procedure for certain bank applications; providing a uniform examination cycle for all supervised institutions; extending the temporary removal of mortgage usury limits; providing a time period within which notices of the filing of applications for detached facilities must be published; providing prior notice to the commissioner of a change in the ownership of a state bank; bringing state law into conformity with federal law regarding limitations on loans to bank directors, officers, or employees; providing prior notification to the commissioner of the termination or cancellation of a fidelity bond to a bank; authorizing the commissioner, after notification, to order the bank to take action; clarifying the exclusion of bankers' acceptances from the restrictions upon total liabilities to a bank; extending the time period imposed on a bank for the filing of proof of publication of its quarterly report; modifying the definition of "demand deposits" in light of federal deregulation of interest rates; removing the photo identification requirement from the provisions regulating the opening of checking accounts; clarifying service charges on dishonored checks; making various technical changes; amending Minnesota Statutes 1982, sections 45.071, by adding a subdivision; 46.04, subdivision 1; 47.204, subdivision 1; 48.03, subdivision 4; 48.08; 48.13; 48.14; 48.24, subdivision 6; 48.48, subdivisions 1 and 2; 48.51; 51A.50; 52.06, subdivision 1; 53.03, subdivision 4; 53.09, sub-

division 1; and 56.12; Minnesota Statutes 1983 Supplement, sections 45.04; 47.54, subdivision 1; 48.512, subdivision 2; 52.203; 53.01; 53.03, subdivisions 1 and 5; 53.04, subdivision 3a; 168.67; and 332.50, subdivision 2; repealing Minnesota Statutes 1982, sections 47.75, subdivision 2; and 51A.44, subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1761, A bill for an act relating to taxation; releasing certain counties from the requirement to impose an aggregate removal tax; amending Minnesota Statutes 1983 Supplement, section 298.75, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 113 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Gruenes	Marsh	Osthoff	Vanasek
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The bill was passed and its title agreed to.

H. F. No. 1786, A bill for an act relating to the military; modifying the qualifications of the adjutant general; changing the appointment of assistant adjutants general; mandating termination of an officer's commission when federal recognition is withdrawn; expanding the power of the adjutant general to sell an armory; and expanding the use of the proceeds from the sale of an armory; amending Minnesota Statutes 1982, sections 190.07; 190.08, subdivisions 1, 3, and 4; 190.09; 192.18, subdivision 1; and 193.36, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

DenOuden Jennings Ludeman Thiede Zaffke

The bill was passed and its title agreed to.

H. F. No. 1801, A bill for an act relating to transportation; defining terms; regulating carriers; providing for the classification of explosives; amending Minnesota Statutes 1982, sections 221.011, subdivision 13; 221.296, subdivision 6; 299F.19, subdivisions 1 and 2; Minnesota Statutes 1983 Supplement, sections 221.011, subdivisions 3 and 21; 221.021; 221.025; 221.031, subdivisions 1, 2, 3, and 6; 221.121, subdivision 5; 221.131, subdivision 1; 221.185, subdivisions 1, 2, 3, 4, 5, and by adding subdivisions; 221.221, subdivision 4; 221.81, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1982, section 169.76; Minnesota Statutes 1983 Supplement, sections 221.031, subdivision 4; and 221.185, subdivisions 6, 7, and 8.

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 2 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Burger	Evans	Heap	Knickerbocker
Anderson, G.	Carlson, D.	Findlay	Heinitz	Knuth
Battaglia	Carlson, L.	Fjoslien	Himle	Kostohryz
Beard	Clark, J.	Forsythe	Hoffman	Krueger
Begich	Clawson	Frerichs	Hokr	Kvam
Bennett	Cohen	Graba	Jacobs	Larsen
Bergstrom	Coleman	Greenfield	Jennings	Levi
Bishop	Dempsey	Gruenes	Jensen	Long
Blatz	Dimler	Gustafson	Johnson	Ludeman
Boo	Eken	Gutknecht	Kahn	Mann
Brandl	Ellingson	Halberg	Kalis	Marsh
Brinkman	Erickson	Haukoos	Kelly	McDonald

McEachern	Osthoff	Rodriguez, C.	Skoglund	Vanasek
McKasy	Otis	Rodriguez, F.	Solberg	Vellenga
Metzen	Pauly	Rose	Sparby	Waltman
Munger	Peterson	St. Onge	Stadum	Welch
Murphy	Piepho	Sarna	Staten	Welle
Nelson, D.	Piper	Schafer	Sviggum	Wenzel
Nelson, K.	Price	Scheid	Swanson	Wigley
Neuenschwander	Quinn	Schreiber	Thiede	Wynia
Norton	Quist	Seaberg	Tomlinson	Zaffke
Ogren	Redalen	Segal	Tunheim	Speaker Sieben
Olsen	Reif	Shea	Uphus	
Omann	Riveness	Sherman	Valan	
Onnen	Rodosovich	Simoneau	Valento	

Those who voted in the negative were:

DenOuden Welker

The bill was passed and its title agreed to.

H. F. No. 1856, A bill for an act relating to charities; requiring disclosure from professional fund raisers; amending Minnesota Statutes 1982, section 309.556.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1127, A bill for an act relating to Anoka County; authorizing the issuance of bonds for the construction of library buildings and an annual levy for debt retirement.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Kvam was excused at 3:45 p.m. Coleman was excused at 3:55 p.m. Otis was excused at 4:55 p.m. Reif was excused at 5:00 p.m.

GENERAL ORDERS

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

REPORT OF THE COMMITTEE OF THE WHOLE

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

H. F. Nos. 1425, 1663, 1700, 1703, 1781, 1939, 1273, 1445, 1446, 1466, 1507, 1533 and 1550 which it recommended to pass.

S. F. No. 1139 which it recommended to pass.

H. F. Nos. 347, 1345, 1527, 1668, 1843, 1937 and 1981 which it recommended progress.

S. F. No. 214 which it recommended progress.

H. F. No. 1557 which it recommended progress retaining its place on General Orders.

H. F. No. 1420 which it recommended to pass with the following amendment offered by Simoneau:

Page 2, after line 28, insert:

"Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

H. F. No. 1421 which it recommended progress until Tuesday, April 10, 1984 with the following amendment offered by Begich:

Page 1, line 17, after "association, a" insert "state or"

H. F. No. 1824 which it recommended to pass with the following amendments:

Offered by Schreiber:

Page 2, line 4, before "(2)" delete the comma and insert a semicolon

Page 2, line 8, delete ", and" and insert a semicolon

Page 2, line 11, after "11" insert "; and (4) vending machines may be placed in rest areas, tourist information centers, or weigh stations constructed or located within trunk highway rights-of-way"

Page 4, after line 2, insert

"Sec. 4. Minnesota Statutes 1982, section 160.28, is amended to read:

160.28 [PLANS FOR REST AREAS, TOURIST INFORMATION CENTERS AND WEIGH STATIONS; VENDING FACILITIES.]

(THE PROVISIONS OF) *Subdivision 1.* Any other law to the contrary notwithstanding, the commissioner of transportation is hereby authorized to cause to be prepared plans and specifications and detailed designs for the construction of buildings and facilities for rest areas, tourist information centers in combination with rest areas, and weigh stations when (HE) *the commissioner* deems (SUCH) *these* buildings and facilities to be necessary in the interest of safety and convenient public travel on highways.

Subd. 2. [VENDING MACHINES.] Any other law to the contrary notwithstanding, the commissioner may contract for or authorize the placement of vending machines in rest areas, tourist information centers, and weigh stations on marked interstate highways 35 and 94 for the purpose of dispensing nonalcoholic drinks, candy or gum. The commissioner shall only place vending machines operated under United States Code, title 20, sections 107 to 107e and as provided in section 248.07."

Renumber the remaining sections

Further amend the title as follows:

Page 1, line 2, after the semicolon insert "authorizing vending machines in rest areas, tourist information centers and weigh stations on certain highways;"

Page 1, line 21, after the first semicolon insert "160.28, by adding a subdivision;"

Offered by Gruenes and Erickson :

Page 12, after line 30, insert a new section to read :

"Sec. 22. Minnesota Statutes 1982, section 169.01, is amended by adding a subdivision to read :

Subd. 67. [ALLEYWAY.] "Alleyway" means a private or public passage or way located in a municipality and which (1) is less than the usual width of a street, (2) may be open to but is not designed primarily for general vehicular traffic, (3) intersects or opens to a street, and (4) is primarily used for the ingress and egress or other convenience of two or more owners of abutting real properties.

Sec. 23. Minnesota Statutes 1982, section 169.14, subdivision 2, is amended to read :

Subd. 2. [SPEED LIMITS.] Where no special hazard exists the following speeds shall be lawful, but any speeds in excess of such limits shall be prima facie evidence that the speed is not

reasonable or prudent and that it is unlawful; except that the speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful:

- (1) 30 miles per hour in an urban district;
- (2) 65 miles per hour in other locations during the daytime;
- (3) 55 miles per hour in such locations during the nighttime (.);
- (4) 10 miles per hour in alleys.

"Daytime" means from a half hour before sunrise to a half hour after sunset, except at any time when due to weather or other conditions there is not sufficient light to render clearly discernible persons and vehicles at a distance of 500 feet. "Night-time" means at any other hour or at any time when due to weather or other conditions there is not sufficient light to render clearly discernible persons and vehicles at a distance of 500 feet.

Sec. 24. Minnesota Statutes 1982, section 169.14, is amended by adding a subdivision to read:

Subd. 5c. [SPEED ZONING IN ALLEYWAYS.] Local authorities may regulate speed limits for alleyways as defined in section 169.01 based on their own engineering and traffic investigations. Alleyway speed limits established at other than 10 miles per hour shall be effective when proper signs are posted."

Page 12, line 31, delete "22" and insert "23"

Amend the title as follows:

Page 1, line 24, after the semicolon insert "169.01, by adding a subdivision; 169.14, subdivision 2, and by adding a subdivision;"

Offered by Onnen:

Page 12, after line 26, add a new section to read:

"Sec. 22. Minnesota Statutes 1983 Supplement, section 173.08, subdivision 1, is amended to read:

173.08 [EXCLUDED DEVICES.]

Subdivision 1. Advertising devices restricted. No advertising device, excepting the advertising devices described and permitted under 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 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, *or on adjacent property if both pieces of property are farms and if the activity advertised is the sale of farm commodities*, 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;

(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 sections 173.01 to 173.27."

Renumber sections accordingly

Page 12, line 32, delete "21" and insert "26"

Amend the title:

Page 1, line 26, after "Supplement," insert "sections 173.08, subdivision 1,"

Page 1, line 26, delete "section"

H. F. No. 1722 which it recommended to pass with the following amendment offered by Wynia:

Page 1, line 18, reinstate "(IF THE VICTIM)"

Page 1, line 19, after "(9)" insert "*was under the age of 18 years*" and reinstate "(AT THE)"

Page 1, line 20, reinstate the stricken language

H. F. No. 1436 which it recommended to pass with the following amendment offered by Bergstrom:

Page 2, line 6, delete "480" and insert "560"

H. F. No. 1553 which it recommended to pass with the following amendment offered by Olsen:

Page 1, after line 12, insert:

"Section 1. Minnesota Statutes 1982, section 112.37, subdivision 7, is amended to read:

Subd. 7. The managers of a district wholly within the metropolitan area shall number not less than five nor more than nine. *They shall be selected so as to fairly represent by residence the various hydrologic areas within the district.* They shall be selected from a list of persons nominated jointly or severally by statutory and home rule charter cities and towns having territory within the district. The list shall contain at least three nominees for each position to be filled. If the cities and towns fail to nominate in accordance with this subdivision, the managers shall be selected as provided in subdivision (1) *1a.*

Sec. 2. Minnesota Statutes 1982, section 112.42, subdivision 3, is amended to read:

Subd. 3. At least 30 days prior to the expiration of the term of office of the first managers named by the board, the county commissioners of each county affected shall meet and proceed to appoint successors to the first managers. If the nominating petition that initiated the district originated from a majority of the cities within the district or if the district is wholly within the metropolitan area, the county commissioners shall appoint the managers from a list of persons nominated jointly or severally by the townships and municipalities within the district. The list shall contain at least three nominees for each position to be filled. *Managers for a district wholly within the metropolitan area shall be appointed so as to fairly represent by residence the various hydrologic areas within the district.* It shall be submitted to the affected county board at least 60 days prior to the expiration of the term of office. If the list is not submitted within 60 days prior to the expiration of the term of office the county commissioners shall select the managers from eligible individuals within the district. The county commissioners shall at least 30 days before the expiration of the term of office of any managers meet and appoint the successors. If the district affects more than

one county, distribution of the managers among the counties affected shall be as directed by the board. Ten years after the order of establishment, upon petition of the county board of commissioners of any county affected by the district, the board after public hearing thereon, may redistribute the managers among the counties if redistribution is in accordance with the policy and purposes of this chapter. No petition for the redistribution of managers shall be filed with the board more often than once in ten years. The term of office of each manager, if the number does not exceed three, shall be one for a term of one year, one for a term of two years, and one for a term of three years. If the managers consist of five members, one shall be for a term of one year, two for a term of two years, and two for a term of three years. If the board of managers consists of more than five members, the managers shall be appointed so that as nearly as possible one-third serve terms of one year, one-third serve terms of two years, and one-third serve terms of three years. If the district affects more than one county, the board shall direct the distribution of the one, two and three year terms among the affected counties. Thereafter, the term of office for each manager shall be for a term of three years, and until his successor is appointed and qualified. If the district affects more than five counties, in order to provide for the orderly distribution of the managers, the board may determine and identify the manager areas within the territory of the district and select the appointing county board of commissioners for each manager's area. Any vacancy occurring in an office of a manager shall be filled by the appointing county board of commissioners. A record of all appointments made under this subdivision shall be filed with the county auditor of each county affected, with the secretary of the board of managers, and with the secretary of the water resources board. No person shall be appointed as a manager who is not a voting resident of the district and none shall be a public officer of the county, state, or federal government, provided that a soil and water conservation supervisor may be a manager."

Renumber sections accordingly

Further, amend the title as follows:

Page 1, line 6, after "sections" insert "112.37, subdivision 7; 112.42, subdivision 3;"

H. F. No. 1561 which it recommended be re-referred to the Committee on Appropriations with the following amendment offered by Swanson:

Page 8, lines 15 and 16, delete "*preexisting health status,*"

Page 8, line 16, before the period insert "*; and during every open enrollment period in which all offered health benefit plans participate, copayment provisions shall not discriminate on the basis of preexisting health status*"

Page 9, line 11, insert "(a)" after "include"

Page 9, line 13, after "arrangements" insert "or (b) any entity with which a health maintenance organization has contracted primarily in order to purchase or lease equipment or space"

Page 12, line 3, after the period insert "A contract approved by the commissioner of health as initially filed, and which has not resulted in a retrospective determination of unreasonable expense by the commissioner of commerce under Section 62D.19, is not subject to disapproval for three years of subsequent filings, if the terms of the contract, projected annual expenses and projected annual revenues under the contract will be unchanged."

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

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll call was taken in the Committee of the Whole:

The question was taken on the Simoneau motion to re-refer H. F. No. 1561, as amended, to the Committee on Appropriations and the roll was called. There were 73 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Frerichs	Larsen	Piepho	Swiggum
Beard	Graba	Levi	Quist	Thiede
Bennett	Gutknecht	Ludeman	Redalen	Tunheim
Bergstrom	Halberg	Mann	Rodriguez, C.	Uphus
Bishop	Haukoos	McDonald	Rose	Valento
Blatz	Heap	McKasy	Schafer	Vellenga
Brandl	Heinitz	Nelson, D.	Schoenfeld	Voss
Burger	Himle	Nelson, K.	Schreiber	Waltman
DenOuden	Hokr	Neuenschwander	Seaberg	Welker
Dimler	Jennings	Norton	Shaver	Welle
Erickson	Jensen	Olsen	Shea	Wenzel
Evans	Johnson	Omann	Sherman	Wigley
Findlay	Knickerbocker	Onnen	Simoneau	Zaffke
Fjoslien	Knuth	Pauly	Sparby	
Forsythe	Krueger	Peterson	Stadum	

Those who voted in the negative were:

Anderson, B.	Greenfield	Marsh	Riveness	Vanasek
Anderson, G.	Gruenes	McEachern	Rodosovich	Welch
Carlson, L.	Gustafson	Munger	Rodriguez, F.	Wynia
Clark, J.	Jacobs	Murphy	St. Onge	Speaker Sieben
Clawson	Kahn	Ogren	Skoglund	
Cohen	Kalis	Osthoff	Staten	
Eken	Kelly	Piper	Swanson	
Ellingson	Kostohryz	Price	Valan	

The motion prevailed.

MOTIONS AND RESOLUTIONS

Bergstrom moved that the name of Seaberg be added as an author on H. F. No. 754. The motion prevailed.

Brinkman moved that the name of Elioff be added as an author on H. F. No. 1288. The motion prevailed.

Seaberg moved that the name of Rodriguez, C., be added as an author on H. F. No. 1446. The motion prevailed.

Levi moved that the names of Segal and Olsen be added as authors on H. F. No. 1553. The motion prevailed.

Otis moved that the name of Segal be added as an author on H. F. No. 1775. The motion prevailed.

Coleman moved that the name of Segal be added as an author on H. F. No. 1781. The motion prevailed.

Gustafson moved that the names of Elioff and Greenfield be added as authors on H. F. No. 1996. The motion prevailed.

Osthoff moved that the names of Kostohryz and Scheid be added as authors on H. F. No. 2301. The motion prevailed.

Reif moved that the name of Olsen be added as an author on H. F. No. 805. The motion prevailed.

Valan moved that H. F. No. 2229 be returned to its author. The motion prevailed.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, April 9, 1984. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, April 9, 1984.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

