

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1984

SEVENTY-SIXTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 12, 1984

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

Prayer was offered by Reverend Leroy Scheumann, Kost Evangelical Free Church, North Branch, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Hoberg and Stadum were excused.

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2317, 1865, 2041, 1945 and 2016 and S. F. Nos. 1913, 1559, 1398, 1526, 1654, 1659, 1768, 1823, 1365, 1435, 1495, 1784, 1520, 1759, 1832, 881 and 1048 have been placed in the members' files.

S. F. No. 1768 and H. F. No. 2258, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kelly moved that the rules be so far suspended that S. F. No. 1768 be substituted for H. F. No. 2258 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1365 and H. F. No. 1473, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Kelly moved that S. F. No. 1365 be substituted for H. F. No. 1473 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1495 and H. F. No. 1527, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Clark, K., moved that S. F. No. 1495 be substituted for H. F. No. 1527 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1435 and H. F. No. 1449, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Sparby moved that S. F. No. 1435 be substituted for H. F. No. 1449 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1832 and H. F. No. 1772, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Clark, J., moved that S. F. No. 1832 be substituted for H. F. No. 1772 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1520 and H. F. No. 1845, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kalis moved that the rules be so far suspended that S. F. No. 1520 be substituted for H. F. No. 1845 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1398 and H. F. No. 1556, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Olsen moved that the rules be so far suspended that S. F. No. 1398 be substituted for H. F. No. 1556 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1559 and H. F. No. 1499, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Otis moved that the rules be so far suspended that S. F. No. 1559 be substituted for H. F. No. 1499 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1913 and H. F. No. 2062, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Coleman moved that the rules be so far suspended that S. F. No. 1913 be substituted for H. F. No. 2062 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 377, A bill for an act relating to taxation; increasing the maximum pension exclusion; providing that it increase according to annual increases in social security benefits; eliminating the income offset; amending Minnesota Statutes 1982, section 290.01, subdivision 20b, as amended.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 290.01, subdivision 20b, is amended to read:

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

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

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

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

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

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

(6) (TO THE EXTENT INCLUDED IN FEDERAL ADJUSTED GROSS INCOME, OR THE AMOUNT REFLECTED AS THE ORDINARY INCOME PORTION OF A LUMP SUM DISTRIBUTION UNDER SECTION 402(E) OF THE INTERNAL REVENUE CODE OF 1954, NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE AMOUNT RECEIVED BY ANY PERSON (I) FROM THE UNITED STATES, ITS AGENCIES OR INSTRUMENTALITIES, THE

FEDERAL RESERVE BANK OR FROM THE STATE OF MINNESOTA OR ANY OF ITS POLITICAL OR GOVERNMENTAL SUBDIVISIONS OR FROM ANY OTHER STATE OR ITS POLITICAL OR GOVERNMENTAL SUBDIVISIONS, OR A MINNESOTA VOLUNTEER FIREFIGHTER'S RELIEF ASSOCIATION, BY WAY OF PAYMENT AS A PENSION, PUBLIC EMPLOYEE RETIREMENT BENEFIT, OR ANY COMBINATION THEREOF, (II) AS A RETIREMENT OR SURVIVOR'S BENEFIT MADE FROM A PLAN QUALIFYING UNDER SECTION 401, 403, 404, 405, 408, 409 OR 409A OF THE INTERNAL REVENUE CODE OF 1954, OR (III) SEVERANCE PAY DISTRIBUTED TO AN INDIVIDUAL UPON DISCONTINUANCE OF THE INDIVIDUAL'S EMPLOYMENT DUE TO TERMINATION OF BUSINESS OPERATIONS BY THE INDIVIDUAL'S EMPLOYER, PROVIDED THAT THE TERMINATION IS REASONABLY LIKELY TO BE PERMANENT, INVOLVES THE DISCHARGE OF AT LEAST 75 PERCENT OF THE EMPLOYEES AT THAT SITE WITHIN A ONE-YEAR PERIOD, AND THE BUSINESS IS NOT ACQUIRED BY ANOTHER PERSON WHO CONTINUES OPERATIONS AT THAT SITE. THE MAXIMUM AMOUNT OF THIS SUBTRACTION SHALL BE \$11,000 LESS THE AMOUNT BY WHICH THE INDIVIDUAL'S FEDERAL ADJUSTED GROSS INCOME, PLUS THE ORDINARY INCOME PORTION OF A LUMP SUM DISTRIBUTION AS DEFINED IN SECTION 402(E) OF THE INTERNAL REVENUE CODE OF 1954, EXCEEDS \$17,000. FOR PURPOSES OF THIS CLAUSE, "SEVERANCE PAY" MEANS AN AMOUNT RECEIVED FOR CANCELLATION OF AN EMPLOYMENT CONTRACT OR A COLLECTIVELY BARGAINED TERMINATION PAYMENT MADE AS A SUBSTITUTE FOR INCOME WHICH WOULD HAVE BEEN EARNED FOR PERSONAL SERVICES TO BE RENDERED IN THE FUTURE. IN THE CASE OF A VOLUNTEER FIREFIGHTER WHO RECEIVES AN INVOLUNTARY LUMP SUM DISTRIBUTION OF HIS PENSION OR RETIREMENT BENEFITS, THE MAXIMUM AMOUNT OF THIS SUBTRACTION SHALL BE \$11,000; THIS SUBTRACTION SHALL NOT BE REDUCED BY THE AMOUNT OF THE INDIVIDUAL'S FEDERAL ADJUSTED GROSS INCOME IN EXCESS OF \$17,000) *Pension income as provided by section 2;*

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

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

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

(10) The first \$3,000 of compensation for personal services in the armed forces of the United States or the United Nations, and the next \$2,000 of compensation for personal services in the armed forces of the United States or the United Nations wholly performed outside the state of Minnesota. This modification does not apply to compensation defined in subdivision 20b, clause (6);

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

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

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

(14) Unemployment compensation to the extent includible in gross income for federal income tax purposes under section 85 of the Internal Revenue Code of 1954;

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

(16) Interest earned on a contract for deed entered into for the sale of property for agricultural use if the rate of interest set in the contract is no more than nine percent per year for the duration of the term of the contract. This exclusion shall be available only if (1) the purchaser is an individual who, together with his spouse and dependents, has a total net worth valued at

less than \$150,000 and (2) the property sold under the contract is farm land as defined in section 41.52, subdivision 6 of no more than 1,000 acres that the purchaser intends to use for agricultural purposes. Compliance with these requirements shall be stated in an affidavit to be filed with the first income tax return on which the taxpayer claims the exclusion provided in this clause. Upon request accompanied by the information necessary to make the determination, the commissioner shall determine whether interest to be paid on a proposed transaction will qualify for this exclusion; the determination shall be provided within 30 days of receipt of the request, unless the commissioner finds it necessary to obtain additional information, or verification of the information provided, in which case the determination shall be provided within 30 days of receipt of the final item of information or verification. The exclusion provided in this clause shall apply to interest earned on contracts for deed entered into after December 31, 1981 and before July 1, 1983;

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

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

(19) To the extent included in federal adjusted gross income, distributions from an individual retirement account which represent a return of designated employee contributions if the contributions were included in gross income pursuant to subdivision 20a, clause (19). The distribution shall be allocated first to return of contributions included in gross income until the amount of the contributions has been exhausted.

Sec. 2. Minnesota Statutes 1982, section 290.08, is amended by adding a subdivision to read:

Subd. 26. [PENSION INCOME.] (a) [EXCLUSION.] Gross income shall not include the taxpayer's pension income. The maximum amount of this exclusion is the greater of the following two amounts:

(1) \$11,000 reduced by the amount of the taxpayer's federal adjusted gross income in excess of \$17,000; or

(2) \$11,000 reduced by the sum of

(i) social security benefits,

(ii) railroad retirement benefits, and

(iii) *the excess over \$23,000 of federal adjusted gross income, but excluding social security benefits and railroad retirement benefits to the extent included in federal adjusted gross income.*

(3) *Notwithstanding clauses (1) and (2), in the case of an involuntary lump sum distribution of pension or retirement benefits to volunteer firefighters, the maximum amount of the exclusion is \$11,000. This amount is not subject to reduction for other income of the taxpayer.*

(b) [DEFINITIONS.] *For purposes of this subdivision, the following terms have the meanings given:*

(1) *"Internal Revenue Code" means the Internal Revenue Code of 1954, as amended through December 31, 1983.*

(2) *"Federal adjusted gross income" includes the ordinary income portion of a lump sum distribution as defined in section 402(e) of the Internal Revenue Code.*

(3) *"Pension income" means to the extent included in the taxpayer's federal adjusted gross income the amount received by the taxpayer*

(i) *from the United States, its agencies or instrumentalities, the Federal Reserve Bank or from the state of Minnesota or any of its political or governmental subdivisions or from any other state or its political or governmental subdivisions, or a Minnesota volunteer firefighter's relief association, by way of payment as a pension, public employee retirement benefit, or any combination thereof,*

(ii) *as a retirement or survivor's benefit made from a plan qualifying under section 401, 403, 404, 405, 408, 409, or 409A of the Internal Revenue Code, or*

(iii) *severance pay distributed to an individual upon discontinuance of the individual's employment due to termination of business operations by the individual's employer, if the termination is reasonably likely to be permanent, involves the discharge of at least 75 percent of the employees at that site within a one-year period, and the business is not acquired by another person who continues operations at that site.*

(4) *"Severance pay" means an amount received for cancellation of an employment contract or a collectively bargained termination payment made as a substitute for income which would have been earned for personal services to be rendered in the future.*

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective for taxable years beginning after December 31, 1983."

Delete the title and insert:

"A bill for an act relating to taxation; income; increasing the pension income exclusion; amending Minnesota Statutes 1982, section 290.08, by adding a subdivision; Minnesota Statutes 1983 Supplement, section 290.01, subdivision 20b."

With the recommendation that when so amended the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 1373, A bill for an act relating to commerce; requiring state agencies to make prompt payment for the purchase or lease of goods and services; requiring agencies to pay interest penalties on late payments; reducing the classification ratio for commercial-industrial property; providing reimbursement to local units of government; appropriating money; amending Minnesota Statutes 1983 Supplement, section 273.13, subdivision 9; proposing new law coded in Minnesota Statutes, chapters 16A and 273.

Reported the same back with the following amendments:

Page 2, after line 30, insert:

"(f) The minimum monthly interest penalty payment that a state agency shall pay a vendor for the unpaid balance for any one overdue bill equal to or in excess of \$100 is \$10. For unpaid balances of less than \$100, the state agency shall pay the actual penalty due to the vendor."

Page 2, delete lines 31 to 36

Pages 3, 4, and 5, delete sections 2 and 3

Page 5, line 15, delete "4" and insert "2"

Page 5, line 17, after the period delete "*Sections 2 and 3 are*"

Page 5, delete lines 18 and 19

Amend the title as follows:

Page 1, line 5, delete "reducing the classification ratio"

Page 1, delete lines 6, 7, and 8

Page 1, line 9, delete "Supplement, section 273.13, subdivision 9;"

Page 1, line 10, delete "chapters" and insert "chapter"

Page 1, line 10, after "16A" delete "and" and insert a period

Page 1, delete line 11

With the recommendation that when so amended the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 1454, A bill for an act relating to taxation; providing for timely payment of certain withholding income taxes; amending Minnesota Statutes 1982, section 290.92, subdivision 6, as amended.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 290.92, subdivision 6, is amended to read:

Subd. 6. [RETURNS, DEPOSITS.] (1) (a) [RETURNS.] Every employer who is required to deduct and withhold tax under subdivision 2a or 3 shall file a return with the commissioner for each quarterly period, on or before the last day of the month following the close of each quarterly period, unless otherwise prescribed by the commissioner. Any tax required to be deducted and withheld during the quarterly period shall be paid with the return unless an earlier time for payment is provided. However, any return may be filed on or before the tenth day of the second calendar month following the period if the return shows timely deposits in full payment of the taxes due for that period. For the purpose of the preceding sentence, a deposit which is not required to be made within the return period, may be made on or before the last day of the first calendar month following the close of the period. Every employer, in preparing a quarterly return, shall take credit for monthly deposits previously made in accordance with this subdivision.

The return shall be in the form and contain the information prescribed by the commissioner. The commissioner may grant a reasonable extension of time for filing the return and paying the tax, but no extension shall be granted for more than six months.

(b) [ADVANCE DEPOSITS REQUIRED IN CERTAIN CASES.] (i) Unless clause (ii) is applicable, if during any calendar month, other than the last month of the calendar quarter, the aggregate amount of the tax withheld during that quarter under subdivision 2a or 3 exceeds \$500, the employer shall deposit the aggregate amount with the commissioner within 15 days after the close of the calendar month. (ii) If at the close of any eighth-monthly period the aggregate amount of undeposited taxes is \$3,000 or more, the employer shall deposit the undeposited taxes with the commissioner within three banking days after the close of the eighth-monthly period. For purposes of this subparagraph, the term "eighth-monthly period" means the first three days of a calendar month, the fourth day through the seventh day of a calendar month, the eighth day through the 11th day of a calendar month, the 12th day through the 15th day of a calendar month, the 16th day through the 19th day of a calendar month, the 20th day through the 22nd day of a calendar month, the 23rd day through the 25th day of a calendar month, or the portion of a calendar month following the 25th day of the month.

(c) [OTHER METHODS.] The commissioner may by rule prescribe other return periods or deposit requirements. In prescribing the reporting period, the commissioner may classify employers according to the amount of their tax liability and may adopt an appropriate reporting period for each class which he deems to be consistent with efficient tax collection. In no event shall the duration of the reporting period be more than one year, provided that for employers with annual withholding tax liabilities of less than \$1,200 the reporting period shall be no more frequent than quarterly.

(2) If less than the correct amount of tax is paid to the commissioner, proper adjustments, with respect to both the tax and the amount to be deducted, shall be made, without interest, in the manner and at the times as the commissioner prescribes. If the underpayment cannot be adjusted, the amount of the underpayment shall be assessed and collected in the manner and at the times as the commissioner prescribes.

(3) If any employer fails to make and file any return required by paragraph (1) at the time prescribed, or makes and files a false or fraudulent return, the commissioner shall make for him a return from his own knowledge and from information he obtains through testimony, or otherwise, and assess a tax on the basis of it. The amount of tax shown on it shall be paid to the commissioner at the times as the commissioner prescribes. Any return or assessment made by the commissioner shall be prima

facie correct and valid, and the employer shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect to it.

(4) If the commissioner, in any case, has reason to believe that the collection of the tax provided for in paragraph (1) of this subdivision, and any added penalties and interest, if any, will be jeopardized by delay, he may immediately assess the tax, whether or not the time otherwise prescribed by law for making and filing the return and paying the tax has expired.

(5) Any assessment under this subdivision shall be made by recording the liability of the employer in the office of the commissioner in accordance with rules prescribed by the commissioner. Upon request of the employer, the commissioner shall furnish the employer a copy of the record of assessment.

(6) Any assessment of tax under this subdivision shall be made within 3-1/2 years after the due date of the return required by paragraph (1), or the date the return was filed, whichever is later. In the case of a false or fraudulent return or failure to file a return, the tax may be assessed at any time.

(7) (a) Except as provided in (b) of this paragraph, every employer who fails to pay to or deposit with the commissioner any sum or sums required by this section to be deducted, withheld and paid, shall be personally and individually liable to the state for the sum or sums (and any added penalties and interest). Any sum or sums deducted and withheld in accordance with the provisions of subdivision 2a or subdivision 3 shall be held to be a special fund in trust for the state of Minnesota.

(b) If the employer, in violation of this section, fails to deduct and withhold the tax under this section, and thereafter the taxes against which the tax may be credited are paid, the tax required to be deducted and withheld shall not be collected from the employer; but this does not relieve the employer from liability for any penalties and interest otherwise applicable for failure to deduct and withhold.

(8) Upon the failure of any employer to pay to or deposit with the commissioner, within the time provided by paragraphs (1), (2), or (3) of this subdivision, any tax required to be withheld in accordance with the provisions of subdivision 2a or subdivision 3, or if the commissioner has assessed a tax pursuant to paragraph (4), the tax shall become immediately due and payable, and the commissioner may deliver to the attorney general a certified statement of the tax, penalties and interest due from the employer. The statement shall also give the address of the employer owing the tax, the period for which the tax is due, the date of the delinquency, and any other information required by the attorney general. The attorney general shall institute legal action in the name of the state to recover the

amount of the tax, penalties, interest and costs. The commissioner's certified statement to the attorney general shall for all purposes and in all courts be prima facie evidence of the facts stated in it and that the amount shown in it is due from the employer named in the statement. If an action is instituted, the court shall, upon application of the attorney general, appoint a receiver of the property and business of the delinquent employer for the purpose of impounding it as security for any judgment which has been or may be recovered. Any action shall be brought within five years after the due date of the return or deposit required by paragraph (1), or the date the return was filed, or deposit made whichever is later. In the case of failure to make and file the return or if the return is false or fraudulent, or the deposit is not made, the action may be brought at any time.

(8a) The period of time during which a tax must be assessed or collection proceedings commenced under this subdivision shall be suspended during the period from the date of filing of a petition in bankruptcy until 30 days after the commissioner of revenue receives notice that the bankruptcy proceedings have been closed or dismissed or the automatic stay has been terminated or has expired.

The suspension of the statute of limitations under this subdivision shall apply to the person against whom the petition in bankruptcy is filed and all other persons who may also be wholly or partially liable for the tax under this chapter.

(9) Either party to an action for the recovery of any tax, interest or penalties under this subdivision may appeal the judgment as in other civil cases.

(10) No suit shall lie to enjoin the assessment or collection of any tax imposed by this section, or the interest and penalties added to it.

(11) *For purposes of this subdivision, a withholding tax payment, return, or deposit is filed or paid on time if the payment, return, or deposit was mailed to the commissioner of revenue on or before the due date, including any extension of time which was granted. The person required to make the payment, return, or deposit has the burden of establishing that the payment, return, or deposit was timely mailed by United States mail in an envelope, postage prepaid, and properly addressed. This clause does not apply to an employer who must deposit an amount at the end of an eighth monthly period under clause (1) (b) (ii).*

Sec. 2 [EFFECTIVE DATE.]

Section 1 is effective for payments of withholding tax due after August 1, 1984."

Amend the title as follows:

Page 1, line 4, delete "1982" and insert "1983 Supplement"

Page 1, line 4, delete ", as"

Page 1, line 5, delete "amended"

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. 1524, A bill for an act relating to claims against the state; providing for claims arising out of the injury or death of an inmate conditionally released or a person performing work pursuant to a court order; amending Minnesota Statutes 1982, section 3.739, subdivisions 1, 2, and by adding a subdivision.

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

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 1721, A bill for an act relating to real property; providing certain notice of real estate tax judgment sales; amending Minnesota Statutes 1983 Supplement, section 280.01.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [282.021] [NOTIFICATION OF SALE.]

Thirty days before the sale of tax-forfeited land at public auction, the county auditor shall publish in a newspaper of general circulation the notice of sale and each parcel's appraised value or market value, whichever is higher, as determined by the county or local assessor who is responsible for valuing the property. The county auditor shall also mail notice to all owners of land adjoining each parcel to be sold and to all owners of platted or unplatted land whose boundaries are within 300 feet of the boundaries of each parcel to be sold."

Amend the title as follows:

Page 1, line 2, delete "certain"

Page 1, delete lines 3 and 4, and insert "certain tax-forfeited land sales; proposing new law coded in Minnesota Statutes, chapter 282."

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. 1766, A bill for an act relating to local government; requiring every political subdivision to establish equitable compensation relationships among its employees; proposing new law coded in Minnesota Statutes, chapter 471.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [471.991] [DEFINITIONS.]

Subdivision 1. [TERMS.] For the purposes of this act, the following terms have the meanings given them.

Subd. 2. [BALANCED CLASS.] "Balanced class" means any class in which no more than 80 percent of the members are male and no more than 70 percent of the members are female.

Subd. 3. [COMPARABLE WORK VALUE.] "Comparable work value" means the value of work measured by the skill, effort, responsibility, and working conditions normally required in the performance of the work.

Subd. 4. [CLASS.] "Class" means one or more positions that have similar duties, responsibilities, and general qualifications necessary to perform the duties, with comparable selection procedures used to recruit employees, and use of the same compensation schedule.

Subd. 5. [EQUITABLE COMPENSATION RELATIONSHIP.] "Equitable compensation relationship" means that a primary consideration in negotiating, establishing, recommending, and approving total compensation is comparable work value in relationship to other employee positions within the political subdivision.

Subd. 6. [FEMALE-DOMINATED CLASS.] "Female-dominated class" means any class in which 70 percent or more of the members are female.

Subd. 7. [MALE-DOMINATED CLASS.] "Male-dominated class" means any class in which 80 percent or more of the members are male.

Subd. 8. [POSITION.] "Position" means a group of current duties and responsibilities assigned or delegated by a supervisor to an individual.

Sec. 2. [471.992] [EQUITABLE COMPENSATION RELATIONSHIPS.]

Subject to sections 179.61 to 179.76 but notwithstanding any other law to the contrary, every political subdivision of this state shall establish equitable compensation relationships between female-dominated, male-dominated, and balanced classes of employees. In all interest arbitration held pursuant to sections 179.61 to 179.76, the arbitrator shall follow the equitable compensation relationship standards established under sections 1 to 10. This section will become effective August 1, 1987.

Sec. 3. [471.993] [COMPENSATION RELATIONSHIPS OF POSITIONS.]

Subdivision 1. [ASSURANCE OF REASONABLE RELATIONSHIP.] In preparing management negotiation positions for compensation established through collective bargaining under chapter 179 and in establishing, recommending, and approving compensation plans for employees of political subdivisions not represented by an exclusive representative under chapter 179, the respective political subdivision as the public employer, as defined in section 179.63, subdivision 4, or, where appropriate, the Minnesota merit system, shall assure that:

(1) compensation for positions in the classified civil service, unclassified civil service, and management bear reasonable relationship to one another;

(2) compensation for positions in the classified civil service, unclassified civil service, and management bear reasonable relationship to similar positions outside of that particular political subdivision's employment; and

(3) compensation for positions within the classified civil service, unclassified civil service, and management bear reasonable relationship among related job classes and among various levels within the same occupational group.

Subd. 2. [REASONABLE RELATIONSHIP DEFINED.] For purposes of subdivision 1, compensation for positions bear "reasonable relationship" to one another if:

(1) the compensation for positions which require comparable skill, effort, responsibility, working conditions, and other relevant work related criteria is comparable; and

(2) the compensation for positions which require differing skill, effort, responsibility, working conditions, and other relevant work related criteria is proportional to the skill, effort, responsibility, working conditions, and other relevant work related criteria required.

Sec. 4. [471.994] [JOB EVALUATION SYSTEM.]

Every political subdivision shall use a job evaluation system in order to determine the comparable work value. The political subdivision may use the system of some other public employer in the state. Each political subdivision shall meet and confer with the exclusive representatives of their employees on the development or selection of a job evaluation system.

Sec. 5. [471.995] [REPORT AVAILABILITY.]

Notwithstanding section 13.37, every political subdivision shall submit a report containing the results of the job evaluation system to the exclusive representatives of their employees to be used by both parties in contract negotiations. At a minimum, the report to each exclusive representative shall identify the female-dominated classes in the political subdivision for which compensation inequity exists, based on the comparable work value, and all data not on individuals used to support these findings.

Sec. 6. [471.996] [PRIVATE DATA.]

Except as provided in section 5, the results of any job evaluation system established under section 4 and the reports compiled under section 5 shall be considered personnel data as defined in section 13.43, subdivision 1, and treated as private data under section 13.43, subdivisions 4 and 5, until July 31, 1987. The director of mediation services is authorized to release the job evaluation system results and reports to labor organizations as provided under section 13.43, subdivision 6.

Sec. 7. [EFFECT ON OTHER LAW.]

Notwithstanding chapter 179 or other law to the contrary, it is not an unfair labor practice to allocate a specified amount of funds to be used solely to correct inequitable compensation relationships.

Sec. 8. [471.997] [HUMAN RIGHTS ACT EXCEPTION.]

Neither the commissioner of human rights nor any state court shall use or consider the results of any job evaluation system established under section 4 and the reports compiled under section 5 in any proceeding or action commenced alleging discrimination before August 1, 1987, under chapter 363.

Sec. 9. [471.998] [REPORT TO COMMISSIONER.]

Subdivision 1. [REPORT ON IMPLEMENTATION PLAN; CONTENTS.] Every political subdivision shall report to the commissioner of employee relations by October 1, 1985, on its plan for implementation of sections 4 and 5. Each report shall include:

(1) the title of each job class which the political subdivision has established;

(2) the following information for each class as of July 1, 1984:

(a) the number of incumbents;

(b) the percentage of incumbents who are female;

(c) the comparable work value of the class, as determined under the system chosen under section 4; and

(d) the minimum and maximum monthly salary for the class;

(3) a description of the job evaluation system used by the political subdivision; and

(4) a plan for establishing equitable compensation relationships between female-dominated and male-dominated classes, including:

(a) identification of classes for which a compensation inequity exists based on the comparable work value;

(b) a time table for implementation of pay equity; and

(c) the estimated cost of implementation.

Subd. 2. [TECHNICAL ASSISTANCE.] The commissioner of employee relations shall, upon request of a political subdivision, provide technical assistance in completing the required reports.

Sec. 10. [471.999] [REPORT TO LEGISLATURE.] *The commissioner of employee relations shall provide to the legislature any recommendations for changes in levy limits aid formulas, or other factors affecting a political subdivision's ability to establish equitable compensation relationships. The recommendations shall be presented in a report to the legislature by January 1, 1986, so that the legislature can consider the results in setting aid formulas for political subdivisions. The commissioner's report shall include a list of political subdivisions which did not comply with the reporting requirements of this section."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 1846, A bill for an act relating to taxation; authorizing use of proceeds of the taconite occupation tax for economic development grants and loans to local units of government; amending Minnesota Statutes 1982, section 298.17.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 298.17, is amended to read:

298.17 [OCCUPATION TAXES TO BE APPORTIONED.]

All occupation taxes (WHICH SHALL BECOME DUE AND PAYABLE ON MAY 1, 1924, AND SUBSEQUENT THERETO, FROM) paid by persons, copartnerships, companies, joint stock companies, corporations, and associations, however or for whatever purpose organized, engaged in the business of mining or producing iron ore or other ores, when collected shall be apportioned and distributed in accordance with the Constitution of the state of Minnesota, Article 10, Section 3, in the manner following: 90 percent shall be deposited in the state treasury and credited to the general fund of which four-ninths shall be used for the support of elementary and secondary schools; and ten percent of the proceeds of the tax imposed by this section shall be deposited in the state treasury and credited to the general fund for the general support of the university. Of the moneys apportioned to the general fund by this section there is annually appropriated and credited to the iron range resources and rehabilitation board account in the special revenue fund an amount equal to that which would have been generated by a one cent tax imposed by

section 298.24 on each taxable ton produced in the preceding calendar year, to be expended for the purposes of section 298.22. The moneys appropriated pursuant to this section shall be used (1) to provide environmental development grants to local governments located within any county in region 3 as defined in governor's executive order number 68, issued on June 12, 1970, which does not contain a municipality qualifying pursuant to section 273.134 or (2) to provide economic development loans to businesses located within any such county, provided that the county boards shall make recommendations to the iron range resources and rehabilitation board regarding the loans. Payment to the iron range resources and rehabilitation board account shall be made by May 15 annually (, BEGINNING IN 1981)."

Amend the title as follows :

Page 1, delete line 4, and insert "loans to businesses ;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred :

H. F. No. 1884, A bill for an act relating to commerce; providing an alternative distribution of assets following voluntary dissolution of a cooperative association; amending Minnesota Statutes 1982, section 308.14, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 1967, A bill for an act relating to public welfare; setting licensing, planning and zoning provisions with respect to licensed residential and day care facilities; providing that certain facilities are permitted multi-family uses; allowing municipalities to require conditional use permits for certain other facilities; requiring counties to engage in planning to promote dispersal of residential facilities; providing that certain facilities are permitted single family uses; amending Minnesota Statutes 1982, sections 245.783, by adding a subdivision; 245.812, subdivisions 3, 4 and 7, and by adding subdivisions; and 462.357, subdivisions 7, 8, and by adding subdivisions.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 245.783, is amended by adding a subdivision to read:

Subd. 7. When issuing new licenses pursuant to this section, the commissioner shall implement a policy preference for residential facilities serving less than 17 individuals who are mentally retarded.

Sec. 2. Minnesota Statutes 1982, section 245.812, is amended by adding a subdivision to read:

Subd. 2a. It is the policy of this state that handicapped persons and children should not be excluded by municipal zoning ordinances or other land use regulations from the benefits of normal residential surroundings.

Sec. 3. Minnesota Statutes 1982, section 245.812, subdivision 3, is amended to read:

Subd. 3. A licensed residential facility serving six or fewer persons or a licensed day care facility serving (TEN) 12 or fewer persons shall be considered a permitted single family residential use of property for the purposes of zoning.

Sec. 4. Minnesota Statutes 1982, section 245.812, subdivision 4, is amended to read:

Subd. 4. (UNLESS OTHERWISE PROVIDED IN ANY TOWN, MUNICIPAL OR COUNTY ZONING REGULATION,) A licensed (DAY CARE OR) residential facility serving from seven through sixteen persons or a licensed day care facility serving from 13 to 16 persons shall be considered a permitted multi-family residential use of property (FOR PURPOSES OF ZONING) if otherwise permitted by local zoning regulations applicable to all uses within the district including requirements concerning population density and distribution. A township, municipal or county zoning authority may require a conditional use or special use permit in order to assure proper health, safety, maintenance and operation of a facility, provided that no conditions shall be imposed on the homes which are more restrictive than those imposed on other conditional uses or special uses of residential property in the same zones (, UNLESS SUCH ADDITIONAL CONDITIONS ARE NECESSARY TO PROTECT THE HEALTH AND SAFETY OF THE RESIDENTS OF THE FACILITY. NOTHING HEREIN SHALL BE CONSTRUED TO EXCLUDE OR PROHIBIT RESIDENTIAL HOMES FROM SINGLE FAMILY ZONES IF OTHERWISE PERMITTED BY A LOCAL ZONING REGULATION). *The*

zoning authority may require a periodic review of the permit if required of all conditional use or special use permits. Residential facilities may not be excluded or prohibited from any zoning district or subjected to more restrictive standards than other uses within the district solely on the basis of the nature of the disabilities or other characteristics of the persons served by a facility.

Sec. 5. Minnesota Statutes 1982, section 245.812, subdivision 7, is amended to read:

Subd. 7. (a) Residential facilities for adult mentally ill persons established on or before July 1, 1980, are exempt from the requirements of this section until July 1, (1984) 1985. (THE COMMISSIONER SHALL DEVELOP A MECHANISM FOR ENSURING FULL COMPLIANCE WITH THIS SECTION BY RESIDENTIAL FACILITIES FOR ADULT MENTALLY ILL PERSONS BY JULY 1, 1984.)

(b) *Before January 1, 1985, each county having one or more group residential facilities within 1,320 feet of any existing group residential facility shall submit to the department of public welfare a plan to promote dispersal of group residential facilities. In formulating its plan, the county shall solicit the participation of affected persons, facilities, municipalities having highly concentrated residential facility populations, and advocacy groups. For purposes of this subdivision, "highly concentrated" means having a population in residential facilities serving seven or more persons that exceeds one-half of one percent of the population of a recognized planning district or other administrative subdivision.*

(c) *Within 45 days after submission of the plan by the county, the commissioner shall certify whether the plan fulfills the purposes and requirements of this subdivision including the following requirements.*

(1) *No new facility serving seven or more persons shall be located in any recognized planning district or other administrative subdivision where the population in residential facilities is highly concentrated.*

(2) *The county plan shall promote dispersal of highly concentrated residential facility populations.*

(3) *The county plan shall promote the development of residential facilities in areas that are not highly concentrated.*

(4) *No person in a residential facility shall be displaced as a result of this section until a relocation plan has been implemented that provides for an acceptable alternative placement.*

(5) *If the plan provides for the relocation of residential facilities, the relocation shall be completed by January 1, 1990.*

If the commissioner certifies that the plan does not do so, he shall state the reasons, and the county shall have 30 days to submit a plan amended to comply with the requirements of the commissioner.

(d) *After July 1, 1985, the commissioner may reduce grants pursuant to section 245.73 to a county required to have an approved plan under clause (b) if the county does not have a plan approved by the commissioner. The county board has the right to be provided with advance notice and to appeal the commissioner's decision. If the county requests a hearing within 30 days of the notification of intent to reduce grants, the commissioner shall not certify any reduction in grants until a hearing is conducted and a decision rendered in accordance with the contested case provisions of chapter 14.*

Sec. 6. Minnesota Statutes 1982, section 462.357, is amended by adding a subdivision to read:

Subd. 6a. It is the policy of this state that handicapped persons and children should not be excluded by municipal zoning ordinances or other land use regulations from the benefits of normal residential surroundings. For purposes of subdivisions 6a through 9, "person" has the meaning given in section 245.782, subdivision 2.

Sec. 7. Minnesota Statutes 1982, section 462.357, subdivision 7, is amended to read:

Subd. 7. [PERMITTED SINGLE FAMILY USE.] (IN ORDER TO IMPLEMENT THE POLICY OF THIS STATE THAT MENTALLY RETARDED AND PHYSICALLY HANDICAPPED PERSONS SHOULD NOT BE EXCLUDED BY MUNICIPAL ZONING ORDINANCES FROM THE BENEFITS OF NORMAL RESIDENTIAL SURROUNDINGS,) A state licensed (GROUP HOME OR FOSTER HOME) residential facility serving six or fewer (MENTALLY RETARDED OR PHYSICALLY HANDICAPPED) persons or a licensed day care facility serving 12 or fewer persons shall be considered a permitted single family residential use of property for the purposes of zoning.

Sec. 8. Minnesota Statutes 1982, section 462.357, subdivision 8, is amended to read:

Subd. 8. [PERMITTED MULTI-FAMILY USE.] (UNLESS OTHERWISE PROVIDED IN ANY TOWN, MUNICIPAL OR COUNTY ZONING REGULATION AS AUTHORIZED BY THIS SUBDIVISION,) A (STATE) licensed

residential facility serving from 7 through 16 (MENTALLY RETARDED OR PHYSICALLY HANDICAPPED) persons or a licensed day care facility serving from 13 to 16 persons shall be considered a permitted multi-family residential use of property (FOR PURPOSES OF ZONING) if otherwise permitted by local zoning regulations applicable to all uses within the district including requirements concerning population density and distribution. A township, municipal or county zoning authority may require a conditional use or special use permit in order to assure proper health, safety, maintenance and operation of a facility, provided that no conditions shall be imposed on the homes which are more restrictive than those imposed on other conditional uses or special uses of residential property in the same zones (, UNLESS THE ADDITIONAL CONDITIONS ARE NECESSARY TO PROTECT THE HEALTH AND SAFETY OF THE RESIDENTS OF THE RESIDENTIAL FACILITY FOR THE MENTALLY RETARDED OR THE PHYSICALLY HANDICAPPED. NOTHING HEREIN SHALL BE CONSTRUED TO EXCLUDE OR PROHIBIT RESIDENTIAL HOMES FOR THE MENTALLY RETARDED OR PHYSICALLY HANDICAPPED FROM SINGLE FAMILY ZONES IF OTHERWISE PERMITTED BY A LOCAL ZONING REGULATION). The zoning authority may require a periodic review of the permit if required of all conditional use or special use permits. Residential facilities may not be excluded or prohibited from any zoning district or subjected to more restrictive standards than other uses within the district solely on the basis of the nature of the disabilities or other characteristics of the persons served by a facility.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 8 are effective the day after final enactment."

Amend the title as follows:

Page 1, line 13, delete "subdivisions" and insert "a subdivision"

Page 1, line 14, delete the second "subdivisions" and insert "a subdivision"

With the recommendation that when so amended the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 2122, A bill for an act relating to local government; providing for the distribution of certain federal payments in

lieu of property taxes; proposing new law coded in Minnesota Statutes, chapter 471.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [471.653] [DISTRIBUTION OF CERTAIN FEDERAL PAYMENTS.]

Federal payment in lieu of taxes on entitlement lands made pursuant to 31 United States Code, sections 6901 to 6906 shall be transferred by a county to a home rule or statutory city or town where the entitlement land is located if the county board determines that the statutory or home rule city or town is the principal provider of governmental services affecting the use of entitlement lands. The county board shall make its determination based on factors which shall include, but not be limited to: (1) whether the city or town has at least 40 acres of land within the entitlement lands; (2) whether city or town roads are the primary access to the entitlement lands; (3) whether the city or town provides specific services to the entitlement lands such as fire protection, police protection, and search and rescue services; and (4) whether the city or town is primarily responsible for land use planning and official controls.

The distribution of federal payment in lieu funds shall be made by the county board to a qualifying city or town in the proportion that the acreage of entitlement land located in each bears to the total acreage of entitlement land in the county except that no more than 30 percent of the total payment in lieu shall be distributed to all qualifying cities and towns.

Sec. 2. [EFFECTIVE DATE.]

This act is effective January 1, 1985."

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. 2135, A bill for an act relating to public safety; prohibiting the state fire marshal from adopting or enforcing certain rules relating to family or group family day care homes; amending Minnesota Statutes 1982, section 299F.011, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1982, section 16.851, is amended by adding a subdivision to read:

Subd. 4. A licensed day care center serving fewer than 30 preschool age persons and which is located in a below ground space in a church building is exempt from the state building code requirement for a ground level exit when the center has more than two stairways to the ground level and its exit.

Sec. 2. Minnesota Statutes 1982, section 245.802, is amended by adding a subdivision to read:

Subd. 4a. The commissioners of public welfare, public safety, and administration shall conduct a comprehensive study of the issues surrounding the licensure of family or group family day care homes and day care centers. The commissioners shall prepare a report for the legislature with recommendations for regulations that will ensure a safe environment for children but which do not discourage the provision of quality day care services. The report must be delivered to the appropriate legislative committees by February 1, 1985.

Before adopting any rules regulating family or group family day care homes, the commissioner of public welfare shall consult with the state fire marshal and the state building inspector. The fire marshal and the state building inspector shall review the rules to ensure compliance with laws that are administered and enforced by their agencies."

Page 1, line 12, delete "(a)"

Page 2, delete lines 2 to 5

Page 2, line 7, delete "Section 1 is" and insert "Sections 1 to 3 are"

Renumber remaining sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "exempting certain day care centers from a specific requirement of the state building code; requiring the commissioners of public welfare, public safety, and administration to prepare a report on day care licensure issues and to consult on rules;"

Page 1, line 5, delete "section" and insert "sections 16.851, by adding a subdivision; 245.802, by adding a subdivision; and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 2151, A bill for an act relating to commerce; clarifying the limitations on enforcement of indemnification agreements in construction contracts; amending Minnesota Statutes 1983 Supplement, sections 337.01, subdivisions 2, 3, and 4; 337.02; 337.03; and 337.05, subdivision 2, and by adding subdivisions; and Laws 1983, chapter 333, section 6; proposing new law coded in Minnesota Statutes, chapter 337.

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 2198, A bill for an act relating to crimes; providing a penalty for falsely reporting a medical emergency; imposing a penalty; amending Minnesota Statutes 1983 Supplement, section 609.78.

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 2248, A bill for an act relating to probate; providing for ante-mortem probate of wills; proposing new law coded in Minnesota Statutes, chapter 525.

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:

H. F. No. 2263, A bill for an act relating to unemployment compensation; providing for an alternative method of determining credit weeks; raising the maximum contribution rate to eight percent except under certain circumstances; removing the contribution rate increase and decrease limitation; increasing an employer's experience ratio under certain circumstances; extending the emergency surcharge to repay interest on federal loans; tying the maximum weekly benefit amount to the balance in the unemployment compensation fund under certain circumstances; removing the limitation on the application of severance pay as it affects eligibility for benefits; changing certain conditions for requalifying for benefits; eliminating the split taxable wage base; amending Minnesota Statutes 1982, sections 268.04, subdivisions 24 and 30, and by adding a subdivision; 268.06, subdivision 8; 268.07, subdivision 2a; 268.071, subdivision 1; and 268.10, subdivision 1; Minnesota Statutes 1983 Supplement, sections 268.06, subdivision 3a; 268.061, subdivisions 1 and 3; 268.07, subdivision 2; 268.08, subdivisions 1 and 3; 268.09, subdivisions 1 and 2; and 268.10, subdivision 2; repealing Minnesota Statutes 1983 Supplement, section 268.06, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 268.04, subdivision 2, is amended to read:

Subd. 2. "Base period" means the (PERIOD OF 52 CALENDAR WEEKS IMMEDIATELY PRECEDING THE FIRST DAY OF AN INDIVIDUAL'S BENEFIT YEAR. HOWEVER, IF A CLAIMANT RECEIVED WEEKLY WORKER'S COMPENSATION FOR TEMPORARY TOTAL DISABILITY UNDER THE PROVISIONS OF CHAPTER 176 OR UNDER A SIMILAR LAW OF THE UNITED STATES FOR MORE THAN SEVEN WEEKS WITHIN THE BASE PERIOD, OR IF A CLAIMANT, WHOSE OWN SERIOUS ILLNESS CAUSED A LOSS OF CREDIT WEEKS WITHIN THE BASE PERIOD, RECEIVED COMPENSATION DUE TO THE ILLNESS FROM SOME OTHER SOURCE OR UNDER A LAW OF THIS STATE OTHER THAN CHAPTER 176 OR UNDER A SIMILAR LAW OF THE UNITED STATES FOR MORE THAN SEVEN WEEKS WITHIN THE BASE PERIOD, THE CLAIMANT'S BASE PERIOD SHALL BE LENGTHENED BY THE SAME NUMBER OF WEEKS, BUT NOT TO EXCEED 52 WEEKS, FOR WHICH THE CLAIMANT RECEIVED THE PAYMENTS. NO EXTENDED BASE PERIOD SHALL INCLUDE WAGE CREDITS UPON WHICH BENEFITS WERE ESTABLISHED AND PAID WITH RESPECT TO A PRIOR VALID CLAIM) *first four of the last five completed calendar*

quarters immediately preceding the first day of an individual's benefit year. However, if during the last base period an individual received workers' compensation for temporary disability under chapter 176 or under similar law of the United States, or if an individual, whose own serious illness caused a loss of work for which the individual received compensation due to the illness from some other source or under a law of this state, other than chapter 176 or under a similar law of the United States, the individual's base period shall be lengthened to the extent stated as follows:

(a) If an individual was compensated, as described above, for a loss of work of seven to 19 weeks, the original base period shall be extended to include the first calendar quarter preceding the original base period; or

(b) If an individual was compensated, as described above, for a loss of work of 20 to 32 weeks, the original base period shall be extended to include two calendar quarters preceding the base period; or

(c) If an individual was compensated, as described above, for a loss of work from 33 to 45 weeks, the original base period shall be extended to include the first three calendar quarters preceding the base period; or

(d) If an individual was compensated, as described above, for a loss of work from 46 to 52 weeks, the original base period shall be extended to include the first four quarters preceding the base period.

In no instance shall the base period be extended to include more than four additional calendar quarters.

No extended base period shall include wage credits upon which a claim was established and benefits were paid with respect to that valid claim.

Sec. 2. Minnesota Statutes 1982, section 268.04, subdivision 24, is amended to read:

Subd. 24. "Valid claim" with respect to any individual means a claim filed by an individual who has registered for work and who has earned wage credits (AND ESTABLISHED CREDIT WEEKS) during his base period sufficient to entitle him to benefits under section 268.07, subdivision 2.

Sec. 3. Minnesota Statutes 1983 Supplement, section 268.04, subdivision 25, is amended to read:

Subd. 25. [WAGES.] "Wages" means all remuneration for services, including commissions and bonuses, back pay as of the

date of payment, and tips and gratuities paid to an employee by a customer of an employer and accounted for by the employee to the employer, and the cash value of all remuneration in any medium other than cash, except that such term shall not include:

(a) For the purpose of determining contributions payable under section 268.06, subdivision 2, that part of the remuneration which exceeds, for each calendar year, the greater of (7,000 OR THAT PART OF THE REMUNERATION WHICH EXCEEDS 60 PERCENT OF THE AVERAGE ANNUAL WAGE ROUNDED TO THE NEAREST \$100 COMPUTED IN ACCORDANCE WITH THE PROVISIONS OF CLAUSE (F)) \$10,400 for the calendar year 1985; \$10,700 for the calendar year 1986; \$11,000 for the calendar year 1987; and for each subsequent calendar year the amount of the previous year increased to the nearest \$100 by the percentage, rounded to the nearest tenth of one percent, by which the average annual wage computed under clause (f) exceeds the average annual wage for the immediately preceding calendar year, paid to an individual by an employer with respect to covered employment in this state, or with respect to employment under the unemployment compensation law of any other state during any calendar year paid to such individual by such covered employer or his predecessor during such calendar year; provided, that if the term "wages" as contained in the Federal Unemployment Tax Act is amended to include remuneration in excess of the amount required to be paid hereunder to an individual by an employer under the federal act for any calendar year, wages for the purposes of sections 268.03 to 268.24 shall include remuneration paid in a calendar year up to an amount equal to the dollar limitation specified in the Federal Unemployment Tax Act. For the purposes of this clause, the term "employment" shall include service constituting employment under any employment security law of another state or of the federal government;

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

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

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

(e) Any payment made to, or on behalf of, an employee or his beneficiary (1) from or to a trust described in section 401(a) of the federal Internal Revenue Code which is exempt from tax under section 501(a) of such code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as an employee and not as a beneficiary of the trust, or (2) under or to an annuity plan which, at the time of such payment is a plan described in section 403(a) of the federal Internal Revenue Code, or (c) under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in section 405(a) of the federal Internal Revenue Code;

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

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

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

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

Sec. 4. Minnesota Statutes 1983 Supplement, section 268.04, subdivision 29, is amended to read:

Subd. 29. "Credit week" is any week for which wages or back pay, actually or constructively paid, wages overdue and delayed beyond the usual time of payment, and back pay by or from one or more employers to an employee for insured work equal or exceed (30 PERCENT OF THE AVERAGE WEEKLY WAGE COMPUTED TO THE NEAREST WHOLE DOLLAR. ON OR BEFORE JUNE 30 OF EACH YEAR THE COMMISSIONER SHALL DETERMINE THE AVERAGE WEEKLY WAGE

PAID BY EMPLOYERS SUBJECT TO SECTIONS 268.03 TO 268.24 IN THE FOLLOWING MANNER:)

((A) THE SUM OF THE TOTAL MONTHLY EMPLOYMENT REPORTED FOR THE PREVIOUS CALENDAR YEAR SHALL BE DIVIDED BY 12 TO DETERMINE THE AVERAGE MONTHLY EMPLOYMENT;)

((B) THE SUM OF THE TOTAL WAGES REPORTED FOR THE PREVIOUS CALENDAR YEAR SHALL BE DIVIDED BY THE AVERAGE MONTHLY EMPLOYMENT TO DETERMINE THE AVERAGE ANNUAL WAGE; AND)

((C) THE AVERAGE ANNUAL WAGE SHALL BE DIVIDED BY 52 TO DETERMINE THE AVERAGE WEEKLY WAGE.)

(THE AVERAGE WEEKLY WAGE AS SO DETERMINED COMPUTED TO THE NEAREST WHOLE DOLLAR SHALL APPLY TO CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR WHICH BEGINS SUBSEQUENT TO DECEMBER 31 OF THE YEAR OF THE COMPUTATION) \$94.

Sec. 5. Minnesota Statutes 1982, section 268.04, is amended by adding a subdivision to read:

Subd. 34. [CONTRIBUTION REPORT.] "Contribution report" means the summary report of wages and employment used to determine the amount of contributions due by employers on a calendar quarter basis. An auxiliary report of wages and employment broken down by business locations, when required, is part of the contribution report.

Sec. 6. Minnesota Statutes 1982, section 268.04, is amended by adding a subdivision to read:

Subd. 35. [WAGE DETAIL REPORT.] "Wage detail report" means the itemized report used to record the information required by section 268.121.

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

Subd. 36. [HIGH QUARTER.] "High quarter" means the calendar quarter in an individual's base period for which the total wage credits paid to the individual during that quarter are equal to or greater than the total wage credits paid to the individual during any other calendar quarter in the individual's base period.

Sec. 8. Minnesota Statutes 1983 Supplement, section 268.06, subdivision 2, is amended to read:

Subd. 2. [RATES.] Each employer shall pay contributions equal to two and seven-tenths percent for each calendar year prior to 1985 and 5-4/10 percent for 1985 and each subsequent calendar year of wages paid and wages overdue and delayed beyond the usual time of payment from him with respect to employment occurring during each calendar year, except as may be otherwise prescribed in subdivisions 3a and 4. (EACH EMPLOYER WHO HAS AN EXPERIENCE RATIO OF LESS THAN ONE-TENTH OF ONE PERCENT SHALL PAY CONTRIBUTIONS ON ONLY THE FIRST \$8,000 IN WAGES PAID AND WAGES OVERDUE AND DELAYED BEYOND THE USUAL TIME OF PAYMENT TO EACH EMPLOYEE WITH RESPECT TO EMPLOYMENT OCCURRING DURING EACH CALENDAR YEAR.)

Sec. 9. Minnesota Statutes 1983 Supplement, section 268.06, subdivision 3a, is amended to read:

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

(a) Not exceeding 2-7/10 percent, that is the higher of (1) one percent and (2) the state's three-year benefit cost rate for the 36 consecutive month period immediately preceding July 1 of each year for each employer who becomes subject to this law prior to January 1, 1984. For purposes of this clause, the state's three-year benefit cost rate shall be computed annually and shall be derived by dividing the total dollar amount of benefits paid to claimants under this law during the 36 consecutive calendar months immediately preceding July 1 of each year by the total dollar amount of wages subject to contributions under this law during the same period. The rate so determined shall be applicable for the calendar year next succeeding each computation date.

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

Each construction employer described above who becomes subject to chapter 268 shall pay contributions at a rate, not exceeding (7.5 PERCENT) *the maximum rate specified in subdivision 8*, that is the higher of (1) one percent, or (2) the state's four-year benefit cost rate for construction employers for the 48 consecutive month period immediately preceding July 1, 1983. For purposes of this clause, the state's four-year benefit cost rate shall be computed and derived by dividing the total dollar amount of benefits paid to claimants of construction employers, as determined by the commissioner, during the 48 consecutive calendar months immediately preceding July 1, 1983 by the total dollar amount of wages of construction employers subject to contributions during the same period. The rate so determined shall be applicable for the calendar year 1984.

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

Each construction employer described above who becomes subject to this chapter shall pay contributions at a rate, not exceeding (7.5 PERCENT) *the maximum rate specified in subdivision 8*, that is the higher of (1) one percent, or (2) the state's five-year benefit cost rate for construction employers for the 60 consecutive month period immediately preceding July 1, 1984 and each year thereafter. For purposes of this clause, the state's five-year benefit cost rate shall be computed annually and shall be derived by dividing the total dollar amount of benefits paid to claimants of construction employers, as determined by the commissioner, during the 60 consecutive calendar months immediately preceding July 1, 1984 and each year thereafter by the total dollar amount of wages of construction employers subject to contributions during the same period. The rate so determined shall be applicable for the calendar year next succeeding each computation date.

Sec. 10. Minnesota Statutes 1982, section 268.06, subdivision 6, is amended to read:

Subd. 6. [COMPUTATION OF EACH EMPLOYER'S EXPERIENCE RATIO.] The commissioner shall, for the calendar

year 1966, and for each calendar year thereafter, compute an experience ratio for each employer whose account has been chargeable with benefits;

(a) During the 36 consecutive calendar months immediately preceding July 1 of the preceding calendar year for calendar years up to December 31, 1983; except that, for any employer who has not been subject to the Minnesota employment services law for a period of time sufficient to meet the 36 consecutive months requirement, the commissioner shall compute an experience ratio if his account has been chargeable with benefits during at least the 12 consecutive calendar months immediately preceding July 1 of the preceding calendar year. Such experience ratio shall be the quotient obtained by dividing $1\frac{1}{4}$ times the total benefits charged to the employer's account during the period his account has been chargeable but not less than the 12 or more than the 36 consecutive calendar months ending on June 30 of the preceding calendar year, by his total taxable payroll for the same period on which all contributions due have been paid to the department of economic security on or before July 31 of the preceding calendar year. Such experience ratio shall be computed to the nearest one-tenth of a percent.

(b) During the 48 consecutive calendar months immediately preceding July 1, 1983 for the calendar year for 1984; except that, for any employer who has not been subject to the Minnesota employment services law for a period of time sufficient to meet the 48 consecutive months requirement, the commissioner shall compute an experience ratio if his account has been chargeable with benefits during at least the 12 consecutive calendar months immediately preceding July 1, 1983. Such experience ratio shall be the quotient obtained by dividing $1\frac{1}{4}$ times the total benefits charged to the employer's account during the period his account has been chargeable but not less than the 12 or more than the 48 consecutive calendar months ending on June 30, 1983, by his total taxable payroll for the same period on which all contributions due have been paid to the department of economic security on or before July 31, 1983. Such experience ratio shall be computed to the nearest one-tenth of a percent.

(c) During the 60 consecutive calendar months immediately preceding July 1 of the preceding calendar year for 1985 and each year thereafter; except that, for any employer who has not been subject to the Minnesota employment services law for a period of time sufficient to meet the 60 consecutive months requirement, the commissioner shall compute an experience ratio if his account has been chargeable with benefits during at least the 12 consecutive calendar months immediately preceding July 1 of the preceding calendar year. Such experience ratio shall be the quotient obtained by dividing (1-1/4 TIMES) the total benefits charged to the employer's account during the period his account has been chargeable but not less than the 12 or more than the 60 consecutive calendar months ending on June 30 of the pre-

ceding calendar year for 1985 and each year thereafter, by his total taxable payroll for the same period on which all contributions due have been paid to the department of economic security on or before July 31 of the preceding calendar year. Such experience ratio shall be computed to the nearest one-tenth of a percent.

Sec. 11. Minnesota Statutes 1982, section 268.06, subdivision 8, is amended to read:

Subd. 8. [DETERMINATION OF CONTRIBUTION RATES.] (1) For each calendar year the commissioner shall determine the contribution rate of each employer by adding the minimum rate (TO), the *employer's* experience ratio, (EXCEPT THAT IF THE RATIO FOR THE CURRENT CALENDAR YEAR INCREASES OR DECREASES THE EXPERIENCE RATIO FOR THE PRECEDING CALENDAR YEAR BY MORE THAN ONE AND ONE-HALF PERCENTAGE POINTS FOR 1982; AND 2-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER, THE INCREASE OR DECREASE FOR THE CURRENT YEAR SHALL BE LIMITED TO ONE AND ONE-HALF PERCENTAGE POINTS FOR 1982; AND 2-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER, PROVIDED THAT A SMALL BUSINESS EMPLOYER SHALL BE ELIGIBLE, UPON APPLICATION, FOR A REDUCTION IN THE LIMITATION TO 1-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER. "SMALL BUSINESS EMPLOYER" FOR THE PURPOSE OF THIS SUBDIVISION MEANS AN EMPLOYER WITH AN ANNUAL COVERED PAYROLL OF \$250,000 OR LESS, OR FEWER THAN 20 EMPLOYEES IN THREE OF THE FOUR QUARTERS ENDING JUNE 30, OF THE PREVIOUS CALENDAR YEAR) *and the solvency rate if applicable.*

(2) The minimum rate for all employers shall be (ONE PERCENT IF THE AMOUNT IN THE UNEMPLOYMENT COMPENSATION FUND IS LESS THAN \$80,000,000 ON JUNE 30 OF THE PRECEDING CALENDAR YEAR; OR NINE-TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$80,000,000 BUT LESS THAN \$90,000,000; OR EIGHT-TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$90,000,000 BUT LESS THAN \$110,000,000; OR) seven-tenths of one percent (IF THE FUND IS MORE THAN \$110,000,000 BUT LESS THAN \$130,000,000; OR SIX-TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$130,000,000 BUT LESS THAN \$150,000,000; OR FIVE-TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$150,000,000 BUT LESS THAN \$170,000,000; OR THREE-TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$170,000,000 BUT LESS THAN \$200,000,000; OR ONE-TENTH OF ONE PERCENT IF THE FUND IS \$200,000,000 OR MORE; PROVIDED THAT NO EMPLOYER SHALL HAVE A CONTRIBUTION RATE OF MORE THAN 7.5 PERCENT).

(3) A solvency rate for each employer shall be determined as follows:

(a) All employers, except those making payments in lieu of contributions, shall be assessed a solvency rate of one-fourth of one percent for calendar year 1985 and for each year thereafter until the amount in the unemployment compensation fund is more than \$50,000,000 on April 1 in which year the solvency rate shall be assessed for only its first two calendar quarters.

(b) Employers who have had benefits charged to their experience rating account during their applicable experience rating period shall be assessed an additional solvency rate of three-tenths of one percent for calendar year 1985 and each year thereafter if the amount in the unemployment compensation fund on June 30 of the preceding year is less than \$80,000,000, two-tenths of one percent if \$80,000,000 but less than \$90,000,000, and one-tenth of one percent if \$90,000,000 but less than \$110,000,000.

(4) The maximum contribution rate shall be eight percent until the amount in the unemployment compensation fund on April 1 of the preceding calendar year is more than \$50,000,000 and shall be 7-1/2 percent thereafter.

(5) For the purposes of this section the unemployment compensation fund shall not include any moneys advanced from the Federal Unemployment Account in the unemployment trust fund in accordance with Title XII of the Social Security Act, as amended. (NO EMPLOYER FIRST ASSIGNED AN EXPERIENCE RATIO IN ACCORDANCE WITH SUBDIVISION 6, SHALL HAVE HIS CONTRIBUTION RATE INCREASED OR DECREASED BY MORE THAN ONE AND ONE-HALF PERCENTAGE POINTS FOR 1982; AND 2-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER OVER THE CONTRIBUTION RATE ASSIGNED FOR THE PRECEDING CALENDAR YEAR IN ACCORDANCE WITH SUBDIVISION 3A, PROVIDED THAT A SMALL BUSINESS EMPLOYER SHALL BE ELIGIBLE, UPON APPLICATION, FOR A REDUCTION IN THE LIMITATION TO 1-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER.)

Sec. 12. Minnesota Statutes 1983 Supplement, section 268.061, is amended to read:

268.061 [SURCHARGE; EMERGENCY INTEREST REPAYMENT FUND.]

Subdivision 1. [AMOUNT.] (1) Each employer, except those making payments in lieu of contributions pursuant to section 268.06, subdivisions 25, 26, 27 and 28, shall pay an

annual surcharge of ten percent of contributions paid or due and payable for the *previous* calendar (YEARS 1982 AND 1983) year; *except that the surcharge shall not apply to any calendar year if:*

(a) *the amount in the unemployment compensation fund is \$50,000,000 or more on April 1 and on the immediately preceding December 31, September 30, June 30, and April 1; and*

(b) *there were no outstanding Title XII advances or Title XII interest obligations on the dates specified.*

(2) The commissioner shall notify employers of the contributions upon which the surcharge is based and the amount of surcharge payable no later than August 1 (, 1983, AND AUGUST 1, 1984) of each calendar year. The surcharge for a taxable year (1982) shall be paid no later than August 31 (, 1983, AND THE SURCHARGE FOR TAXABLE YEAR 1983 SHALL BE PAID NO LATER THAN AUGUST 31, 1984).

(3) Payments due under this subdivision are subject to the collection provisions of sections 268.16 and 268.161. The surcharges paid under this subdivision are not contributions for the purposes of section 268.06, subdivision 6. (THE COMMISSIONER MAY TEMPORARILY REDUCE THE AMOUNT OF SURCHARGE IMPOSED BY THIS SECTION WHEN THERE ARE SUFFICIENT FUNDS RAISED BY THE SURCHARGE TO MAKE THE INTEREST PAYMENT REQUIRED ON FEDERAL FUNDS ADVANCED TO THE STATE UNDER SECTION 1202 OF THE SOCIAL SECURITY ACT.)

(4) *For the purposes of this section, the unemployment compensation fund shall not include any money advanced from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the Social Security Act.*

Subd. 2. [EMERGENCY INTEREST REPAYMENT FUND, CREATION.] A special fund to be known as the emergency interest repayment fund is created in the state treasury. The special fund is separate and distinct from any fund or account created for any other purposes of sections 268.03 to 268.24. All collections from the surcharge shall be deposited in the special fund. All money in the special fund is appropriated to the commissioner to *repay advances and to pay interest or principal* accruing on funds advanced from the federal government pursuant to section 1202 of the Social Security Act, and shall not be used for any other obligation of the state. All money in this fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as are provided by law for the other special funds in the

state treasury, except that all interest or net income resulting from the investment or deposit of money in the fund shall accrue to the emergency fund for the purposes of the fund.

Subd. 3. [REPORT TO LEGISLATURE.] (ON JANUARY 1, 1984, AND ON JANUARY 1, 1985,) The commissioner shall report to the legislature *annually* on the status of the outstanding funds advanced pursuant to section 1202 of the Social Security Act, including the interest charged on those funds. When all advanced funds and the interest charged on those funds have been repaid to the federal government, the commissioner shall recommend appropriate action by the legislature relating to the termination of the emergency interest repayment fund and the disposition of any money still in the fund.

Sec. 13. Minnesota Statutes 1983 Supplement, section 268.07, subdivision 2, is amended to read:

Subd. 2. [WEEKLY BENEFIT AMOUNT AND DURATION.] (IF THE COMMISSIONER FINDS THAT AN INDIVIDUAL HAS EARNED 15, OR MORE, CREDIT WEEKS WITHIN THE BASE PERIOD OF EMPLOYMENT IN INSURED WORK WITH ONE OR MORE EMPLOYERS, BENEFITS SHALL BE PAYABLE TO SUCH INDIVIDUAL DURING HIS BENEFIT YEAR AS FOLLOWS:)

((1) WEEKLY BENEFIT AMOUNT SHALL BE EQUAL TO 60 PERCENT OF THE FIRST \$85, 40 PERCENT OF THE NEXT \$85 AND 50 PERCENT OF THE REMAINDER OF THE AVERAGE WEEKLY WAGE OF SUCH INDIVIDUAL. THE AMOUNT SO COMPUTED IF NOT A WHOLE DOLLAR SHALL BE ROUNDED DOWN TO THE NEXT LOWER DOLLAR AMOUNT.) (1) *To establish a valid claim for unemployment insurance benefits, an individual must have:*

(a) *wage credits in two or more calendar quarters of their base period;*

(b) *minimum total base period wage credits equal to the high quarter wages multiplied by 1.25 for claims effective prior to July 1, 1986, by 1.3 for claims effective subsequent to July 1, 1986, and prior to July 1, 1987, by 1.4 for claims effective subsequent to July 1, 1987, and prior to July 1, 1988, and by 1.5 for claims effective after July 1, 1988; and*

(c) *for claims effective prior to July 1, 1986, high quarter wage credits of not less than \$1,222, and for claims effective subsequent to July 1, 1986, high quarter wage credits equivalent to 13 times 30 percent of the average weekly wage, rounded to the next lower dollar. The average weekly wage shall be determined in accordance with paragraph (3).*

(2) *Effective July 1, 1986, an individual who is unable to establish a valid claim under paragraph (1), clauses (a) to (c), may establish a valid claim if the individual has:*

(a) *wage credits in 30 or more weeks, with employment in each week equaling at least 20 hours; and*

(b) *wage credits of not less than \$871 or more than the amount determined in paragraph (1), clause (c).*

(3) *If the commissioner finds that an individual has sufficient wages within the base period to establish a valid claim, the weekly benefit amount payable to the individual during his benefit year shall equal $1/26$ of the individual's high quarter wage credits, rounded to the next lower whole dollar; except that, the maximum weekly benefit amount of claims or benefits which establish a benefit year subsequent to July 1, 1979 shall be $66\frac{2}{3}$ percent of the average weekly wage, (EXCEPT AS PROVIDED IN CLAUSE (D)) as determined under this paragraph. On or before June 30 of each year the commissioner shall determine the average weekly wage paid by employers subject to sections 268.03 to 268.24 in the following manner:*

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

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

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

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

(4) *Notwithstanding the provisions of paragraph (3), the maximum weekly benefit for claims for benefits which establish a benefit year subsequent to June 30, 1982, and prior to July 1, 1988, shall be as follows:*

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

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

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

(d) *The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1985, and prior to July 1, 1986, shall be \$208.*

(e) *The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1986, and prior to July 1, 1987, shall be \$228.*

(f) *The maximum benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1987, and prior to July 1, 1988, shall be \$258.*

(2) AN INDIVIDUAL'S MAXIMUM AMOUNT OF REGULAR BENEFITS PAYABLE IN A BENEFIT YEAR SHALL NOT EXCEED THE LESSER OF (A) 26 TIMES HIS WEEKLY BENEFIT AMOUNT OR (B) 70 PERCENT OF THE NUMBER OF CREDIT WEEKS EARNED BY SUCH AN INDIVIDUAL COMPUTED TO THE NEAREST WHOLE WEEK TIMES HIS WEEKLY BENEFIT AMOUNT) (5) *Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to one-third of his total base period wage credits rounded to the next lower dollar not to exceed 26 times his weekly benefit amount.*

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

((4) THE PROVISIONS OF CLAUSES (1) AND (2) SHALL APPLY TO CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR SUBSEQUENT TO JUNE 30, 1983.)

Sec. 14. Minnesota Statutes 1982, section 268.07, subdivision 2a, is amended to read:

Subd. 2a. [EXCEPTION.] Notwithstanding the provisions of subdivision 2, if the commissioner finds that an individual has earned (CREDIT WEEKS) *wage credits* in seasonal employment, benefits shall be payable only if the commissioner finds that the individual has earned (15 CREDIT WEEKS) *wage*

credits equal to or in excess of 30 times the individual's weekly benefit amount in employment which is not seasonal, in addition to any (CREDIT WEEKS) wage credits in seasonal employment. For the purposes of this subdivision, "seasonal employment" means employment with a single employer in the recreation or tourist industry which is available with the employer for 15 consecutive weeks or less each calendar year.

Sec. 15. Minnesota Statutes 1983 Supplement, section 268.07, subdivision 3, is amended to read:

Subd. 3. [WHEN WAGE CREDITS ARE NOT AVAILABLE.] (1) (NO INDIVIDUAL MAY RECEIVE BENEFITS IN A BENEFIT YEAR UNLESS, SUBSEQUENT TO THE BEGINNING OF THE NEXT PRECEDING BENEFIT YEAR DURING WHICH BENEFITS WERE RECEIVED, THE INDIVIDUAL PERFORMED SERVICE IN INSURED WORK AS DEFINED IN SECTION 268.04, SUBDIVISION 17, AND EARNED REMUNERATION FOR THE SERVICE IN AN AMOUNT EQUAL TO NOT LESS THAN THE MINIMUM WAGE CREDITS REQUIRED TO QUALIFY FOR BENEFITS) *To establish a second benefit year following the expiration of an immediately preceding benefit year, an individual must have sufficient wage credits to establish a claim under the provisions of section 268.07 and must have performed services after the establishment of the expired benefit year. The services performed must have been in insured work and the wage credits from the services must equal not less than ten times the weekly benefit amount of the second benefit year.*

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

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

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

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

Sec. 16. Minnesota Statutes 1983 Supplement, section 268.08, subdivision 1, is amended to read:

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

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

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

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

An individual is deemed unavailable for work with respect to any week which occurs in a period when the individual is a full-time student in attendance at, or on vacation from an established school, college or university unless a majority of the (CREDIT WEEKS) *wage credits* earned in the base period were for services performed during weeks in which the student was attending school as a full-time student. *If the individual's claim for benefits is valid by application of section 268.07, subdivision 2, paragraph (2), the individual shall be considered unavailable for work with respect to any week which occurs when the individual is a full-time student.*

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

(4) has been unemployed for a waiting period of one week during which the individual is otherwise eligible for benefits under sections 268.03 to 268.24. However, payment for the waiting week shall be made to the individual after the individual has qualified for and been paid benefits for four weeks of unemployment in a benefit year which period of unemployment is terminated because of the individual's return to employment. No individual is required to serve a waiting period of more

than one week within the one year period subsequent to filing a valid claim and commencing with the week within which the valid claim was filed.

Sec. 17. Minnesota Statutes 1983 Supplement, section 268.09, is amended by adding a subdivision to read:

Subd. 2a. An individual whose claim for benefits is valid by application of section 268.07, subdivision 2, paragraph (2), and is disqualified for benefits under subdivisions 1 and 2 of this section, other than for gross misconduct, shall be disqualified for waiting week credit and benefits. The disqualification shall continue until four weeks have elapsed following the separation or refusal of suitable work or reemployment and until the individual has worked for a minimum of 20 hours in each of four weeks.

Sec. 18. Minnesota Statutes 1982, section 268.10, subdivision 1, is amended to read:

Subdivision 1. [FILING.] Claims for benefits shall be made in accordance with such regulations as the commissioner may prescribe. Each employer shall post and maintain printed statements of such regulations in places readily accessible to individuals in his service and shall make available to each such individual at the time he becomes unemployed, a printed statement of such regulations. Such printed statements shall be supplied by the commissioner to each employer without cost to him.

(1) Any employer upon separation of an employee from his employment for any reason which may result in disqualification for benefits under section 268.09, shall furnish to such employee a separation notice which shall provide the employer's name, address, and employer account number as registered with the department, the employee's name and social security account number, the inclusive dates of his employment, and the reason for the separation. A copy of such separation notice shall be filed with the commissioner within seven days of such separation. The commissioner shall require each individual filing a claim for benefits to establish a benefit year to furnish the reason for separation from all employers in his base period.

(2) (UPON THE FILING, BY AN INDIVIDUAL, OF A CLAIM FOR BENEFITS, THE COMMISSIONER SHALL GIVE NOTICE TO ALL SUCH BASE PERIOD EMPLOYERS OF THE FILING OF SUCH CLAIM AND REQUEST EACH SUCH BASE PERIOD EMPLOYER, WITHIN SEVEN DAYS AFTER THE MAILING OF SUCH NOTICE, TO FURNISH THE FOLLOWING INFORMATION:)

((A) THE TOTAL WAGE CREDITS EARNED IN THE BASE PERIOD;)

((B) THE NUMBER OF CREDIT WEEKS WHICH END WITHIN THE BASE PERIOD;)

((C) THE WEEK ENDING DATES FOR EACH CALENDAR WEEK WITHIN THE BASE PERIOD IN WHICH THE INDIVIDUAL EARNED LESS THAN THE AMOUNT REQUIRED TO MAKE A CREDIT WEEK AND THE AMOUNT OF EARNINGS IN EACH SUCH WEEK;)

((D) THE REASON FOR THE SEPARATION OR SEPARATIONS OF SUCH INDIVIDUAL FROM THE EMPLOY OF THE EMPLOYER IN THE BASE PERIOD; AND)

((E) SUCH EMPLOYER'S PROTEST, IF ANY, RELATING TO THE INELIGIBILITY OR DISQUALIFICATION OF SUCH INDIVIDUAL) *Upon establishment of a benefit year, the commissioner shall give notice to the last employer for whom the individual worked and all base period employers. The employer so notified shall have seven days after the mailing of the notice to file a protest to charges or raise an issue of ineligibility or disqualification.*

(3) (IF ANY BASE PERIOD EMPLOYER, AFTER THE NOTICE OF FILING OF A CLAIM AND THE REQUEST FOR WAGE AND SEPARATION INFORMATION HAS BEEN DULY MAILED TO HIS LAST KNOWN ADDRESS, FAILS TO FILE INFORMATION AS PROVIDED BY ITEMS (A) THROUGH (E) OF CLAUSE 2 OF THIS SUBDIVISION WITHIN SEVEN DAYS, THE COMMISSIONER SHALL:)

((A) DETERMINE THE VALIDITY OF AN INDIVIDUAL'S CLAIM BASED ON THE CLAIMANT'S STATEMENTS OR ANY OTHER AVAILABLE INFORMATION. AN EMPLOYER SHALL BE LIABLE FOR A LATE FILING FEE OF NOT LESS THAN \$5 NOR MORE THAN \$25, AS THE COMMISSIONER MAY DETERMINE, TO BE PAID TO THE DEPARTMENT OF ECONOMIC SECURITY AND CREDITED TO THE CONTINGENT FUND IF HE HAS FAILED WITHOUT GOOD CAUSE TO SUBMIT THE WAGE AND SEPARATION INFORMATION AS REQUIRED IN CLAUSE 2 OF THIS SUBDIVISION WITHIN SEVEN DAYS AFTER THE REQUEST HAS BEEN DULY MAILED TO HIS LAST KNOWN ADDRESS) *If, upon review of the wage information on file with the department it is found that an employer failed to provide wage information for the claimant, the commissioner shall accept a claimant certification as to the wages earned, based upon the claimant's records, and issue a monetary determination of validity based upon the certification. The employer who failed to report the individual's wages or filed an erroneous report shall be penalized in accordance with section 268.16 or 268.18. In the absence of fraud, if a redetermination of validity of claim based on an employer's late or erroneous report subsequently cancels or reduces the amount of*

benefits to which a claimant was entitled under the initial determination, the claimant shall not be required to make repayment to the fund of any benefits paid to him prior to such re-determination (; AND).

((B) (4) *The commissioner shall determine any issue of disqualification raised by clause (1) or by an employer's late report. If an employer fails to file a separation notice within the time limits prescribed in clause (1), any relief from benefit charges provided by section 268.09, subdivision 1, clause (4), shall apply to weeks of unemployment beginning after the filing of the late report.*

Sec. 19. Minnesota Statutes 1983 Supplement, section 268.10, subdivision 2, is amended to read:

Subd. 2. [EXAMINATION OF CLAIMS; DETERMINATION; APPEAL.] (1) An official, designated by the commissioner, shall promptly examine each claim for benefits filed to establish a benefit year pursuant to this section, and, on the basis of the facts found, shall determine whether or not such claims are valid, and if valid, the weekly benefit amount payable, the maximum benefit amount payable during the benefit year, and the date the benefit year terminates, and this determination shall be known as the determination of validity. Notice of the determination of validity or any redetermination as provided for in clause (4) shall be promptly given the claimant and all other interested parties. (IF WITHIN THE TIME LIMITS FOR FILING A PROTEST AN EMPLOYER NOTIFIES THE DEPARTMENT THAT AN INDIVIDUAL'S WEEKLY BENEFIT AMOUNT AS DETERMINED UNDER SECTION 268.07 EXCEEDS THE INDIVIDUAL'S WEEKLY WAGES EARNED WITH THE EMPLOYER, THE INDIVIDUAL'S WEEKLY BENEFIT AMOUNT SHALL BE THE LESSER OF (1) THE WEEKLY BENEFIT AMOUNT AS DETERMINED UNDER SECTION 268.07, OR (2) THE WEEKLY BENEFIT AMOUNT WHICH IS 50 PERCENT OF THE QUOTIENT DERIVED BY DIVIDING THE TOTAL WAGE CREDITS EARNED IN THE INDIVIDUAL'S BASE PERIOD CREDIT WEEKS FROM ALL EMPLOYERS IN INSURED WORK BY THE NUMBER OF BASE PERIOD CREDIT WEEKS.) If within the time specified for the filing of (WAGE AND SEPARATION INFORMATION) a protest as provided in subdivision 1, clause (2), the employer makes an allegation of disqualification or raises an issue of the chargeability to his account of benefits that may be paid on such claim, if the claim is valid, the issue thereby raised shall be promptly determined by said official and a notification of the determination delivered or mailed to the claimant and the employer. If an initial determination or an appeal tribunal decision or the commissioner's decision awards benefits, the benefits shall be paid promptly regardless of the pendency of any appeal period or any appeal or other proceeding which may thereafter be

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

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

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

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

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

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

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

Sec. 20. Minnesota Statutes 1983 Supplement, section 268.12, subdivision 8, is amended to read:

Subd. 8. [RECORDS; REPORTS.] (1) Each employing unit shall keep true and accurate work records for such periods of time and containing such information as the commissioner may prescribe. Such records shall be open to inspection, audit, and verification, and be subject to being copied by any authorized representative of the commissioner at any reasonable time and as often as may be necessary. The commissioner, appeal referee, or any other duly authorized representative of the commissioner, may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the commissioner, appeal referee, or any other duly authorized representative of the commissioner deems necessary for the effective administration of sections 268.03 to 268.24 (, PROVIDED THAT QUARTERLY CONTRIBUTION AND WAGE REPORT FORMS SHALL INCLUDE THE EMPLOYEE'S NAME, SOCIAL SECURITY NUMBER, AND TOTAL WAGES PAID TO THE EMPLOYEE).

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

(3) Notwithstanding any inconsistent provisions elsewhere, the commissioner may provide for the destruction or disposition

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

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

Sec. 21. Minnesota Statutes 1982, section 268.121, is amended to read:

268.121 [WAGE REPORTING.]

Beginning on April 1, 1984, each employer subject to this chapter shall provide the commissioner with a quarterly report of *the wages* (, AS DEFINED IN SECTION 268.04, SUBDIVISION 25,) paid to each employee of that employer covered by this chapter. (THE COMMISSIONER SHALL PROVIDE THE LEGISLATURE WITH HIS RECOMMENDATIONS FOR STATUTORY CHANGES TO FULLY IMPLEMENT THIS SECTION NO LATER THAN JANUARY 1, 1983) *The report must include the employee's name, social security number, and total wages paid to the employee.*

Sec. 22. Minnesota Statutes 1982, section 268.15, subdivision 3, is amended to read:

Subd. 3. [CONTINGENT ACCOUNT.] There is hereby created in the state treasury a special account, to be known as the employment services contingent account, which shall not lapse nor revert to any other fund. Such account shall consist of all moneys appropriated therefor by the legislature, all moneys in the form of interest and penalties collected pursuant to (SECTION) *sections 268.16 and 268.18, and all moneys received in the form of voluntary contributions to this account and interest thereon. All moneys in such account shall be supplemental to all federal moneys that would be available to the commissioner but for the existence of this account. Moneys in this account are hereby appropriated to the commissioner and shall be expended in accordance with the provisions of section 3.30, in connec-*

tion with the administration of sections 268.03 to 268.24. *Commencing with the fiscal year beginning July 1, 1984, the commissioner is authorized to expend annually, in addition to any federal money and without reference to section 3.30, the sum of \$500,000, from available money in this fund which is derived from interest and penalties collected pursuant to sections 268.16 and 268.18 and money received in the form of voluntary payments and interest thereon, for the purpose of providing for: (a) the investigation of fraud on the part of any person in claiming or obtaining benefits under sections 268.03 to 268.24 or fraud on the part of any employer in attempting to avoid or reduce any contribution or other payment required from an employing unit under those sections; (b) determination of benefit overpayments and contribution underpayments for reasons other than fraud; and (c) recovery of money due to the department as a result of clauses (a) and (b).* Whenever the commissioner expends moneys from said contingent account for the proper and efficient administration of the Minnesota employment services law for which funds have not yet been made available by the federal government, such moneys so withdrawn from the contingent account shall be replaced as hereinafter provided. Upon the deposit in the employment services administration fund of moneys which are received in reimbursement of payments made as above provided for said contingent account, the commissioner shall certify to the state treasurer the amount of such reimbursement and thereupon the state treasurer shall transfer such amount from the employment services administration fund to said contingent account. All moneys in this account shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for the other special accounts in the state treasury. The state treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the employment services contingent account provided for herein. Notwithstanding anything to the contrary contained herein, on June 30 of each year, except 1982, all amounts in excess of \$300,000 in this account shall be paid over to the unemployment compensation fund established under section 268.05 and administered in accordance with the provisions set forth therein.

Sec. 23. Minnesota Statutes 1983 Supplement, section 268.16, subdivision 2, is amended to read:

Subd. 2. [REPORTS; DELINQUENCIES; PENALTIES.]
(1) Any employer who knowingly fails to make and submit to the department of economic security any *contribution* report (OF WAGES PAID BY OR DUE FROM HIM FOR INSURED WORK IN THE MANNER AND) at the time (SUCH) *the* report is required by (REGULATIONS) *rules* prescribed by the commissioner shall pay to the department of economic security for the contingent account a penalty in the amount of one and one-half percent of contributions accrued during the period for which (SUCH) *the* report is required, for each month from and

after (SUCH) *the due date* until (SUCH) *the report is properly made and submitted to the department of economic security.* In no case shall the amount of the penalty imposed hereby be less than \$5 per month. The maximum penalty imposed hereby shall be \$25 or the amount determined at the rate of 1-1/2 percent per month, whichever is greater. (ANY EMPLOYING UNIT WHICH FAILS TO MAKE AND SUBMIT TO THE COMMISSIONER ANY REPORT, OTHER THAN ONE OF WAGES PAID OR PAYABLE FOR INSURED WORK, AS AND WHEN REQUIRED BY THE REGULATIONS OF THE COMMISSIONER, SHALL BE SUBJECT TO A PENALTY IN THE SUM OF \$10 PAYABLE TO THE DEPARTMENT OF ECONOMIC SECURITY FOR THE CONTINGENT ACCOUNT. ALL SUCH PENALTIES SHALL BE IN ADDITION TO INTEREST AND ANY OTHER PENALTIES PROVIDED FOR BY SECTIONS 268.03 TO 268.24 AND SHALL BE COLLECTED AS PROVIDED BY SECTION 268.161.)

(2) If any employing unit required by sections 268.03 to 268.24 to make and submit contribution reports shall fail to do so within the time prescribed by these sections or by regulations under the authority thereof, or shall make, willfully or otherwise, an incorrect, false or fraudulent contribution report, he shall, on the written demand of the commissioner, make such contribution report, or corrected report, within ten days after the mailing of such written demand and at the same time pay the whole contribution, or additional contribution, due on the basis thereof. If such employer shall fail within that time to make such report, or corrected report, the commissioner shall make for him a report, or corrected report, from his own knowledge and from such information as he can obtain through testimony, or otherwise, and assess a contribution on the basis thereof, which contribution, plus penalties and interest which thereafter accrued (less any payments theretofore made) shall be paid within ten days after the commissioner has mailed to such employer a written notice of the amount thereof and demand for its payment. Any such contribution report or assessment made by the commissioner on account of the failure of the employer to make a report or corrected report shall be *prima facie* correct and valid, and the employer shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto. Whenever such delinquent employer shall file a report or corrected report, the commissioner may, if he finds it substantially correct, substitute it for the commissioner's report.

(3) *Any employer who fails to file the wage detail report required by section 268.121 shall pay to the department of economic security for the contingent account a penalty of one-tenth of one percent of total wages paid and wages due but not paid during the period for each month the report is delinquent. The penalty shall not be assessed if the wage detail report is properly made and filed within 30 days after a demand for the*

report is mailed to the employer's address of record. In no case shall the amount of the penalty, if assessed, be more than \$500 or less than \$25. Penalties due under this subdivision may be waived where good cause for late filing is found by the commissioner. Any employer who files the wage detail report required by section 268.121 but knowingly fails to include any of the required information or knowingly enters erroneous information shall be subject to a penalty of \$25 for each individual for whom the information is missing or erroneous.

(4) Any employing unit which fails to make and submit to the commissioner any report, other than a contribution report or wage detail report, as and when required by rule, shall be subject to a penalty in the sum of \$25 payable to the department of economic security for the contingent account.

(5) Penalties provided for in paragraphs (1), (3), and (4) shall be in addition to interest and any other penalties imposed by sections 268.03 to 268.24 and shall be collected as provided by section 268.161.

Sec. 24. [BENEFIT AND WAGE STUDY.]

The commissioner shall conduct a study of benefit claims and wage data reported under section 268.121. The study shall include, but not be limited to, determining and examining cyclical patterns of unemployment, reemployment and benefit duration. The commissioner shall report the results of the study to the 1986 regular session of the legislature.

Sec. 25. [REPEALER.]

Minnesota Statutes 1982, section 268.04, subdivision 30, is repealed. Minnesota Statutes 1983 Supplement, sections 268.04, subdivision 29; and 268.08, subdivision 9, are repealed.

Sec. 26. [EFFECTIVE DATES.]

Section 8 is effective retroactively to January 1, 1984.

Sections 4, 5, 6, 12, 20, 21, 22, 23, and 24 are effective the day following final enactment.

Sections 3, 9, and 10 are effective January 1, 1985.

Sections 1, 2, 7, 13, 14, 15, 16, 17, 18, and 19 are effective July 1, 1985, for benefit years subsequent to June 30, 1985.

That part of section 11 which strikes the 1.5 percent and 2.5 percent limitations on tax rate changes is effective retroactively

to January 1, 1984, with the remainder of section 11 being effective January 1, 1985.

That part of section 25 which repeals Minnesota Statutes 1983 Supplement, section 268.08, subdivision 9, is effective the day after final enactment, with the remainder of section 25 being effective July 1, 1985, for benefit years subsequent to June 30, 1985."

Delete the title and insert:

"A bill for an act relating to unemployment compensation; regulating the payment, amount, and eligibility for benefits; setting employer contribution rates; making administrative changes; providing a penalty; amending Minnesota Statutes 1982, sections 268.04, subdivision 24, and by adding subdivisions; 268.06, subdivisions 6 and 8; 268.07, subdivision 2a; 268.10, subdivision 1; 268.121; 268.15, subdivision 3; Minnesota Statutes 1983 Supplement, sections 268.04, subdivisions 2, 25, and 29; 268.06, subdivisions 2 and 3a; 268.061; 268.07, subdivisions 2 and 3; 268.08, subdivision 1; 268.09, by adding a subdivision; 268.10, subdivision 2; 268.12, subdivision 8; and 268.16, subdivision 2; repealing Minnesota Statutes 1982, section 268.04, subdivision 30; Minnesota Statutes 1983 Supplement, sections 268.04, subdivision 29; and 268.08, subdivision 9."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 234, A bill for an act relating to the town of Windemere; permitting the town to have the powers of a metropolitan area town.

Reported the same back with the following amendments:

Page 1, line 8, delete "sections" and insert "section"

Page 1, line 9, delete "340.11, subdivision 10b,"

Page 1, line 10, before the period insert ", except section 340.11, subdivision 10b"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

S. F. No. 506, A bill for an act relating to probate; changing the time for closing certain estates; amending Minnesota Statutes 1982, section 524.3-1003.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 377, 1373, 1454, 1524, 1721, 1766, 1846, 1884, 1967, 2122, 2135, 2151, 2198, 2248 and 2263 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1768, 1365, 1495, 1435, 1832, 1520, 1398, 1559, 1913, 234 and 506 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Dimler and Welker introduced:

H. F. No. 2322, A bill for an act relating to game and fish; directing compensation of landowners for damages done by big game animals; appropriating money; proposing new law coded in Minnesota Statutes, chapter 97.

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

Kelly, Coleman, Forsythe and Ellingson introduced:

H. F. No. 2323, A bill for an act relating to highway traffic regulations; requiring driver's license revocation of any person under the age of 19 who is found driving a motor vehicle while under the influence of any measurable amount of alcohol; amending Minnesota Statutes 1982, section 169.123, subdivisions 4 and 5a; and Minnesota Statutes 1983 Supplement, section 169.123, subdivision 6.

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

Wenzel, Krueger, Graba, Mann and Kalis introduced:

H. F. No. 2324, A resolution memorializing the President and Congress to design the 1985 farm bill so as to protect the family farm system.

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

Vanasek, Skoglund, Simoneau, Knuth and Riveness introduced:

H. F. No. 2325, A bill for an act relating to taxation; income; conforming to federal law for treatment of contributions to individual retirement plans and other pension plans; amending Minnesota Statutes 1983 Supplement, section 290.01, subdivisions 20a and 20b.

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

Kvam introduced:

H. F. No. 2326, A bill for an act relating to taxation; income; conforming to federal treatment of picked up contributions to a government pension plan; amending Minnesota Statutes 1983 Supplement, section 290.01, subdivisions 20a and 20b.

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

Kvam introduced:

H. F. No. 2327, A bill for an act relating to taxation; income; conforming to federal law for treatment of contributions to individual retirement plans and other pension plans; amending Minnesota Statutes 1983 Supplement, section 290.01, subdivisions 20a and 20b.

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

Gustafson, Boo and Munger introduced:

H. F. No. 2328, A bill for an act relating to port authorities; fixing the amount of the property tax levy for them; amending Minnesota Statutes 1982, section 458.14.

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

HOUSE ADVISORIES

The following House Advisory was introduced:

Boo introduced:

H. A. No. 60, A proposal to study the adequacy of Minnesota water diversion laws.

The advisory was referred to the Committee on Environment and Natural Resources.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1706, A bill for an act relating to St. Louis Park; providing authority to the housing and redevelopment authority to review and approve development in redevelopment areas.

H. F. No. 1774, A bill for an act relating to transportation; providing for distribution of town road funds; amending Minnesota Statutes 1983 Supplement, section 162.081, subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 977, A bill for an act relating to liquor; authorizing the city of Farmington to issue a club on-sale license to an Eagles Club.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Rodriguez, C., moved that the House concur in the Senate amendments to H. F. No. 977 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 977, A bill for an act relating to private clubs; authorizing the city of Farmington to issue a club on-sale liquor license and a license to conduct bingo and gambling to an Eagles Club.

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

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 1496, A bill for an act relating to state lands; providing for the conveyance of certain state land to the city of Pillager.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Wenzel moved that the House concur in the Senate amendments to H. F. No. 1496 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1496, A bill for an act relating to state lands; providing for the lease of certain state land to the city of Pillager.

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

The question was taken on the repassage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 1460, A bill for an act relating to state lands; providing for the conveyance of certain land in International Falls.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Neuenschwander moved that the House concur in the Senate amendments to H. F. No. 1460 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1460, A bill for an act relating to state lands; providing for the conveyance of certain land in International Falls.

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

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 1503, A bill for an act relating to local government; providing for the duties and bonds of city clerks; amending Minnesota Statutes 1982, sections 412.151; and 418.25, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Rodriguez, C., moved that the House concur in the Senate amendments to H. F. No. 1503 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1503, A bill for an act relating to local government; providing for the duties and bonds of city clerks; amending Minnesota Statutes 1982, sections 412.151; and 418.25, subdivision 1.

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

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DenOuden	Hokr	Minne	Reif
Anderson, G.	Dimler	Jacobs	Munger	Rice
Anderson, R.	Eken	Jennings	Murphy	Riveness
Battaglia	Elioff	Jensen	Nelson, D.	Rodosovich
Beard	Ellingson	Johnson	Nelson, K.	Rodriguez, C.
Begich	Erickson	Kahn	Neuenschwander	Rodriguez, F.
Bennett	Evans	Kalis	Norton	Rose
Bergstrom	Findlay	Kelly	O'Connor	St. Onge
Bishop	Fjoslien	Knickerbocker	Ogren	Sarna
Blatz	Forsythe	Knuth	Olsen	Scheid
Boo	Frerichs	Kostohryz	Omann	Schreiber
Brandl	Graba	Krueger	Onnen	Seaberg
Brinkman	Greenfield	Larsen	Osthoff	Segal
Burger	Gruenes	Levi	Otis	Shea
Carlson, D.	Gustafson	Long	Pauly	Sherman
Carlson, L.	Gutknecht	Ludeman	Peterson	Simoneau
Clark, J.	Halberg	Mann	Piepho	Skoglund
Clark, K.	Haukoos	Marsh	Piper	Solberg
Clawson	Heap	McDonald	Price	Sparby
Cohen	Heinitz	McEachern	Quinn	Staten
Coleman	Hinle	McKasy	Quist	Sviggum
Dempsey	Hoffman	Metzen	Redalen	Swanson

Thiede
Tomlinson
Tunheim
Valan

Valento
Vanasek
Vellenga

Voss
Waltman
Welch

Welle
Wenzel
Wigley

Wynia
Zaffke
Speaker Sieben

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

Mr. Speaker:

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

H. F. No. 1670, A bill for an act relating to transportation; expanding scope of state commuter van transportation program; amending Minnesota Statutes 1982, section 16.756, subdivisions 1, 1a, and 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Voss moved that the House concur in the Senate amendments to H. F. No. 1670 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1670, A bill for an act relating to transportation; expanding scope of state commuter van transportation program; amending Minnesota Statutes 1982, section 16.756, subdivisions 1, 1a, and 2; and repealing Minnesota Statutes 1982, section 16.756, subdivision 5.

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

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Anderson, B.
Anderson, G.
Anderson, R.
Battaglia
Beard
Begich
Bennett
Bergstrom
Bishop
Blatz
Boo
Brandl
Brinkman

Burger
Carlson, D.
Carlson, L.
Clark, J.
Clark, K.
Clawson
Cohen
Coleman
Dempsey
Dimler
Eken
Elioff
Ellingson

Erickson
Evans
Findlay
Fjoslien
Forsythe
Frerichs
Graba
Greenfield
Gruenes
Gustafson
Gutknecht
Halberg
Haukoos

Heap
Heinitz
Himle
Hoffman
Hokr
Jacobs
Jensen
Johnson
Kahn
Kalis
Kelly
Knickerbocker
Knuth

Kostohryz
Krueger
Larsen
Levi
Long
Mann
Marsh
McEachern
McKasy
Metzen
Minne
Munger
Murphy

Nelson, D.	Peterson	Rodriguez, F.	Skoglund	Vellenga
Nelson, K.	Piepho	Rose	Solberg	Voss
Neuenschwander	Piper	St. Onge	Sparby	Waltman
Norton	Price	Sarna	Staten	Welch
O'Connor	Quinn	Scheid	Sviggum	Wenzel
Ogren	Quist	Schoenfeld	Swanson	Wigley
Olsen	Redalen	Schreiber	Tomlinson	Wynia
Omann	Reif	Seaberg	Tunheim	Speaker Sieben
Onnen	Rice	Segal	Uphus	
Osthoff	Riveness	Shea	Valan	
Otis	Rodosovich	Sherman	Valento	
Pauly	Rodriguez, C.	Simoneau	Vanasek	

Those who voted in the negative were:

DenOuden	Ludeman	Schafer	Thiede	Zaffke
Jennings				

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

The Speaker called Wynia to the Chair.

Mr. Speaker:

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

H. F. No. 1611, A bill for an act relating to commerce; manufactured homes; clarifying provisions relating to manufactured home safety features; amending Minnesota Statutes 1983 Supplement, sections 327C.02, subdivision 5; and 327C.07, subdivisions 3a and 8.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Voss moved that the House concur in the Senate amendments to H. F. No. 1611 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1611, A bill for an act relating to commerce; manufactured homes; clarifying provisions relating to manufactured home safety features; amending Minnesota Statutes 1983 Supplement, sections 327C.02, subdivision 5; and 327C.07, subdivisions 3a and 8.

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

The question was taken on the repassage of the bill and the roll was called. There were 117 yeas and 6 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DenOuden	Ludeman	Schafer	Welker	Zaffke
Gruenes				

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

The Speaker resumed the Chair.

Mr. Speaker:

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

H. F. No. 1325, A bill for an act relating to county law libraries; permitting the appointment of a nonlawyer to the library board; amending Minnesota Statutes 1982, section 140.36, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Zaffke moved that the House concur in the Senate amendments to H. F. No. 1325 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1325, A bill for an act relating to county law libraries; permitting the appointment of a nonlawyer to the library board; amending Minnesota Statutes 1982, section 140.36, subdivision 1.

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

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 1813, A bill for an act relating to hospital districts; providing for loans to students in health-related educational programs; amending Minnesota Statutes 1982, section 447.331.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Tunheim moved that the House concur in the Senate amendments to H. F. No. 1813 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1813, A bill for an act relating to hospital districts; providing for loans to students in health-related educational programs; amending Minnesota Statutes 1982, section 447.331.

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

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 1408, A bill for an act relating to public safety; traffic regulations; regulating school buses; amending Minnesota Statutes 1982, sections 169.01, subdivision 6; 169.44, subdivisions 1c, 2, 8, and 15; 169.45; and 171.01, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Solberg moved that the House concur in the Senate amendments to H. F. No. 1408 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1408, A bill for an act relating to public safety; traffic regulations; regulating school buses; amending Minnesota Statutes 1982, sections 169.01, subdivision 6; 169.44, subdivisions 1c, 2, 8, and 15; 169.45; and 171.01, by adding a subdivision.

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

The question was taken on the repassage of the bill and the roll was called. There were 122 yeas and 6 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Fjoslien
Frerichs

Ludeman

Schafer

Welker

Zaffke

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

Mr. Speaker:

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

S. F. No. 1112.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 1332, 1474, 1466, 1589 and 1590.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 1546, 1772, 1867, 1973 and 2077.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 1576 and 1588.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 1702 and 1669.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 1789, 1790, 1794 and 1825.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 1931 and 2076.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1628.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1351.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 1504 and 1511.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1477.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1112, A bill for an act relating to drainage; eliminating the bond required for appeal of benefits or damages in a drainage assessment proceeding; amending Minnesota Statutes 1982, section 106.631, subdivision 2.

The bill was read for the first time.

DenOuden moved that S. F. No. 1112 and H. F. No. 1330, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1332, A bill for an act relating to education; authorizing a school board to expend district funds to establish and operate a nonprofit corporation; requiring the corporation to assist and cooperate with the school board; providing certain limitations on the amount of district funds; requiring district reports to the commissioner of education; requiring a report to the legislature; amending Minnesota Statutes 1982, section 123.35, by adding a subdivision.

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

S. F. No. 1474, A bill for an act relating to natural resources; expanding the trout stamp program to include trout lakes and Lake Superior; reducing the age requirement for obtaining a trout stamp; amending Minnesota Statutes 1982, section 97.4842.

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

S. F. No. 1466, A bill for an act relating to veterans; changing the eligibility for veteran's preference for civil service employment; amending Minnesota Statutes 1982, sections 43A.11, subdivision 1; and 197.447.

The bill was read for the first time.

Neuenschwander moved that S. F. No. 1466 and H. F. No. 1847, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1589, A bill for an act relating to natural resources; authorizing hunters and trappers to wear blaze orange camouflage; amending Minnesota Statutes 1983 Supplement, section 100.29, subdivision 8.

The bill was read for the first time.

Neuenschwander moved that S. F. No. 1589 and H. F. No. 1630, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1590, A bill for an act relating to natural resources; increasing the penalty on owners and keepers of certain dogs; authorizing peace officers to take certain actions; prohibiting damages against peace officers who take those actions; amending Minnesota Statutes 1982, sections 100.29, subdivision 19; and 347.01.

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

S. F. No. 1546, A bill for an act relating to elections; improving the accessibility of the election process to certain elderly and handicapped persons; amending Minnesota Statutes 1982, sections 201.071, subdivision 2; 201.091, subdivision 8; 203B.07; 204B.17; 204B.18, subdivision 1; 204B.27, subdivisions 3 and 4; 204C.06, subdivision 2; 204C.15, subdivision 1 and by adding a subdivision; 206.19, subdivision 2; 206.20; and Minnesota Statutes 1983 Supplement, sections 203B.02, subdivision 1; 204B.16; and 206.09; proposing new law coded in Minnesota Statutes, chapter 206.

The bill was read for the first time.

Minne moved that S. F. No. 1546 and H. F. No. 1618, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1772, A bill for an act relating to crimes; defining sports bookmaking; amending Minnesota Statutes 1982, section 299C.065, subdivision 1; and Minnesota Statutes 1983 Supplement, section 609.75, subdivision 7.

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

S. F. No. 1867, A bill for an act relating to occupations and professions; authorizing the board to accept foreign pharmacy graduates for examination as pharmacists; amending Minnesota Statutes 1982, section 151.10.

The bill was read for the first time.

Clawson moved that S. F. No. 1867 and H. F. No. 1872, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1973, A bill for an act relating to persons handicapped in communication; requiring the arresting officer to

immediately obtain a qualified interpreter for a person handicapped in communication who has been arrested; amending Minnesota Statutes 1982, sections 546.42; 611.31; and 611.32.

The bill was read for the first time.

Clark, J., moved that S. F. No. 1973 and H. F. No. 2097, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2077, A bill for an act relating to intoxicating liquor; allowing Shingobee township to issue and renew certain off-sale licenses; validating certain liquor licenses.

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

S. F. No. 1576, A bill for an act relating to military justice; modifying the appeal of court-martial proceedings; clarifying when a military judge may issue search warrants; amending Minnesota Statutes 1982, sections 192A.325; 192A.345, subdivisions 2 and 8; 192A.612; repealing Minnesota Statutes 1982, section 192A.345, subdivisions 1 and 3.

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

S. F. No. 1588, A bill for an act relating to the environment; clarifying a definition in the Environmental Response and Liability Act; amending Minnesota Statutes 1983 Supplement, section 115B.02, subdivision 15.

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

S. F. No. 1702, A bill for an act relating to counties; changing certain county powers; fixing expenditure authority for various county activities; changing penalties; revising the language of the text of chapters governing county powers and county boards; amending Minnesota Statutes 1982, chapters 373, as amended, and 375, as amended; repealing Minnesota Statutes 1982, section 375.29.

The bill was read for the first time.

Anderson, G., moved that S. F. No. 1702 and H. F. No. 1666, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1669, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell lands

and interests in land acquired for trail purposes which are no longer needed for trail purposes and which are located in certain cities.

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

S. F. No. 1789, A bill for an act relating to state land; modifying certain procedures relating to sale of surplus state land; amending Minnesota Statutes 1982, section 94.10, subdivision 2.

The bill was read for the first time.

Norton moved that S. F. No. 1789 and H. F. No. 2302, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1790, A bill for an act relating to natural resources; eliminating duplicative appraisal reviews in land acquisition procedures; amending Minnesota Statutes 1982, section 84.0272; repealing Minnesota Statutes 1982, section 84.0271.

The bill was read for the first time.

Norton moved that S. F. No. 1790 and H. F. No. 2299, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1794, A bill for an act relating to waters; legislative approval to provide water to Emerson, Manitoba by the North Kittson Rural Water District.

The bill was read for the first time.

Tunheim moved that S. F. No. 1794 and H. F. No. 1791, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1825, A bill for an act relating to Otter Tail County; authorizing the county board to adopt an ordinance for the control of dogs and cats.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1931, A bill for an act relating to the city of St. Paul; permitting the city to adopt certain regulations for smoke detection devices.

The bill was read for the first time.

Cohen moved that S. F. No. 1931 and H. F. No. 1952, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2076, A bill for an act relating to transportation; authorizing extension of I-35 in Duluth; amending Minnesota Statutes 1982, sections 161.12; and 161.1245, by adding a subdivision.

The bill was read for the first time.

Munger moved that S. F. No. 2076 and H. F. No. 2177, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1628, A bill for an act relating to public welfare; setting licensing, planning and zoning provisions with respect to licensed residential and day care facilities; providing that certain facilities are permitted multi-family uses; allowing municipalities to require conditional use permits for certain other facilities; requiring counties to engage in planning to promote dispersal of residential facilities; providing that certain facilities are permitted single family uses; amending Minnesota Statutes 1982, sections 245.783, by adding a subdivision; 245.-812, subdivisions 3, 4 and 7, and by adding a subdivision; and 462.357, subdivisions 7, 8, and by adding a subdivision.

The bill was read for the first time.

Greenfield moved that S. F. No. 1628 and H. F. No. 1967, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1351, A bill for an act relating to commerce; providing an alternative distribution of assets following voluntary dissolution of a cooperative association; amending Minnesota Statutes 1982, section 308.14, by adding a subdivision.

The bill was read for the first time.

Graba moved that S. F. No. 1351 and H. F. No. 1884, now on Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1504, A bill for an act relating to commerce; providing various definitions applicable to the regulation of sales of subdivided lands; providing for the registration of subdivided lands; requiring the use of public offering statements; providing certain exemptions to the subdivided land statutes; providing for the rescission of subdivided land sales contracts; regulating the filing of subdivided land documents; prohibiting the publishing of false, misleading, or deceptive advertising regarding subdivi-

vided lands; providing the filing of annual reports; regulating supplemental subdivided land reports; providing for the revocation or suspension of a subdivided land registration; regulating service of process on subdivided land registration applicants; establishing prohibited practices; prescribing penalties; amending Minnesota Statutes 1982, sections 83.20, subdivisions 1, 5, 11, and by adding subdivisions; 83.21; 83.23; 83.24; 83.25, subdivision 1; 83.26; 83.27; 83.28; 83.29, by adding subdivisions; 83.30; 83.31; 83.33, subdivisions 1 and 2; 83.34, subdivision 1; 83.35; 83.36; 83.37; 83.38, subdivision 2; 83.39; 83.40; 83.41; 83.42; proposing new law coded in Minnesota Statutes, chapter 83; repealing Minnesota Statutes 1982, section 83.33, subdivision 3.

The bill was read for the first time.

Peterson moved that S. F. No. 1504 and H. F. No. 1635, now on the Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1511, A bill for an act relating to taxation; property; modifying the exemption for property held by political subdivisions; amending Minnesota Statutes 1982, section 272.02, subdivision 5.

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

S. F. No. 1477, A bill for an act relating to workers' compensation; clarifying the law concerning ridesharing; providing for miscellaneous changes in the workers' compensation process; amending Minnesota Statutes 1982, sections 176.135, by adding a subdivision; 176.231, subdivision 1; 176.241, subdivisions 1 and 3, and by adding subdivisions; 176.271, subdivision 2; 176.351, by adding a subdivision; Minnesota Statutes 1983 Supplement, sections 79.34, subdivision 1; 176.041, subdivision 1; 176.101, subdivisions 3a, 3b, 3e, 3g, 3i, 3j, 3l, 3m, 3o, 3q, 3r, and 3t; 176.102, subdivisions 3a and 9; 176.103, subdivision 3, and by adding a subdivision; 176.104, subdivisions 1 and 2; 176.129, subdivisions 3, 4, and by adding a subdivision; 176.135, subdivision 1; 176.136; 176.138; 176.183, subdivision 1; 176.221, subdivisions 1, 3, and by adding a subdivision; 176.231, subdivision 9; 176.241, subdivision 2; 176.242, subdivisions 1, 2, 6, and 8; 176.243, subdivision 3; 176.361; 176.421, subdivision 7; 176.442; 176.66, subdivisions 10 and 11; 176.83; 176.85, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 176; repealing Minnesota Statutes 1982, sections 79.22, subdivision 2; and Minnesota Statutes 1983 Supplement, sections 147.02, subdivision 4; 176.051, subdivisions 2, 3, and 4; and 176.129, subdivision 5.

The bill was read for the first time.

Simoneau moved that S. F. No. 1477 and H. F. No. 1767, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

Eken moved that the bills on the Consent Calendar for today be continued. The motion prevailed.

CALENDAR

Eken moved that the bill on the Calendar for today be continued. The motion prevailed.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Rice requested immediate consideration of H. F. No. 2317.

H. F. No. 2317 was reported to the House.

Welker moved to amend H. F. No. 2317, as follows:

Page 7, delete lines 24 to 37

Pages 14 to 16, delete Section 25

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

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

Segal	Sparby	Tunheim	Voss	Wigley
Shaver	Staten	Uphus	Waltman	Wynia
Shea	Sviggum	Valan	Welch	Zaffke
Sherman	Swanson	Valento	Welker	Speaker Sieben
Skoglund	Thiede	Vanasek	Welle	
Solberg	Tomlinson	Vellenga	Wenzel	

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

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

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

There were 25 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Burger	Gutknecht	McDonald	Reif	Valento
DenOuden	Halberg	McKasy	Schafer	Voss
Dimler	Haukoos	Pauly	Seaberg	Waltman
Fjoslien	Jennings	Piepho	Sviggum	Welker
Frerichs	Ludeman	Quist	Uphus	Wigley

Those who voted in the negative were:

Anderson, B.	Elioff	Krueger	Otis	Sherman
Anderson, G.	Ellingson	Larsen	Peterson	Simoneau
Anderson, R.	Evans	Levi	Piper	Skoglund
Battaglia	Graba	Long	Price	Solberg
Beard	Greenfield	Mann	Quinn	Sparby
Begich	Gruenes	Marsh	Redalen	Staten
Bennett	Gustafson	McEachern	Rice	Swanson
Bergstrom	Heap	Minne	Riveness	Thiede
Bishop	Hoffman	Munger	Rodosovich	Tomlinson
Blatz	Hokr	Murphy	Rodriguez, C.	Tunheim
Boo	Jacobs	Nelson, D.	Rodriguez, F.	Valan
Brandl	Jensen	Nelson, K.	Rose	Vellenga
Brinkman	Johnson	Neuenschwander	St. Onge	Welch
Carlson, D.	Kahn	Norton	Sarna	Welle
Carlson, L.	Kalis	O'Connor	Scheid	Wenzel
Clark, J.	Kelly	Ogren	Schoenfeld	Wynia
Clark, K.	Knickerbocker	Olsen	Schreiber	Zaffke
Coleman	Knuth	Omman	Segal	Speaker Sieben
Dempsey	Kostohryz	Onnen	Shea	

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

Vellenga moved to amend H. F. No. 2317, as follows:

Page 95, line 9, delete "STATE ARCHAEOLOGIST" and insert "MINNESOTA HISTORICAL SOCIETY"

Page 95, line 10, delete "state"

Page 95, line 11, delete "archaeologist" and insert "Minnesota Historical Society"

Delete page 100, line 36 to page 108, line 18

Renumber subsequent sections and correct internal cross-references

Further, amend the title as follows:

Page 1, line 23, delete everything after the semicolon

Page 1, delete lines 24 and 25

Page 1, line 26, delete "138.41;"

Page 2, line 24, delete "138,"

The motion prevailed and the amendment was adopted.

McDonald, Schafer and Olsen moved to amend H. F. No. 2317, as amended, as follows:

Page 27, lines 6 to 17, delete section 44 from the bill

A roll call was requested and properly seconded.

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

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

There were 73 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Johnson	Omann	Sherman
Beard	Findlay	Kalis	Onnen	Swiggum
Bennett	Fjoslien	Knickerbocker	Pauly	Swanson
Bishop	Forsythe	Knuth	Piepho	Thiede
Blatz	Frerichs	Krueger	Quist	Uphus
Boo	Graba	Kvam	Redalen	Valan
Brinkman	Gruenes	Levi	Reif	Valento
Burger	Gutknecht	Ludeman	Rodriguez, C.	Waltman
Carlson, D.	Halberg	Marsh	Rose	Welker
Clawson	Haukoos	McDonald	Schafer	Welle
Cohen	Heap	McEachern	Schoenfeld	Wenzel
Dempsey	Heinitz	McKasy	Schreiber	Wigley
DenOuden	Himle	Minne	Seaberg	Zaffke
Dimler	Hokr	Neuenschwander	Segal	
Elioff	Jennings	Olsen	Shea	

Those who voted in the negative were:

Anderson, B.	Hoffman	Nelson, D.	Riveness	Staten
Battaglia	Jacobs	Nelson, K.	Rodosovich	Tomlinson
Begich	Jensen	Norton	Rodriguez, F.	Vanasek
Bergstrom	Kahn	O'Connor	St. Onge	Vellenga
Carlson, L.	Kelly	Ogren	Sarna	Voss
Clark, J.	Kostohryz	Otis	Scheid	Welch
Clark, K.	Larsen	Peterson	Shaver	Wynia
Coleman	Long	Piper	Simoneau	Speaker Sieben
Eken	Mann	Price	Skoglund	
Ellingson	Metzen	Quinn	Solberg	
Gustafson	Munger	Rice	Sparby	

The motion prevailed and the amendment was adopted.

Ludeman and Valento moved to amend H. F. No. 2317, as amended, as follows:

Page 212, delete lines 15 to 26

A roll call was requested and properly seconded.

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

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

There were 44 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Bennett	Forsythe	Johnson	Pauly	Sherman
Blatz	Frerichs	Knickerbocker	Piepho	Sviggun
Burger	Gruenes	Kvam	Quist	Thiede
Dempsey	Gutknecht	Levi	Redalen	Uphus
DenOuden	Halberg	Ludeman	Reif	Valento
Dimler	Haukoos	Marsh	Schafer	Waltman
Erickson	Heap	McDonald	Schreiber	Welker
Findlay	Himle	Omann	Seaberg	Wigley
Fjoslien	Jennings	Onnen	Shaver	

Those who voted in the negative were:

Anderson, B.	Clark, J.	Heinitz	Mann	Olsen
Anderson, G.	Clark, K.	Hoffman	McEachern	Otis
Anderson, R.	Clawson	Jacobs	Metzen	Peterson
Battaglia	Cohen	Jensen	Minne	Piper
Beard	Coleman	Kahn	Munger	Price
Begich	Eken	Kalis	Murphy	Quinn
Bergstrom	Elioff	Kelly	Nelson, D.	Rice
Bishop	Ellingson	Knuth	Nelson, K.	Rodosovich
Brandl	Evans	Kostohryz	Neuenschwander	Rodriguez, C.
Brinkman	Graba	Krueger	Norton	Rodriguez, F.
Carlson, D.	Greenfield	Larsen	O'Connor	Rose
Carlson, L.	Gustafson	Long	Ogren	St. Onge

Sarna	Solberg	Tomlinson	Vellenga	Wenzel
Segal	Sparby	Tunheim	Voss	Wynia
Simoneau	Staten	Valan	Welch	Speaker Sieben
Skoglund	Swanson	Vanasek		

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

Dimler moved to amend H. F. No. 2317, as amended, as follows:

Page 91, delete line 36

Page 91, delete line 52

Page 92, delete lines 1 to 4

Pages 115 to 117 delete sections 41 and 42 from the bill

A roll call was requested and properly seconded.

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

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

There were 36 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Blatz	Fjoslien	Johnson	Redalen	Thiede
Boo	Frerichs	Kvam	Reif	Uphus
Burger	Halberg	Ludeman	Schafer	Valento
Carlson, D.	Haukoos	Marsh	Shaver	Waltman
Dimler	Heinitz	McDonald	Sherman	Welker
Erickson	Himle	Omman	Skoglund	Wigley
Evans	Jennings	Piepho	Swiggum	Zaffke
Findlay				

Those who voted in the negative were:

Anderson, B.	Dempsey	Kelly	Neuenschwander	Rice
Anderson, G.	Eken	Knickerbocker	Norton	Riveness
Anderson, R.	Elioff	Knuth	O'Connor	Rodosovich
Battaglia	Ellingson	Kostohryz	Ogren	Rodriguez, F.
Beard	Graba	Krueger	Olsen	Rose
Begich	Greenfield	Larsen	Onnen	St. Onge
Bennett	Gruenes	Long	Osthoff	Sarna
Bergstrom	Gustafson	Mann	Otis	Scheid
Bishop	Gutknecht	McEachern	Pauly	Schoenfeld
Brandl	Hoffman	Metzen	Peterson	Schreiber
Brinkman	Jacobs	Minne	Piper	Seaberg
Carlson, L.	Jensen	Munger	Price	Segal
Clawson	Kahn	Murphy	Quinn	Shea
Cohen	Kalis	Nelson, D.	Quist	Solberg

Sparby
Staten
Swanson

Tomlinson
Tunheim
Valan

Vanasek
Voss
Welch

Welle
Wenzel

Wynia
Speaker Sieben

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

Anderson, G., moved to amend H. F. No. 2317, as amended, as follows:

Page 155, line 22, delete "*commission employees*" and insert "*persons that are employed by the commission as of March 1, 1984*"

Page 155, line 23, delete "*provided by the commission*"

A roll call was requested and properly seconded.

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

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

There were 80 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Knickerbocker	Norton	Schreiber
Anderson, C.	Findlay	Knuth	Olsen	Seaberg
Anderson, R.	Fjoslien	Kostohryz	Omann	Segal
Bennett	Forsythe	Krueger	Onnen	Shaver
Bishop	Frerichs	Kvam	Pauly	Shea
Blatz	Graba	Larsen	Piepho	Sherman
Boo	Gruenes	Levi	Quinn	Sviggum
Brinkman	Gutknecht	Ludeman	Quist	Thiede
Burger	Halberg	Mann	Redalen	Uphus
Carlson, D.	Haukoos	Marsh	Reif	Valan
Clawson	Heinitz	McDonald	Rodosovich	Valento
Cohen	Himle	McEachern	Rodriguez, C.	Waltman
Dempsey	Hoffman	McKasy	Rose	Welker
DenOuden	Hokr	Munger	Schafer	Wenzel
Dimler	Jennings	Nelson, D.	Scheid	Wigley
Erickson	Johnson	Neuenschwander	Schoenfeld	Zaffke

Those who voted in the negative were:

Battaglia	Gustafson	Nelson, K.	Rodriguez, F.	Vanasek
Beard	Heap	O'Connor	Sarna	Vellenga
Begich	Jacobs	Ogren	Simoneau	Voss
Brandl	Jensen	Osthoff	Skoglund	Welch
Carlson, L.	Kahn	Otis	Solberg	Welle
Clark, J.	Kalis	Peterson	Sparby	Wynia
Coleman	Kelly	Piper	Staten	Speaker Sieben
Eken	Long	Price	Swanson	
Elioff	Metzen	Rice	Tomlinson	
Greenfield	Murphy	Riveness	Tunheim	

The motion prevailed and the amendment was adopted.

Anderson, G., moved to amend H. F. No. 2317, as amended, as follows:

Page 119, lines 9 to 15 delete the new language

A roll call was requested and properly seconded.

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

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

There were 56 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Frerichs	Levi	Rodosovich	Thiede
Anderson, G.	Gruenes	Ludeman	Rodriguez, C.	Tunheim
Blatz	Cutknecht	Mann	Rose	Uphus
Boo	Halberg	Marsh	Schafer	Valento
Carlson, D.	Haukoos	McKasy	Schreiber	Vanasek
Clawson	Heinitz	Norton	Seaberg	Waltman
DenOuden	Himle	Olsen	Shaver	Welch
Erickson	Jennings	Omann	Shea	Welker
Evans	Johnson	Onnen	Sherman	Welle
Findlay	Knickerbocker	Pauly	Skoglund	Wigley
Fjoslien	Kvam	Redalen	Sviggun	Zaffke
Forsythe				

Those who voted in the negative were:

Anderson, R.	Dempsey	Knuth	Peterson	Segal
Battaglia	Dimler	Kostohryz	Piepho	Simoneau
Beard	Elioff	Krueger	Price	Solberg
Begich	Graba	Larsen	Quinn	Sparby
Bennett	Greenfield	McEachern	Quist	Staten
Bergstrom	Gustafson	Metzen	Rice	Swanson
Bishop	Heap	Minne	Riveness	Tomlinson
Brandl	Jacobs	Murphy	Rodriguez, F.	Wenzel
Brinkman	Jensen	Nelson, D.	St. Onge	Wynia
Burger	Kahn	O'Connor	Sarna	Speaker Sieben
Carlson, L.	Kalis	Osthoff	Scheid	
Coleman	Kelly	Otis	Schoenfeld	

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

Jennings, McKasy and Fjoslien moved to amend H. F. No. 2317, as amended, as follows:

Page 2, line 53, delete "\$16,114,500" and insert "\$15,840,200"

Page 2, line 53, delete "\$16,846,800" and insert "\$16,572,500"

Page 3, line 7, delete "\$104,880,700" and insert "\$104,606,400"

Page 3, line 7, delete "\$135,926,500" and insert "\$135,652,200"

Page 3, line 10, delete "\$90,545,100" and insert "\$90,270,800"

Page 3, line 10, delete "\$95,192,400" and insert "\$94,918,100"

Page 3, line 15, delete "\$104,880,700" and insert "\$104,606,400"

Page 3, line 15, delete "\$135,926,500" and insert "\$135,652,200"

Page 14, delete lines 11 to 20

Page 14, line 21, delete "(b)" and insert "(a)"

Pages 22 and 23, delete sections 32 and 33

Pages 25 and 26, delete section 41 and insert:

"Sec. 41.

Notwithstanding the provisions of Minnesota Statutes 1983 Supplement, section 15A.082, subdivisions 3 and 5, the salary plans and other proposals recommended by the compensation council to the legislature are expressly rejected."

Renumber the remaining sections

Amend the title accordingly

A roll call was requested and properly seconded.

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

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

There were 61 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Findlay	Jennings	Olsen	Shaver
Anderson, R.	Fjoslien	Johnson	Omann	Sherman
Bennett	Forsythe	Knuth	Onnen	Sviggum
Bergstrom	Frerichs	Krueger	Pauly	Thiede
Blatz	Graba	Kvam	Piepho	Uphus
Boo	Gruenes	Levi	Quist	Valan
Brinkman	Gutknecht	Ludeman	Redalen	Valento
Burger	Halberg	Mann	Reif	Waltman
Dempsey	Haukoos	Marsh	Rodriguez, C.	Welker
DenOuden	Heap	McDonald	Rose	Wenzel
Dimler	Himle	McEachern	Schafer	Wigley
Erickson	Hokr	McKasy	Seaberg	Zaffke
Evans				

Those who voted in the negative were:

Battaglia	Ellingson	Munger	Rice	Solberg
Beard	Greenfield	Murphy	Riveness	Sparby
Begich	Gustafson	Nelson, D.	Rodosovich	Staten
Bishop	Heinitz	Nelson, K.	Rodriguez, F.	Swanson
Brandl	Jensen	Neuenschwander	St. Onge	Tomlinson
Carlson, D.	Kahn	Norton	Sarna	Tunheim
Carlson, L.	Knickerbocker	Ogren	Schoenfeld	Vanasek
Clark, J.	Kostohryz	Osthoff	Schreiber	Vellenga
Clark, K.	Larsen	Otis	Segal	Voss
Clawson	Long	Peterson	Shea	Welle
Coleman	Metzen	Piper	Simoneau	Wynia
Eken	Minne	Price	Skoglund	Speaker Sieben
Elioff				

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

Thiede moved to amend H. F. No. 2317, as amended, as follows:

Page 20, after line 2, insert:

"Section 30. Minnesota Statutes 1978, section 3.099, subdivision 1, is amended to read:

[3.099] [MEMBERS; COMPENSATION AND EXPENSES, FLEXIBLE SESSIONS.] Subdivision 1. The compensation of each member of the legislature shall be due on the first day of the regular legislative session of the term and payable in equal parts on the fifteenth day of January and on the first day of each month, February to December, inclusive, during the term for which he was elected.

Each member shall receive mileage for necessary travel in going to and returning from the place of meeting to his place of residence in such amount and for such trips as may be authorized by the senate as to senate members, and by the house of representatives as to house members.

In addition to compensation for the expense of travel to and from the place of meeting, each member shall receive (IN ADDITION TO THE FOREGOING, SUCH PER DIEM) compensation for actual living expenses during a regular or special session of (THE PER DIEM) actual living expenses payable (PURPOSES AS MAY BE) the manner determined by the senate as to senate members and by the house of representatives as to house members (; PROVIDED, THAT BECAUSE OF THE SALARY INCREASES PROVIDED IN SUBDIVISION 2,). The amount of (THE PER DIEM) actual living expenses payable (PURSUANT TO THIS SECTION DURING THE 71ST LEGISLATIVE SESSION) shall (BE SET AT A LEVEL) not to exceed \$36 each day for each member who has moved from his usual place of lodging during a substantial part of the session and not

to exceed \$26 *each day* for each member who has not so changed his place of lodging. *The daily limits shall not include expenses for in state or out of state travel and lodging and other expenses in the performance of duty. Payment for expenses shall be made only upon submission by each member of a signed claim itemizing the actual living expenses.*

On the fifteenth day of January and on the first day of each month, February to December, inclusive, the secretary of the senate and the chief clerk of the house of representatives, shall certify to the commissioner of finance, in duplicate, the amount of compensation then payable to each member of their respective houses, and the aggregate thereof.

Sec. 31. Minnesota Statutes 1978, section 3.102, is amended to read:

3.102 [LEGISLATIVE OFFICIAL EXPENSES DURING INTERIM.] Each member of the legislature shall be reimbursed for *actual* expenses incurred while engaged in official business when the legislature is not in session. The amount of such reimbursement shall not exceed \$48 per day (AS A PER DIEM EXPENSE ALLOWANCE) for all expenses incurred except travel and lodging. The member shall also be reimbursed for travel and lodging expenses in the same manner and amount as state employees. *Payment for actual expenses shall be made only upon submission by each member of a signed claim itemizing the actual expenses.*

Expenses for members of the legislature are payable in the manner (AND IN THE AMOUNT) designated by the senate committee on rules and administration as to members of the senate and by the committee on rules and legislative administration as to members of the house of representatives.

The expense allowances provided for herein to the persons designated are in lieu of any other expenses authorized by law or resolution for the same purposes.

Sec. 32. *Minnesota Statutes 1978, Sections 3.101 and 3.103, are repealed."*

Renumber sections accordingly.

A roll call was requested and properly seconded.

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

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

There were 40 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Bennett	Fjoslien	Johnson	Piepho	Sherman
Blatz	Forsythe	Kvam	Quist	Skoglund
Burger	Frerichs	Ludeman	Redalen	Thiede
Cohen	Gutknecht	Marsh	Reif	Uphus
Dempsey	Heinitz	McDonald	Rose	Valento
DenOuden	Himle	Olsen	Schafer	Waltman
Erickson	Hokr	Onnen	Shaver	Welker
Findlay	Jennings	Pauly	Shea	Zaffke

Those who voted in the negative were:

Anderson, B.	Dimler	Knuth	Osthoff	Simoneau
Anderson, R.	Eken	Kostohryz	Otis	Solberg
Battaglia	Elioff	Krueger	Peterson	Sparby
Beard	Ellingson	Larsen	Price	Staten
Begich	Evans	Long	Quinn	Swanson
Bergstrom	Graba	Mann	Rice	Tomlinson
Boo	Gustafson	Minne	Riveness	Tunheim
Brandl	Hoffman	Munger	Rodosovich	Vanasek
Brinkman	Jacobs	Murphy	Rodriguez, F.	Vellienga
Carlson, D.	Jensen	Nelson, D.	St. Onge	Voss
Carlson, L.	Kahn	Nelson, K.	Sarna	Welch
Clark, J.	Kalis	Neuenschwander	Schoenfeld	Wenzel
Clark, K.	Kelly	Ogren	Seaberg	Wynia
Clawson	Knickerbocker	Omann	Segal	Speaker Sieben
Coleman				

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

Anderson, G., moved to amend H. F. No. 2317, as amended, as follows:

Pages 117 to 120, delete section 43 from the bill

Renumber the sections

Amend the title accordingly

A roll call was requested and properly seconded.

Osthoff moved to amend the Anderson, G., amendment to H. F. No. 2317, as amended, as follows:

Delete from the Anderson, G., amendment "Pages 117 to 120, delete section 43 from the bill" and insert "Page 120, delete the new language on lines 2 and 3"

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

The question recurred on the Anderson, G., amendment and the roll was called.

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

There were 91 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Kvam	Redalen	Sviggum
Anderson, G.	Findlay	Levi	Reif	Swanson
Anderson, R.	Fjoslien	Ludeman	Rice	Thiede
Beard	Forsythe	Mann	Riveness	Tunheim
Bennett	Graba	Marsh	Rodosovich	Uphus
Blatz	Cruenes	McDonald	Rodriguez, C.	Valan
Boo	Gustafson	McKasy	Rose	Valento
Braandl	Cutknecht	Minne	St. Onge	Vanasek
Brinkman	Halberg	Munger	Schafer	Waltman
Burger	Haukoos	Neuenschwander	Schoenfeld	Welch
Carlson, D.	Heap	Norton	Schreiber	Welker
Carlson, L.	Heinitz	Olsen	Seaberg	Welle
Clark, K.	Hoffman	Omamn	Shea	Wigley
Clawson	Hokr	Onnen	Sherman	Wynia
DenOuden	Jennings	Otis	Simoneau	Zaffke
Dinler	Johnson	Pauly	Skoglund	
Eken	Knickerbocker	Peterson	Solberg	
Elioff	Knuth	Price	Sparby	
Erickson	Krueger	Quist	Staten	

Those who voted in the negative were:

Battaglia	Jacobs	Larsen	Piepho	Scheid
Begich	Jensen	Murphy	Piper	Wenzel
Dempsey	Kahn	O'Connor	Quinn	Speaker Sieben
Ellingson	Kelly	Ogren	Rodriguez, F.	
Greenfield	Kostohryz	Osthoff	Sarna	

The motion prevailed and the amendment was adopted.

Rice moved to amend H. F. No. 2317, as amended, as follows:

Page 117, after line 33, insert a section to read:

"Sec. 43. Minnesota Statutes 1982, section 168.33, subdivision 2, is amended to read:

Subd. 2. [POWERS.] The registrar shall have the power to appoint, hire and discharge and fix the compensation of the necessary employees, in the manner provided by law, as may be required to enable him to properly carry out the duties imposed upon him by the provisions of this chapter. As of April 14, 1976, the registrar may appoint, and for cause discontinue, a deputy registrar for any city as the public interest and convenience may require, without regard to whether the county auditor of the county in which the city is situated has been appointed as the deputy registrar for the county or has been discontinued as the

deputy registrar for the county, and without regard to whether the county in which the city is situated has established a county license bureau which issues motor vehicle licenses as provided in section 373.32.

Effective August 1, 1976, the registrar may appoint, and for cause discontinue, a deputy registrar for any city as the public interest and convenience may require, if the auditor for the county in which the city is situated chooses not to accept appointment as the deputy registrar for the county or is discontinued as a deputy registrar, or if the county in which the city is situated has not established a county license bureau which issues motor vehicle license as provided in section 373.32. Any person appointed by the registrar as a deputy registrar for any city shall be a resident of the county in which the city is situated.

The registrar may appoint, and for cause discontinue, the county auditor of each county as a deputy registrar. The auditor, with the approval of the director of motor vehicles, may appoint, and for cause discontinue, the clerk or equivalent officer of each city or any other person as a deputy registrar as public interest and convenience may require, regardless of his county of residence. Notwithstanding any other provision, a person other than a county auditor or a director of a county license bureau, who was appointed by the registrar before August 1, 1976, as a deputy registrar for any city, may continue to serve as deputy registrar and may be discontinued for cause only by the registrar. The county auditor shall be responsible for the acts of deputy registrars appointed by him. Each such deputy, before entering upon the discharge of his duties, shall take and subscribe an oath to faithfully discharge his duties and to uphold the laws of the state. If a deputy registrar appointed hereunder is not an officer or employee of a county or city, such deputy shall in addition give bond to the state in the sum of \$10,000, or such larger sum as may be required by the registrar, conditioned upon the faithful discharge of his duties as deputy registrar. *A corporation organized pursuant to chapter 302A may be appointed a deputy registrar. Upon application by a person serving as a deputy registrar and the giving of the requisite bond as provided in subdivision 2 of this section, a corporation named in an application shall become the duly appointed and qualified successor to the deputy registrar.* Each deputy registrar appointed hereunder shall keep and maintain, in a convenient public place within the place for which he is appointed, a registration and motor vehicle tax collection bureau, to be approved by the registrar, for the registration of motor vehicles and the collection of motor vehicle taxes thereon. He shall keep such records and make such reports to the registrar as that officer, from time to time, may require. Such records shall be maintained at the facility of the deputy registrar. The records and facilities of the deputy registrar shall at all times be open to the inspection of the registrar or his agents. He shall report daily to the registrar all registrations made and taxes and fees collected by him. The filing fee imposed pursuant

to subdivision 7 shall be deposited in the treasury of the place for which he is appointed, or if such deputy is not a public official, he shall retain the filing fee, but the registration tax and any additional fees for delayed registration he has collected he shall deposit each day in an approved state depository to the credit of the state through the state treasurer. The place for which the deputy registrar is appointed through its governing body shall provide the deputy registrar with facilities and personnel to carry out the duties imposed by this subdivision if such deputy is a public official. In all other cases, the deputy shall maintain a suitable facility for serving the public."

Renumber the sections

Amend the title accordingly

POINT OF ORDER

Knickerbocker raised a point of order pursuant to section 401, paragraph 4, of "Mason's Manual of Legislative Procedure" that the amendment was out of order. The Speaker ruled the point of order not well taken and the amendment in order.

The question recurred on the Rice amendment to H. F. No. 2317, as amended. The motion prevailed and the amendment was adopted.

H. F. No. 2317, A bill for an act relating to the organization and operation of state government; clarifying, providing for deficiencies in, and supplementing appropriations for the expenses of state government with certain conditions; creating and modifying agencies and functions; fixing and limiting fees; requiring studies and reports; appropriating money; amending Minnesota Statutes 1982, sections 3.099, subdivisions 2 and 3; 3.30, subdivision 2; 3.3005; 10.12; 10.14; 10.15; 11A.08, subdivision 3; 15.0575, subdivision 3; 15.0597, subdivision 1; 16.026, subdivisions 3 and 7; 16.80, subdivision 1; 16A.04, subdivisions 1 and 4; 16A.06; 16A.065; 16A.125, subdivision 6; 16A.13, subdivisions 1 and 2; 16A.131, subdivision 1; 16A.14, subdivision 2; 16A.28; 16A.45; 16A.53; 16A.63; 16A.64, as amended; 16A.65; 16A.66, as amended; 16A.671; 16A.675; 43A.27, by adding a subdivision; 43A.30, by adding a subdivision; 84.085; 84A.53; 84A.54; 84B.03, by adding a subdivision; 94.16; 117.085; 117.195, subdivision 1; 117.232, subdivision 1; 125.031; 136.11, subdivisions 2 and 7; 136.506; 136.55, subdivision 2; 136A.81, subdivision 1; 138.31, subdivisions 2, 5, 9, 10, and by adding a subdivision; 138.33; 138.34; 138.35; 138.36; 138.37, subdivision 2; 138.38; 138.39; 138.40; 138.41; 144.413, subdivision 2; 144.414; 158.07; 158.08; 161.173; 161.174; 168.12, subdivisions 1 and 5; 168.33, subdivision 2; 169.966, subdivision 1a, and by adding a subdivision; 174.22, subdivisions 5, 10, and 13, and by adding a subdivision; 174.23, subdivisions 2 and 4; 174.24, subdivisions

1, 2, and 5; 174.265, subdivision 3; 179.741, subdivision 2; 214.001, subdivision 2; 214.13, subdivisions 1, 2, 3, and 5; 221.295; 239.10; 241.66, subdivision 2; 245.811; 256E.07, subdivision 1, and by adding subdivisions; 296.13; 299D.03, subdivision 2; 340.11, subdivision 11a; 345.47, subdivision 1, and by adding a subdivision; 345.525; 352.01, subdivision 2A; 359.01; 462A.05, subdivision 20; 473.121, subdivisions 7, 10, 18, 19, and by adding subdivisions; 473.146, subdivisions 3 and 4; 473.164; 473.167, subdivision 1; 473.168, subdivision 2; 473.181, subdivision 3; 473.223; 473.404; 473.405; 473.409; 473.411; 473.416; 473.435; 473.436, by adding a subdivision; 473.445; 473.446, subdivision 2a, and by adding subdivisions; and 473.449; Minnesota Statutes 1983 Supplement, sections 3.3026, subdivision 5; 3.732, subdivision 1; 10A.01, subdivision 18; 15A.081, subdivisions 1, 6, and 7; 16A.125, subdivision 5; 16A.15, subdivision 6; 16A.36; 16A.672; 43A.04, subdivision 8; 85.40, subdivision 5; 85.41, subdivisions 3, 4, and 5; 116J.70, subdivision 2a; 135A.03, subdivisions 1, 3, and 4; 135A.07, subdivision 2; 136.144; 136A.121, subdivision 2; 161.43; 161.44, subdivision 6a; 174.24, subdivision 3; 180.03, subdivision 2; 214.06, subdivision 1; 214.13, subdivision 4; 221.041, by adding a subdivision; 221.071, subdivision 1; 256.01, subdivision 2; 256B.501, subdivision 10; 256D.111, subdivision 2; 256D.112; 268.673, subdivision 5; 268.675; 268.676, subdivisions 1 and 2; 268.677; 268.686; 268.80; 268.81; 298.296, subdivision 1; 357.021, subdivision 2a; 462A.07, subdivision 15; 473.436, subdivision 6; 517.08, subdivision 1c; Laws 1983, chapter 199, section 17, subdivision 2; chapter 258, section 2, subdivision 7; chapter 290, section 172; chapter 293, sections 1; 2, subdivisions 2, 8, and 9; 4, subdivisions 1 and 3; and 6; chapter 301, sections 38, 39, 40, 41, and 42; proposing new law coded in Minnesota Statutes, chapters 13, 16, 16A, 18, 48, 84, 136, 138, 161, 190, 214, 221, 246, 256B, 268, 349, and 473; proposing new law coded as Minnesota Statutes, chapters 16B, 40A, 119, and 494; repealing Minnesota Statutes 1982, sections 10.13; 16A.132; 16A.51; 16A.54; 16A.59; 16A.73; 84.82, subdivision 9; 120.83; 136.11, subdivision 6; 136A.133; 174.03, subdivision 5a; 174.24, subdivisions 3a and 4; 174.265; 174.31; 256E.07, subdivision 3; 473.401; 473.402; 473.403; 473.411, subdivision 1; 473.413, as amended; and 473.451; Minnesota Statutes 1983 Supplement, sections 120.801; 120.802; 120.803; 120.804; 120.805; 120.806; and 120.81; Laws 1983, chapter 289, section 102.

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

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

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

There were 77 yeas and 52 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bennett	Forsythe	Krueger	Pauly	Sviggum
Blatz	Frerichs	Kvam	Piepho	Thiede
Boo	Gruenes	Levi	Quist	Uphus
Burger	Gutknecht	Ludeman	Redalen	Valento
Cohen	Halberg	Marsh	Reif	Waltman
Dempsey	Haukoos	McDonald	Schafer	Welker
DenOuden	Heap	McKasy	Scheid	Wigley
Dimler	Himle	Olsen	Schreiber	Zaffke
Erickson	Jennings	Omann	Seaberg	
Findlay	Johnson	Onnen	Shaver	
Fjoslien	Knickerbocker	Osthoff	Sherman	

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

CALL OF THE HOUSE LIFTED

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

GENERAL ORDERS

Eken moved that the bills on General Orders for today be continued. The motion prevailed.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 63, A bill for an act relating to local government; authorizing counties or cities to enact ordinances against tres-

passing under certain conditions; prescribing penalties; proposing new law coded in Minnesota Statutes, chapter 471.

Reported the same back with the following amendments:

Page 2, delete lines 17 to 21

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1230, A bill for an act relating to marriage dissolution; allowing separate summary judgment on the issue of dissolution; removing a conclusive presumption that each spouse made substantial contribution to acquiring certain property; excluding mediators' information except on consent of the parties; providing for deposing of investigators; amending Minnesota Statutes 1982, sections 518.13, by adding a subdivision; 518.167; and 518.58.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 518.13, is amended by adding a subdivision to read:

Subd. 5. [SUMMARY JUDGMENT.] The court may order for emergency or compelling reasons or upon the request of both parties summary judgment on the issue of dissolution. The court shall have continuing jurisdiction over all the remaining issues relative to the marital dissolution. If one of the parties shall die subsequent to the entry of summary judgment on the issue of dissolution but before the entry of a final judgment and decree resolving all issues relative to the marital dissolution, entry of such a summary judgment shall be considered to have severed all property owned by the parties and titled in joint tenancy into an equal tenancy-in-common and reserve any remaining issues for subsequent determination if that action appears to be in the best interests of the parties or the children of the parties.

Sec. 2. Minnesota Statutes 1982, section 518.167, is amended to read:

518.167 [INVESTIGATIONS AND REPORTS.]

Subdivision 1. In contested custody proceedings, and in other custody proceedings if a parent or the child's custodian

so requests, the court may order an investigation and report concerning custodial arrangements for the child. The investigation and report may be made by the county welfare agency or department of court services.

Subd. 2. In preparing his report concerning a child, the investigator may consult any person who may have information about the child and his potential custodial arrangements *except for persons involved in mediation efforts between the parties. Mediation personnel may disclose to investigators and evaluators information collected during mediation only if agreed to in writing by all parties.* Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, school personnel, or other expert persons who have served the child in the past after obtaining the consent of the parents or the child's custodian or guardian. (IF THE REQUIREMENTS OF SUBDIVISION 3 ARE FULFILLED, THE INVESTIGATOR'S REPORT MAY BE RECEIVED IN EVIDENCE AT THE HEARING) *Mediation proceedings are not subject to discovery without written consent of both parties.*

Subd. 3. The court shall mail the investigator's report to counsel and to any party not represented by counsel at least ten days before the hearing. The investigator shall *maintain and, upon request, make available* to counsel and to a party not represented by counsel the investigator's file of *handwritten notes*, underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subdivision 2, and the names and addresses of all persons whom the investigator has consulted. *The investigator and any person the investigator has consulted is subject to being deposed and to other pretrial discovery under the Minnesota Rules of Civil Procedure.* A party to the proceeding may call the investigator and any person whom he has consulted for cross-examination at the hearing. A party may not waive his right of cross-examination before the hearing.

Subd. 4. *The investigator's report may be received at the hearing.*

Sec. 3. Minnesota Statutes 1982, section 518.58, is amended to read:

518.58 [DIVISION OF MARITAL PROPERTY.]

Upon a dissolution of a marriage, an annulment, or in a proceeding for disposition of property following a dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property and which has since acquired jurisdiction, the court shall make a just and equitable division of the marital property of the

parties without regard to marital misconduct, after making findings regarding the division of the property. The court shall base its findings on all relevant factors including the length of the marriage, any prior marriage of a party, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, needs, opportunity for future acquisition of capital assets, and income of each party. The court shall also consider the contribution of each in the acquisition, preservation, depreciation or appreciation in the amount or value of the marital property, as well as the contribution of a spouse as a homemaker. It shall be conclusively presumed that each spouse made a substantial contribution to the acquisition of income and property while they were living together as husband and wife. The court may also award to either spouse the household goods and furniture of the parties, whether or not acquired during the marriage.

If the court finds that either spouse's resources or property, including his portion of the marital property as defined in section 518.54, subdivision 5 are so inadequate as to work an unfair hardship, considering all relevant circumstances, the court may, in addition to the marital property, apportion up to one-half of the property otherwise excluded under section 518.54, subdivision 5, clauses (a) to (d) to prevent the unfair hardship. If the court apportions property other than marital property, it shall make findings in support of the apportionment. The findings shall be based on all relevant factors including the length of the marriage, any prior marriage of a party, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, needs, and opportunity for future acquisition of capital assets and income of each party.

If the court finds that it is necessary to preserve the marital assets of the parties, the court may order the sale of the homestead of the parties or the sale of other marital assets, as the individual circumstances may require, during the pendency of a proceeding for a dissolution of marriage or an annulment. If the court orders a sale, it may further provide for the disposition of the funds received from the sale during the pendency of the proceeding.

If the court finds that there are substantial marital assets under the control of one spouse, the court may allow for a partial distribution of marital assets during the pendency of a proceeding for a dissolution of marriage or an annulment for emergency or compelling reasons or upon the request of both parties."

Amend the title as follows:

Page 1, line 3, delete "removing"

Page 1, delete lines 4 and 5

Page 1, line 6, delete "property;"

Page 1, line 8, before "amending" insert "allowing a partial distribution of marital assets during the pendency of a dissolution proceeding;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1284, A bill for an act relating to crimes; subjecting certain property to forfeiture if exchanged for or associated with controlled substances; conforming definitions with other statutes; amending Minnesota Statutes 1982, section 152.19, subdivisions 1, 2, 4, 5, and 8.

Reported the same back with the following amendments:

Page 3, line 33, delete "242.19" and insert "152.19"

Page 4, line 13, after "agency" insert "*that handled the forfeiture*"

Page 4, line 30, before "Proceeds" insert "*One-third of the*"

Page 4, line 32, reinstate the stricken language

Page 4, line 33, reinstate everything before the first stricken "of"

Page 4, line 34, reinstate everything after the stricken "proceeds"

Page 4, lines 35 and 36, reinstate the stricken language

Page 5, line 1, reinstate everything before the stricken "half" and after the stricken "half" insert "*two-thirds*" and reinstate the stricken "of net"

Page 5, line 2, reinstate the stricken "proceeds shall be"

Page 5, line 3, before "and" insert "*the forfeiture proceeding*"

Page 5, line 15, delete "1983" and insert "1984"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1285, A bill for an act relating to crimes; providing for forfeitures of conveyances, containers, weapons used, and contraband property when utilized in the commission of designated offenses; proposing new law coded in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [609.531] [FORFEITURES.]

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

(a) *"Conveyance device" means a device used for transportation in connection with a designated offense and includes, but is not limited to, motor vehicles, trailers, snowmobiles, airplanes, and vessels. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.*

(b) *"Primary container" means a fundamental receptacle other than a conveyance device used to store or transport property.*

(c) *"Weapon used" means weapons used in the furtherance of a crime and defined as a dangerous weapon under section 609.02, subdivision 6.*

(d) *"Property" means property as defined in section 609.52, subdivision 1, clause (1).*

(e) *"Contraband property" means property which is illegal to possess under Minnesota law.*

(f) *"Appropriate agency" means either the bureau of criminal apprehension, Minnesota state patrol, county sheriffs and their deputies, or city police departments.*

(g) *"Designated offense" includes:*

(1) *For weapons used: any violation of chapter 609;*

(2) *For all other purposes: violation of, or an attempt or conspiracy to violate, sections 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322, subdivision 1 or 2; 609.342; 609.343; 609.344;*

609.345; 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.521; 609.525; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.637; 609.825; 609.86; 609.88; 609.89; or 617.246, when the violation constitutes a felony.

Subd. 2. [FORFEITURES OF CONVEYANCE DEVICES; PRIMARY CONTAINERS; WEAPONS USED, AND CONTRABAND PROPERTY.] *Conveyance devices, primary containers, and weapons associated with the commission or utilized in the commission of a designated offense, and all contraband property shall be subject to forfeiture with the following limitations:*

(a) *No conveyance device or primary container used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless the owner or other person in charge of the conveyance or container is a consenting party or privy to commission of a designated offense.*

(b) *No conveyance device, primary container, or weapon used is subject to forfeiture under this section unless the owner of it is privy to a violation of a designated offense or unless the use of the conveyance device, primary container, or weapon in a violation occurred with his knowledge or consent.*

(c) *A forfeiture of a conveyance device, primary container, or weapon used encumbered by a bona fide security interest is subject to the interest of the secured party unless he had knowledge of or consented to the act or omission upon which the forfeiture is based.*

Subd. 3. [SEIZURE WITH PROCESS.] *Any conveyance device, primary container, weapon used, or contraband property subject to forfeiture under this section may be seized by the appropriate agency upon process issued by any court having jurisdiction over the property.*

Subd. 4. [SEIZURE WITHOUT PROCESS.] *Seizure without process of a weapon used or of contraband property may be made if:*

(a) *the seizure is incident to an arrest or a search under a search warrant;*

(b) *The weapon subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding;*

(c) *the appropriate agency has probable cause to believe:*

(1) that the weapon was used or is intended to be used in commission of a designated offense; and

(2) that the delay occasioned by the necessity to obtain process would result in the removal, destruction, illegal use, or intended illegal use of the weapon; or

(d) the property is contraband property.

Subd. 5. [NOT SUBJECT TO REPLEVIN.] Any conveyance device, primary container, weapon used, or contraband property taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the appropriate agency subject only to the orders and decrees of the court having jurisdiction over the forfeiture proceedings. When any conveyance device, primary container, weapon used, or contraband property is seized under this section, the appropriate agency may:

(a) place the conveyance device, primary container, weapon used, or contraband property under seal; or

(b) remove the conveyance device, primary container, weapon used, or contraband property to a place designated by it.

Subd. 6. [FORFEITURE PROCEDURES.] Any conveyance device, primary container, weapon used, or contraband property shall be forfeited according to the following procedure:

(a) a separate complaint shall be filed against the conveyance device, primary container, weapon used, or contraband property describing it, and either specifying that it is contraband property, or charging its use in the specified violation, and specifying the time and place of its unlawful use;

(b) if the person charged with a designated offense is not convicted of an offense, the court shall dismiss the complaint against the conveyance device, primary container, or weapon used pursuant to subdivisions 2 to 5 and order the property returned to the persons legally entitled to it;

(c) if after conviction of a felony offense the court finds that the conveyance device, primary container or weapon was used in commission of a designated offense, it may order that the conveyance device, primary container or weapon be sold, used, converted, or disposed of by the appropriate agency in the following manner:

(1) if the lawful owner of the conveyance device, primary container, or weapon used can be determined and it is found the owner was not privy to violation of a designated offense, the

conveyance device, primary container, or weapon used will be returned forthwith; or

(2) if the lawful ownership of the conveyance device, primary container, or weapon used cannot be determined, the appropriate agency or prosecuting agency may:

(i) retain the conveyance device, primary container, weapon used, or contraband property for official use; or

(ii) the conveyance device, primary container, or weapon used may be sold in accordance with law. One-third of the proceeds from the sale, after payment of seizure, storage, sale expenses, and satisfaction of valid liens against the property, shall be forwarded to the prosecuting agency that prosecuted the offense involved in the forfeiture and handled the forfeiture proceedings for deposit in its operating fund, or similar fund; one-third of the proceeds shall be forwarded to the commissioner of public safety for disbursement pursuant to section 299C.065, and one-third of the proceeds shall be retained by the appropriate agency and deposited in its operating fund;

(d) if the property is deemed to be contraband, the property shall be destroyed or used by the appropriate agency for law enforcement purposes.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1984, and applies to crimes committed on or after that date."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1400, A bill for an act relating to highway traffic regulations; providing for criminal penalties upon refusal by a driver suspected of driving under the influence of alcohol or a controlled substance to take a chemical test; authorizing chemical testing of a suspect who is unconscious or in a condition rendering the suspect incapable of refusal; amending Minnesota Statutes 1982, section 169.123, subdivisions 2, as amended; 5a; 6, as amended; and by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 169.121, subdivision 1, is amended to read:

Subdivision 1. [CRIME.] It is a misdemeanor for any person to drive, operate or be in physical control of any motor vehicle within this state:

- (a) When the person is under the influence of alcohol;
- (b) When the person is under the influence of a controlled substance;
- (c) When the person is under the influence of a combination of any two or more of the elements named in clauses (a) and (b);
(OR)
- (d) When the person's alcohol concentration is 0.10 or more;
or
- (e) *When the person's alcohol concentration as measured within two hours of the time of driving is 0.10 or more.*

The provisions of this subdivision apply, but are not limited in application, to any person who drives, operates, or is in physical control of any motor vehicle in the manner prohibited by this subdivision upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water.

Sec. 2. Minnesota Statutes 1983 Supplement, section 169.121, subdivision 1a, is amended to read:

Subd. 1a. [ARREST.] (WHEN AN ACCIDENT HAS OCCURRED,) A peace officer may lawfully arrest a person for violation of subdivision 1 without a warrant upon probable cause, without regard to whether the violation was committed in the officer's presence.

When a peace officer has probable cause to believe that a person is driving or operating a motor vehicle in violation of subdivision 1, and before a stop or arrest can be made the person escapes from the geographical limits of the officer's jurisdiction, the officer in fresh pursuit of the person may stop or arrest the person in another jurisdiction within this state and may exercise the powers and perform the duties of a peace officer under sections 169.121 and 169.123. An officer acting in fresh pursuit pursuant to this subdivision is serving in his regular line of duty as fully as though he was within his jurisdiction.

The express grant of arrest powers in this subdivision does not limit the arrest powers of peace officers pursuant to sections 626.65 to 626.70 or section 629.40 in cases of arrests for violation of subdivision 1 or any other provision of law.

Sec. 3. Minnesota Statutes 1983 Supplement, section 169.121, subdivision 2, is amended to read:

Subd. 2. [EVIDENCE.] Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for driving, operating, or being in physical control of a motor vehicle in violation of subdivision 1, the court may admit evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine as shown by a medical or chemical analysis of it (, IF THE TEST IS TAKEN VOLUNTARILY OR PURSUANT TO SECTION 169.123).

For the purposes of this subdivision:

(a) evidence that there was at the time an alcohol concentration of 0.05 or less is prima facie evidence that the person was not under the influence of alcohol;

(b) evidence that there was at the time an alcohol concentration of more than 0.05 and less than 0.10 is relevant evidence in indicating whether or not the person was under the influence of alcohol.

Evidence of the refusal to take a test is admissible into evidence in a prosecution under this section or an ordinance in conformity with it.

(FOR PURPOSES OF THIS SECTION AND SECTION 169.123, THE RESULT OF AN EVIDENTIARY TEST ADMINISTERED WITHIN TWO HOURS OF THE ALLEGED VIOLATION IS DEEMED TO BE THE ALCOHOL CONCENTRATION AT THE TIME OF THE VIOLATION.) *If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of subdivision 1, clause (e) that the defendant consumed a sufficient quantity of alcohol after the time of actual driving, operating, or physical control of a motor vehicle and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed 0.10. Provided, that this evidence may not be admitted unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.*

The foregoing provisions do not limit the introduction of any other competent evidence bearing upon the question whether or not the person was under the influence of alcohol or a controlled substance, including tests obtained more than two hours after the alleged violation.

Sec. 4. Minnesota Statutes 1983 Supplement, section 169.121, subdivision 3, is amended to read:

Subd. 3. [CRIMINAL PENALTIES.] A person who violates this section or an ordinance in conformity with it is guilty of a misdemeanor.

The following persons are guilty of a gross misdemeanor:

(a) A person who violates this section or an ordinance in conformity with it within five years of a prior conviction under this section, section 169.129, (OR) an ordinance *in conformity with either of them*, or a statute or ordinance from another state in conformity with (IT) *either of them*; and

(b) A person who violates this section or an ordinance in conformity with it within ten years of two or more prior convictions under this section, section 169.129, (OR) an ordinance *in conformity with either of them*, or a statute or ordinance from another state in conformity with (IT) *either of them*.

The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

Sec. 5. Minnesota Statutes 1983 Supplement, section 169.123, subdivision 2, is amended to read:

Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.] (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state consents, subject to the provisions of this section and section 169.121, to a chemical test of his blood, breath, or urine for the purpose of determining the presence of alcohol or a controlled substance. The test shall be administered at the direction of a peace officer. The test may be required of a person when an officer has (REASONABLE AND) probable (GROUNDS) *cause* to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist: (1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity with it; or (2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death; or (3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or (4) the screening test was administered and recorded an alcohol concentration of 0.10 or more. No action may be taken against the person for declining to take a direct blood test, if offered, unless an alternative test was offered.

(b) At the time a chemical test specimen is (REQUESTED) *required*, the person shall be informed (:)

((1) THAT IF TESTING IS REFUSED, THE PERSON'S RIGHT TO DRIVE WILL BE REVOKED FOR A MINIMUM PERIOD OF SIX MONTHS;)

((2) THAT IF A TEST IS TAKEN AND THE RESULTS INDICATE THAT THE PERSON IS UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUBSTANCE, THE PERSON WILL BE SUBJECT TO CRIMINAL PENALTIES AND THE PERSON'S RIGHT TO DRIVE MAY BE REVOKED FOR A MINIMUM PERIOD OF 90 DAYS;)

((3) THAT THE PERSON HAS A RIGHT TO CONSULT WITH AN ATTORNEY BUT THAT THIS RIGHT IS LIMITED TO THE EXTENT THAT IT CANNOT UNREASONABLY DELAY ADMINISTRATION OF THE TEST OR THE PERSON WILL BE DEEMED TO HAVE REFUSED THE TEST;)

((4)) that after submitting to testing, the person has the right to have additional tests made by a person of his own choosing (; AND)

((5) THAT IF HE REFUSES TO TAKE A TEST, THE REFUSAL WILL BE OFFERED INTO EVIDENCE AGAINST HIM AT TRIAL).

If a person requests the opportunity to consult with an attorney prior to the test, the peace officer shall grant the request unless the consultation would delay unreasonably the administration of the test.

Sec. 6. Minnesota Statutes 1982, section 169.123, subdivision 4, is amended to read:

Subd. 4. [REFUSAL (, CONSENT TO PERMIT TEST); REVOCATION OF LICENSE.] (IF A PERSON REFUSES TO PERMIT CHEMICAL TESTING, NONE SHALL BE GIVEN, BUT) The peace officer shall report the refusal to the commissioner of public safety and the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred. *A refusal to submit to an alcohol concentration test does not constitute a violation of section 609.50, unless the refusal was accompanied by force or violence or the threat of force or violence.* If a person submits to chemical testing and the test results indicate an alcohol concentration of 0.10 or more, the results of the test shall be reported to the commissioner of public safety and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred.

Upon certification by the peace officer that there existed (REASONABLE AND) probable (GROUNDS) cause to believe the person had been driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person refused to submit to chemical testing, the commissioner of public safety shall revoke the person's license or permit to drive, or his nonresident operating

privilege, for a period of (SIX MONTHS) *one year*. Upon certification by the peace officer that there existed (REASONABLE AND) probable (GROUNDS) *cause* to believe the person had been driving, operating or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person submitted to chemical testing and the test results indicate an alcohol concentration of 0.10 or more, the commissioner of public safety shall revoke the person's license or permit to drive, or his nonresident operating privilege, for a period of 90 days.

If the person is a resident without a license or permit to operate a motor vehicle in this state, the commissioner of public safety shall deny to the person the issuance of a license or permit for the same period after the date of the alleged violation as provided herein for revocation, subject to review as herein-after provided.

Sec. 7. Minnesota Statutes 1982, section 169.123, subdivision 5a, is amended to read:

Subd. 5a. [PEACE OFFICER AGENT FOR NOTICE OF REVOCATION.] On behalf of the commissioner of public safety a peace officer (OFFERING) *requiring* a chemical test or directing the administration of a chemical test shall serve immediate notice of intention to revoke and of revocation on a person who refuses to permit chemical testing or on a person who submits to a chemical test the results of which indicate an alcohol concentration of 0.10 or more. The officer shall take the license or permit of the driver, if any, and issue a temporary license effective only for 7 days. The peace officer shall send the person's driver's license to the commissioner of public safety along with the certificate required by subdivision 4.

Sec. 8. Minnesota Statutes 1983 Supplement, section 169.123, subdivision 6, is amended to read:

Subd. 6. [HEARING.] A hearing under this section shall be before a municipal or county judge, in any county in the judicial district where the alleged offense occurred. The hearing shall be to the court and may be conducted at the same time and in the same manner as hearings upon pre-trial motions in the criminal prosecution under section 169.121, if any. The hearing shall be recorded. The commissioner of public safety shall appear and be represented by the attorney general or through the prosecuting authority for the jurisdiction involved.

The hearing shall be held at the earliest practicable date, and in any event no later than 60 days following the filing of the petition for review. The judicial district administrator shall establish procedures to ensure efficient compliance with the provisions of this subdivision. To accomplish this, the administrator

may, whenever possible, consolidate and transfer review hearings among the county courts within the judicial district.

The scope of the hearing shall be limited to the issues of:

(1) whether the peace officer had (REASONABLE AND) probable (GROUNDS) *cause* to believe the person was driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance, and whether the person was lawfully placed under arrest for violation of section 169.121, or the person was involved in a motor vehicle accident or collision resulting in property damage, personal injury or death, or the person refused to take a screening test provided for by section 169.121, subdivision 6, or the screening test was administered and recorded an alcohol concentration of 0.10 or more; and

(2) (WHETHER AT THE TIME OF THE REQUEST FOR THE TEST THE PEACE OFFICER INFORMED THE PERSON OF HIS RIGHTS AND THE CONSEQUENCES OF TAKING OR REFUSING THE TEST AS REQUIRED BY SUBDIVISION 2; AND)

((3)) either (a) whether the person refused to permit the test, or (b) whether a test was taken and the test results indicated an alcohol concentration of 0.10 or more at the time of testing, and whether the testing method used was valid and reliable, and whether the test results were accurately evaluated.

It shall be an affirmative defense for the petitioner to prove that, at the time of the refusal, his refusal to permit the test was based upon reasonable grounds.

Certified or otherwise authenticated copies of laboratory or medical personnel reports, records, documents, licenses and certificates shall be admissible as substantive evidence.

The court shall order either that the revocation be rescinded or sustained and forward the order to the commissioner of public safety. The court shall file its order within 14 days following the hearing. If the revocation is sustained, the court shall also forward the person's driver's license or permit to the commissioner of public safety for his further action if the license or permit is not already in the commissioner's possession.

Sec. 9. Minnesota Statutes 1983 Supplement, section 609.21, subdivision 1, is amended to read:

Subdivision 1. [RESULTING IN DEATH.] (WHOEVER, AS A RESULT OF OPERATING A VEHICLE AS DEFINED IN SECTION 169.01, SUBDIVISION 2, OR AN AIRCRAFT

OR WATERCRAFT, IN A GROSSLY NEGLIGENT MANNER, OR IN A NEGLIGENT MANNER WHILE UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUBSTANCE AS DEFINED IN SECTION 169.121, SUBDIVISION 1, CAUSES THE DEATH OF A HUMAN BEING NOT CONSTITUTING MURDER OR MANSLAUGHTER IS GUILTY OF CRIMINAL VEHICULAR OPERATION RESULTING IN DEATH AND MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH.) *Whoever causes the death of a human being not constituting murder or manslaughter as a result of operating a vehicle as defined in section 169.01, subdivision 2, or an aircraft or watercraft,*

(1) *in a grossly negligent manner;*

(2) *in a negligent manner while under the influence of alcohol, a controlled substance, or any combination of those elements;*
or

(3) *in a negligent manner while having an alcohol concentration of 0.10 or more, is guilty of criminal vehicular operation resulting in death and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.*

Sec. 10. Minnesota Statutes 1983 Supplement, section 609.21, subdivision 2, is amended to read:

Subd. 2. [RESULTING IN INJURY.] (WHOEVER, AS A RESULT OF OPERATING A VEHICLE DEFINED IN SECTION 169.01, SUBDIVISION 2, OR AN AIRCRAFT OR WATERCRAFT, IN A GROSSLY NEGLIGENT MANNER, OR IN A NEGLIGENT MANNER WHILE UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUBSTANCE AS DEFINED IN SECTION 169.121, SUBDIVISION 1, CAUSES GREAT BODILY HARM TO ANOTHER, AS DEFINED IN SECTION 609.02, SUBDIVISION 8, NOT CONSTITUTING ATTEMPTED MURDER OR ASSAULT IS GUILTY OF CRIMINAL VEHICULAR OPERATION RESULTING IN INJURY AND MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN THREE YEARS OR THE PAYMENT OF A FINE OF NOT MORE THAN \$3,000 OR BOTH.) *Whoever causes great bodily harm to another, as defined in section 609.02, subdivision 8, not constituting attempted murder or assault as a result of operating a vehicle defined in section 169.01, subdivision 2, or an aircraft or watercraft,*

(1) *in a grossly negligent manner;*

(2) *in a negligent manner while under the influence of alcohol, a controlled substance, or any combination of those elements; or*

(3) *in a negligent manner while having an alcohol concentration of 0.10 or more, is guilty of criminal vehicular operation resulting in injury and may be sentenced to imprisonment for not more than three years or the payment of a fine of not more than \$3,000, or both.*

Sec. 11. Minnesota Statutes 1982, section 169.13, subdivision 3, is amended to read:

Subd. 3. [APPLICATION.] The provisions of this section apply, but are not limited in application, to any person who drives any vehicle in the manner prohibited by this section;

(1) *upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water; or*

(2) *in a parking lot ordinarily used by or available to the public though not as a matter of right, and a driveway connecting such a parking lot with a street or highway.*

Sec. 12. [EFFECTIVE DATE.]

Sections 1 to 11 are effective August 1, 1984 and apply to offenses committed on or after that date."

Delete the title and insert:

"A bill for an act relating to highway traffic regulations; prohibiting the operation of a motor vehicle by a person having an alcohol concentration of 0.10 or more as measured within two hours of driving; providing a defense; providing for mandatory testing of a driver suspected of driving under the influence of alcohol; providing for revocation of driver's license for one year upon refusal to submit to a test for alcohol; clarifying certain penalties; providing that prohibitions against careless and reckless driving apply in certain parking lots and driveways; amending Minnesota Statutes 1982, section 169.123, subdivisions 4 and 5a; 169.13, subdivision 3; and Minnesota Statutes 1983 Supplement, sections 169.121, subdivisions 1, 1a, 2, and 3; 169.123, subdivisions 2 and 6; and 609.21, subdivisions 1 and 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1547, A bill for an act relating to resident aliens; clarifying the rights and responsibilities of resident aliens with respect to the distribution of economic benefits, militia enlistment, and veterans affairs; amending Minnesota Statutes 1982, sections 43A.11, subdivision 1; 60A.19, subdivision 7; 64A.10, subdivision 1; 85.018, subdivision 6; 98.45, subdivision 4; 98.47, subdivisions 8 and 15; 137.10; 147.25; 181.59; 184.26, subdivision 3; 190.06, subdivision 3; 197.03; 197.05; 197.447; 197.63, subdivision 1; 198.01; 256E.08, subdivision 10; 340.02, subdivision 8; 340.13, subdivision 12; 340.403, subdivision 3; 359.01; 360.015, subdivision 9; 395.14; 462.525, subdivision 10; 617.34; and 617.35; and Minnesota Statutes 1983 Supplement, section 51A.03, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 4, after the stricken "citizens" insert "*residents*" and reinstate "of this state,"

Page 2, lines 7 to 10, delete the new language

Page 2, line 32, reinstate everything after the stricken "and"

Page 2, line 33, after the stricken "citizens" insert "*residents*" and reinstate "of this state,"

Page 3, line 1, delete the new language

Page 3, delete lines 2 to 4

Page 3, line 5, delete everything before the period

Page 4, line 7, strike "citizen of the United States"

Page 4, lines 7 to 9, delete the new language and insert "*resident, as defined in section 97.40, subdivision 21,*"

Page 7, line 16, strike "MAY ENLIST" and delete "FEMALES" and insert "NONCOMBATANT SERVICE"

Page 7, line 17, strike "female"

Page 7, lines 18 and 19, delete "*able-bodied resident females*" and insert "*residents of the state*"

Page 7, line 23, strike "male"

Page 14, line 5, strike "any"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1554, A bill for an act relating to marriage dissolution; providing for determination and modification of child support; changing laws relating to docketing of judgments for support and maintenance; providing for withholding of support and maintenance from retirement and annuity benefits; providing for the vacating of liens of certain judgments; amending Minnesota Statutes 1982, sections 257.66, by adding a subdivision; 353.15; 354.10; 518.55; 548.13; and 548.17; and Minnesota Statutes 1983 Supplement, sections 256.87, by adding a subdivision; 352.15, subdivision 1; 352B.071; 354A.11; 518.17, subdivision 5; 518.551, subdivisions 5 and 9; 518.611, subdivision 3; 518C.17, subdivision 1; and 548.09, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 548.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 256.87, is amended by adding a subdivision to read:

Subd. 6. [NOTICE OF DOCKETING JUDGMENT.] Any order for support or maintenance issued under this section shall provide for a conspicuous notice that, if the obligor fails to make the support or maintenance payments, the public agency responsible for support or maintenance enforcement may obtain docketing of a judgment for the unpaid amounts under the provisions of section 16. The notice shall enumerate the conditions that must be met before the judgment can be docketed.

Sec. 2. Minnesota Statutes 1982, section 257.66, is amended by adding a subdivision to read:

Subd. 5. [NOTICE OF DOCKETING JUDGMENT.] Any order for support or maintenance issued under this section shall provide for a conspicuous notice that, if the obligor fails to make the support payments, the obligee or a public agency responsible for support enforcement may obtain docketing of a judgment for the unpaid amounts under the provisions of section 16. The notice shall enumerate the conditions that must be met before the judgment can be docketed.

Sec. 3. Minnesota Statutes 1983 Supplement, section 352.15, subdivision 1, is amended to read:

Subdivision 1. None of the moneys, annuities, or other benefits mentioned herein shall be assignable either in law or in equity or be subject to execution, levy, attachment, garnishment, or other legal process, (INCLUDING ACTIONS FOR DISSOLUTION, LEGAL SEPARATION, OR CHILD SUPPORT,) or to any state estate tax. Provided, however, the executive director may pay an annuity, benefit or refund to a banking institution, qualified under chapter 48, that is trustee for a person eligible to receive such annuity, benefit or refund. Upon the request of a retired, disabled or former employee, the executive director may mail the annuity, benefit or refund check to a banking institution, savings association or credit union for deposit to such employee's account or joint account with his spouse. The board of directors may prescribe the conditions under which such payments will be made.

Sec. 4. Minnesota Statutes 1983 Supplement, section 352B.071, is amended to read:

352B.071 [EXEMPTION FROM PROCESS.]

None of the moneys, annuities, or other benefits provided for in this chapter shall be assignable either in law or in equity or be subject to execution, levy, attachment, garnishment, or other legal process (, INCLUDING ACTIONS FOR DISSOLUTION, LEGAL SEPARATION, OR CHILD SUPPORT).

Sec. 5. Minnesota Statutes 1982, section 353.15, is amended to read:

353.15 [NONASSIGNABILITY AND EXEMPTION OF ANNUITIES AND BENEFITS FROM JUDICIAL PROCESS.]

No money, annuity, or benefit provided for in this chapter is assignable or subject to execution, levy, attachment, garnishment, or legal process, (INCLUDING ACTIONS FOR DIVORCE, LEGAL SEPARATION, AND CHILD SUPPORT,) or to any state estate tax. Provided, however, the association may pay an annuity, benefit or refund to a trust company, qualified under chapter 48, that is trustee for a person eligible to receive such annuity, benefit or refund. Upon the request of a retired, disabled or former member, the association may mail the annuity, benefit or refund check to a banking institution, savings association or credit union for deposit to such person's account or joint account with his spouse. The association may prescribe the conditions under which such payment will be made. If in the judgment of the executive director conditions so warrant, payment may be made to a public body in behalf of an annuitant, disabilitant, or survivor upon such terms as the executive director may prescribe.

Sec. 6. Minnesota Statutes 1982, section 354.10, is amended to read:

354.10 [FUND NOT SUBJECT TO ASSIGNMENT OR PROCESS; BENEFICIARIES.]

The right of a teacher to avail himself of the benefits provided by this chapter, is a personal right only and shall not be assignable. All moneys to the credit of a teacher's account in the fund or any moneys payable to him from the fund shall belong to the state of Minnesota until actually paid to the teacher or his beneficiary pursuant to the provisions of this chapter. Any power of attorney, assignment or attempted assignment of a teacher's interest in the fund, or of the beneficiary's interest therein, by a teacher or his beneficiary, (INCLUDING ACTIONS FOR DIVORCE, LEGAL SEPARATION, AND CHILD SUPPORT,) shall be null and void and the same shall be exempt from garnishment or levy under attachment or execution and from taxation under chapter 291. Provided however, the board may pay an annuity or benefit to a banking institution, qualified under chapter 48, that is a trustee for a person eligible to receive such annuity or benefit. Upon completion of the proper forms as provided by the board, the annuity or benefit check may be mailed to a banking institution, savings association or credit union for deposit to the recipient's individual account or joint account with his or her spouse. The board shall prescribe the conditions which shall govern these procedures. If in the judgment of the executive director conditions so warrant, payment may be made to a public body in behalf of an annuitant, disabiltant, or survivor upon such terms as the executive director may prescribe. Any beneficiary designated by a teacher under the terms of this chapter, may be changed or revoked by the teacher at his pleasure, in such manner as the board may prescribe. In case a designated beneficiary dies before the teacher designating him dies, and a new beneficiary is not designated, the teacher's estate shall be the beneficiary.

Sec. 7. Minnesota Statutes 1983 Supplement, section 354A.11, is amended to read:

354A.11 [CERTAIN MONEYS AND CREDITS OF TEACHERS EXEMPT.]

All moneys deposited by a teacher or member or deposited by any other person or corporation, municipal or private, to the credit of a teacher or member of a teachers retirement fund association organized pursuant to this chapter, and all moneys, rights, and interests or annuities due or to become due to a teacher, member, or annuitant, or their beneficiaries, from any association shall not be assignable, shall be exempt from garnishment, attachment, and execution or sale on any final process issued from (ANY) a court and (EVERY) other legal process (WHATSOEVER INCLUDING, BUT NOT LIMITED TO,

PROCESS TO COLLECT COURT AWARDS RELATING TO MARRIAGE DISSOLUTION, LEGAL SEPARATION, AND CHILD SUPPORT), and shall not be subject to the estate tax provisions of this state. This section does not make the moneys nonmarital property.

Sec. 8. Minnesota Statutes 1983 Supplement, section 518.17, subdivision 5, is amended to read:

Subd. 5. [DEVIATION FROM GUIDELINES.] The court shall not order the noncustodial parent to pay support in an amount *above or below* the appropriate amount determined from the guidelines in section 518.551, subdivision 5 for use in public assistance cases (UNLESS THE COURT MAKES) *without first considering the factors in subdivision 4 of this section and without making express findings of fact as to the reason for the higher or lower order. An order for support in an amount above or below the guidelines must include findings of fact regarding the financial resources and needs of the child.*

Sec. 9. Minnesota Statutes 1982, section 518.175, subdivision 3, is amended to read:

Subd. 3. The custodial parent shall not move the residence of the child to another state except upon order of the court or with the consent of the noncustodial parent, when the noncustodial parent has been given visitation rights by the decree. If the purpose of the move is to interfere with visitation rights given to the noncustodial parent by the decree, the court shall not permit the child's residence to be moved to another state.

If the custodial parent moves the child's residence to another state and the noncustodial parent is the obligor under an order for child support, the court may modify the order for child support to reduce it annually by an amount equal to the cost of transportation for one visit either by the child to the noncustodial parent's residence or by the noncustodial parent to the child's residence.

Sec. 10. Minnesota Statutes 1982, section 518.55, is amended to read:

518.55 [MAINTENANCE OR SUPPORT MONEY.]

Subdivision 1. [CONTENTS OF ORDER.] Every award of maintenance or support money in a judgment of dissolution or legal separation shall clearly designate whether the same is maintenance or support money, or what part of the award is maintenance and what part is support money. An award of payments from future income or earnings of the custodial parent is presumed to be maintenance and an award of payments from the future income or earnings of the noncustodial parent is presumed to be support money, unless otherwise designated

by the court. In a judgment of dissolution or legal separation the court may determine, as one of the issues of the case, whether or not either spouse is entitled to an award of maintenance notwithstanding that no award is then made, or it may reserve jurisdiction of the issue of maintenance for determination at a later date.

Subd. 2. [NOTICE OF DOCKETING JUDGMENT.] Every order for support or maintenance shall provide for a conspicuous notice that, if the obligor fails to make the support or maintenance payments, the obligee or a public agency responsible for maintenance or support enforcement may obtain docketing of a judgment for the unpaid amount under the provisions of section 16. The notice shall enumerate the conditions that must be met before the judgment can be docketed.

Sec. 11. Minnesota Statutes 1983 Supplement, section 518.-551, subdivision 5, is amended to read:

Subd. 5. [NOTICE TO PUBLIC AUTHORITY; GUIDELINES.] The petitioner shall notify the public authority of all proceedings for dissolution, legal separation, determination of parentage or for the custody of a child, if either party is receiving aid to families with dependent children or applies for it subsequent to the commencement of the proceeding. After receipt of the notice, the court shall set child support by multiplying the obligor's net income by the percentage indicated by the following guidelines:

Net Income Per Month of Obligor	Number of Children						
	1	2	3	4	5	6	7 or more
\$400 and Below	Order based on the ability of the obligor to provide support at these income levels, or at higher levels, if the obligor has the earning ability.						
\$401-500	14%	17%	20%	22%	24%	26%	28%
\$501-550	15%	18%	21%	24%	26%	28%	30%
\$551-600	16%	19%	22%	25%	28%	30%	32%
\$601-650	17%	21%	24%	27%	29%	32%	34%
\$651-700	18%	22%	25%	28%	31%	34%	36%
\$701-750	19%	23%	27%	30%	33%	36%	38%
\$751-800	20%	24%	28%	31%	35%	38%	40%

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\$801-850	21%	25%	29%	33%	36%	40%	42%	
\$851-900	22%	27%	31%	34%	38%	41%	44%	
\$901-950	23%	28%	32%	36%	40%	43%	46%	
\$951-1000	24%	29%	34%	38%	41%	45%	48%	
\$1001 and over	25%	30%	35%	39%	43%	47%	50%	

Net Income defined as:

Total monthly
income less.

- * (1) Federal Income Tax
- * (2) State Income Tax
- (3) Social Security Deductions
- (4) Mandatory Pension Deductions
- * Standard Deductions apply—
use of tax tables recommended
- (5) Union Dues
- (6) *Cost of Dependent Health Insurance Coverage*
- (7) *Cost of Individual Health/Hospitalization Coverage or an Equivalent Amount for Actual Medical (EXPENSE DEDUCTIONS NOT TO EXCEED \$25 A MONTH) Expenses.*

(a) The child support payment guidelines take into consideration the following criteria:

(1) all earnings, income, and resources of the obligor including real and personal property;

(2) the basic living needs of the obligor;

(3) the financial needs of the child or children to be supported; and

(4) the amount of the aid to families with dependent children grant for the child or children.

(b) (DEBTS OWED TO PRIVATE CREDITORS ARE NOT TO BE CONSIDERED) In establishing a support obligation, *the court may consider debts owed to private creditors, but only if:*

(1) *the right to support has not been assigned under section 256.74;*

(2) *the debt was reasonably incurred for necessary support of the child or obligee or for the necessary generation of income. If the debt was incurred for the necessary generation of income, the court shall consider only the amount of debt that is essential to the continuing generation of income;*

(3) *the party requesting a departure produces a sworn schedule of the debts, with supporting documentation, showing goods or services purchased, the recipient of them, the amount of the original debt, the outstanding balance, the monthly payment, and the number of months until the debt will be fully paid; and*

(4) *the court determines that the debt was legitimately incurred for the necessary support of the child or obligee or for the necessary generation of income.*

The court shall order child support in accordance with the guidelines and any departure therefrom. If there is further departure below the guidelines that is based on a consideration of debts owed to private creditors, the court shall make specific findings as to when the debts will be fully paid. The court shall set a date certain after which the support shall increase automatically to the level ordered by the court. Nothing in this section shall be construed to prohibit one or more step increases in support to reflect debt retirement during the period of departure.

Where payment of debt is ordered pursuant to this section, the payment shall be ordered to be in the nature of child support for purposes of enforcement proceedings.

(c) Previous support orders and maintenance orders may be considered if the obligor is paying them.

(d) Nothing shall preclude the court from receiving evidence on the above factors to determine if the guidelines should be exceeded or modified in a particular case.

(e) The above guidelines are binding in each case unless the court makes express findings of fact as to the reason for depart-

ture (BELOW) from the guidelines in that case in which the court orders support that so deviates from the guidelines. (IT MAY ALSO INCREASE THE AMOUNT OF CHILD SUPPORT BY MORE THAN THE GUIDELINES WITHOUT MAKING EXPRESS FINDINGS BY AGREEMENT OF THE PARTIES OR BY MAKING FURTHER FINDINGS.)

Sec. 12. Minnesota Statutes 1983 Supplement, section 518.-551, subdivision 9, is amended to read:

Subd. 9. [ASSIGNMENT OF RIGHTS; JUDGMENT.] The public agency responsible for child support enforcement is joined as a party in each case in which rights are assigned under section 256.74, subdivision 5. When arrearages are reduced to judgment, the court shall grant judgment in favor of, and in the name of, the public agency to the extent that the arrearages are assigned. *After filing notice of an assignment with the clerk of court, who shall enter the notice in the docket, the public agency may enforce a judgment entered before the assignment of rights as if the judgment were granted to it, and in its name, to the extent that the arrearages in that judgment are assigned.*

Sec. 13. Minnesota Statutes 1983 Supplement, section 518.-611, subdivision 3, is amended to read:

Subd. 3. [MODIFICATION ORDERS.] An order (MODIFYING THE AMOUNT OF MAINTENANCE OR SUPPORT,) issued after the hearing on the motion to modify *under subdivision 2, paragraph (c) of this section*, shall provide that payments be made outright by withholding. The (PROVISIONS) *conditions precedent to withholding* of subdivision 2 do not apply.

Sec. 14. Minnesota Statutes 1983 Supplement, section 518C.-17, subdivision 1, is amended to read:

Subdivision 1. [ISSUANCE OF ORDER.] If the responding court finds a duty of support, it may order the obligor to furnish support or reimbursement therefor and subject the property of the obligor to the order. Support orders made under sections 518C.01 to 518C.36 shall require that payments be made as the responding court directs and the responding court shall order support payments under chapter 518. *Every order for support shall provide for a conspicuous notice that, if the obligor fails to make the support payments, the obligee or a public agency responsible for support enforcement may obtain docketing of a judgment for the unpaid amounts under the provisions of section 16. The notice shall enumerate the conditions that must be met before the judgment can be docketed.* The court and the prosecuting attorney of a county in which the obligor is present or has property have the same powers and duties to enforce the order as have those of the county in which it was first

issued. If enforcement is impossible, or cannot be completed in the county in which the order was issued, the prosecuting attorney shall send a certified copy of the order to the prosecuting attorney of a county in which it appears that the proceedings to enforce the order would be effective. The prosecuting attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.

Sec. 15. Minnesota Statutes 1983 Supplement, section 548.09, subdivision 1, is amended to read:

Subdivision 1. [DOCKETING; SURVIVAL OF JUDGMENT.] *Except as provided in section 16, every judgment requiring the payment of money (, INCLUDING A JUDGMENT OR DECREE OF DISSOLUTION OR SEPARATE MAINTENANCE, A DETERMINATION OF PARENTAGE, AN ORDER UNDER THE RECIPROCAL ENFORCEMENT OF SUPPORT ACT, OR AN ORDER UNDER SECTION 256.87, ANY OF WHICH PROVIDE FOR INSTALLMENT OR PERIODIC PAYMENTS OF CHILD SUPPORT, SPOUSAL MAINTENANCE, OR BOTH,) shall be docketed by the clerk upon its entry. Upon a transcript of the docket being filed with the clerk in any other county, the clerk shall also docket it. From the time of docketing the judgment is a lien, in the amount unpaid, upon all real property in the county then or thereafter owned by the judgment debtor. The judgment survives, and the lien continues, for ten years after its entry.*

Sec. 16. [548.091] [SUPPORT AND MAINTENANCE JUDGMENT.]

Subdivision 1. [DOCKETING OF JUDGMENT.] A judgment for unpaid amounts under a judgment or decree of dissolution or legal separation, determination of parentage, an order under chapter 518C, or an order under section 256.87, any of which provide for installment or periodic payments of child support, maintenance, or both, shall be entered and docketed by the clerk of court only when ordered by the court or when the following conditions are met:

(a) *The obligee or the public authority determines that the obligor is at least 30 days in arrears;*

(b) *The obligee or public authority serves a copy of an affidavit of default and notice of intent to enter judgment on the obligor by mail at his last known post office address. Service shall be deemed complete upon mailing in the manner designated. The affidavit shall state the full name, occupation, place of residence, and last known post office address of the obligor, the name and post office address of the obligee, the date of the first unpaid amount, the date of the last unpaid amount, and the total amount unpaid;*

(c) *The obligor fails within 20 days after mailing of the notice either to pay all unpaid amounts or to request a hearing on the issue of whether arrears claimed owing have been paid and to seek, ex parte, a stay of entry of judgment; and*

(d) *Not less than 20 days after service on the obligor in the manner provided, the obligee or public authority files with the clerk the affidavit of default together with proof of service and, if payments have been received by the obligee or public authority since execution of the affidavit of default, a supplemental affidavit setting forth the amount of payment received.*

Subd. 2. [AMOUNT AND SURVIVAL OF JUDGMENT.] *The clerk of court shall enter and docket judgment in the amount of each affidavit filed under subdivision 1 less any amount paid. From the time of docketing, the judgment is a lien in the amount unpaid upon all the real property in the county then or after owned by the judgment debtor. The judgment survives and the lien continues for ten years after its entry.*

Subd. 3. [JUDGMENTS DOCKETED PRIOR TO DEFAULT.] *An obligor whose property is subject to the lien of a judgment for installment of periodic payments of child support, maintenance, or both, under section 548.09, and who claims that no amount of support or maintenance is in arrears, may move the court ex parte for an order directing the clerk to vacate the lien of the judgment on the docket and register of the action where it was entered. The obligor shall file with the motion an affidavit stating that:*

(a) *The lien attached upon the docketing of a judgment or decree of dissolution or separate maintenance, a determination of parentage, an order under the Reciprocal Enforcement of Support Act, or an order under section 256.87;*

(b) *The docketing was made while no installment or periodic payment of child support, maintenance, or both, was unpaid or overdue; and*

(c) *No installment or periodic payment of child support, maintenance, or both, that was due prior to the filing of the motion remains unpaid or overdue.*

The court shall grant the obligor's motion as soon as possible if the pleadings and affidavit show that there is and has been no default.

Sec. 17. Minnesota Statutes 1982, section 548.13, is amended to read:

548.13 [ASSIGNMENT OF JUDGMENT; MODE AND EFFECT.]

Every assignment of a judgment shall be in writing, signed and acknowledged by the assignor, (AND) *except that written notice of assignment shall be sufficient in the case of assignment under section 256.74.* No (SUCH) assignment shall be valid as against a subsequent purchaser of the judgment in good faith for value, or against a creditor levying upon or attaching the same, unless it is filed with the clerk and an entry (THEREOF) is made in the docket. When (SO) filed and entered, (NONE) *no one* but the assignee, his agent, or attorney, shall be authorized to collect or enforce (SUCH) *the* judgment; provided, that the lien of an attorney (THEREON) *on the judgment* shall not be affected by the assignment.

Sec. 18. Minnesota Statutes 1982, section 548.17, is amended to read:

548.17 [PAYMENT AND SATISFACTION BY CLERK.]

Subdivision 1. [JUDGMENTS OTHER THAN FOR SUPPORT AND MAINTENANCE.] Except as provided in subdivision 2, when a judgment debtor or other person whose property is subject to the lien of a money judgment (SHALL FILE) files with the clerk an affidavit that he has made diligent search and inquiry and is unable to find any person having authority to receive payment and give satisfaction of such judgment, he may pay the amount due (THEREON) on the judgment to the clerk, who, upon receipt (THEREOF), shall note satisfaction of (SUCH) the judgment on the docket and register of the action (WHEREIN) where it was entered, and the clerk shall issue a certificate reciting the payment and satisfaction under his seal to the person paying the (SAME A CERTIFICATE RECITING SUCH PAYMENT AND SATISFACTION) judgment. The clerk shall at once notify all persons appearing of record to have an interest in (SUCH) the judgment, including the attorney of the judgment creditor, of its payment and satisfaction (, AND). Upon demand, the clerk shall pay (SUCH) the money to the person entitled (THERETO), taking duplicate receipts (THEREFOR), one of which he shall retain, and one which he shall file (THE OTHER) in the case.

Subd. 2. [JUDGMENTS FOR SUPPORT AND MAINTENANCE.] When an obligor whose property is subject to the lien of a judgment for installment of periodic payments of child support, maintenance, or both, under section 354.10, files an affidavit with the clerk that the obligee cannot be found or refuses to receive payment and give satisfaction for the amount of each sum docketed, he may pay the amount due on the judgment to the clerk who, upon receipt, shall note satisfaction of the amount due on the docket and register of the action where it was entered, and the clerk shall issue a certificate under his seal to the obligor which recites the payment and satisfaction. The clerk shall at once notify all persons appearing of record to have an interest in the judgment, including the obligee's attorney, of the

payment and satisfaction. Upon demand, the clerk shall pay the money to the person entitled, taking duplicate receipts, one which he shall retain, and one which he shall file in the case.

Sec. 19. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 10, after the first semicolon insert "518.175, subdivision 3;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1579, A bill for an act relating to public safety; providing immunity from liability for persons who render assistance in dangerous incidents involving compressed gases; proposing new law coded in Minnesota Statutes, chapter 299F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 604.05, subdivision 2, is amended to read:

Subd. 2. [GENERAL IMMUNITY FROM LIABILITY.] Any person (, INCLUDING A PUBLIC OR PRIVATE NONPROFIT VOLUNTEER FIREFIGHTER, VOLUNTEER POLICE OFFICER, VOLUNTEER AMBULANCE ATTENDANT, AND VOLUNTEER FIRST PROVIDER OF EMERGENCY MEDICAL SERVICES,) who, without compensation or the expectation of compensation renders emergency care, *advice, or assistance* at the scene of an emergency or during transit to a location where professional medical care can be rendered, is not liable for any civil damages as a result of acts or omissions by that person in rendering the emergency care, *advice, or assistance* unless that person acts in a willful and wanton or reckless manner in providing the care, *advice, or assistance*. Any person rendering emergency care, *advice, or assistance* during the course of regular employment, and receiving compensation or expecting to receive compensation for rendering such care, *advice, or assistance*, shall be excluded from the protection of this section.

For the purposes of this section, the scene of an emergency shall be those areas not within the confines of a hospital or other institution which has hospital facilities, or an office of a person licensed to practice one or more of the healing arts pursuant to chapters 147, 148, 150A, or 153. *The scene of an emergency includes areas threatened by or exposed to spillage, seepage, fire, explosion, or other release of hazardous materials.*

For the purposes of this section, "person" includes a public or private nonprofit volunteer firefighter, volunteer police officer, volunteer ambulance attendant, volunteer first provider of emergency medical services, and any partnership, corporation, association, or other entity.

For the purposes of this section, compensation does not include nominal payments, reimbursement for expenses, or pension benefits."

Amend the title as follows:

Page 1, line 4, delete "compressed gases" and insert "hazardous materials"

Page 1, delete lines 5 and 6 and insert "amending Minnesota Statutes 1983 Supplement, section 604.05, subdivision 2."

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1638, A bill for an act relating to highway traffic regulations; providing for breath tests to be administered using the Intoxilizer 5000 for the purpose of determining the presence of alcohol or a controlled substance; authorizing the results of Intoxilizer 5000 breath tests to be admissible into evidence in civil and criminal hearings; authorizing the admission into evidence of certain weight record documents; amending Minnesota Statutes 1982, sections 169.121, subdivision 6; 169.123, subdivisions 4, 5a, and by adding a subdivision; 169.851, subdivision 4; Minnesota Statutes 1983 Supplement, sections 169.121, subdivision 2; 169.123, subdivisions 2 and 3; proposing new law coded in Minnesota Statutes, chapter 634.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 169.01, is amended by adding a subdivision to read:

Subd. 67. [INFRARED BREATH-TESTING INSTRUMENT.] "Infrared breath-testing instrument" means a breath-testing instrument that employs infrared technology and has been approved by the commissioner of public safety for determining alcohol concentration.

Sec. 2. Minnesota Statutes 1983 Supplement, section 169.121, subdivision 2, is amended to read:

Subd. 2. [EVIDENCE.] Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for driving, operating, or being in physical control of a motor vehicle in violation of subdivision 1, the court may admit evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine as shown by (A MEDICAL OR CHEMICAL) *an analysis of (IT) those items*, if the test is taken voluntarily or pursuant to section 169.123.

For the purposes of this subdivision:

(a) evidence that there was at the time an alcohol concentration of 0.05 or less is prima facie evidence that the person was not under the influence of alcohol;

(b) evidence that there was at the time an alcohol concentration of more than 0.05 and less than 0.10 is relevant evidence in indicating whether or not the person was under the influence of alcohol.

Evidence of the refusal to take a test is admissible into evidence in a prosecution under this section or an ordinance in conformity with it.

For purposes of this section and section 169.123, the result of an evidentiary test administered within two hours of the alleged violation is deemed to be the alcohol concentration at the time of the violation.

The foregoing provisions do not limit the introduction of any other competent evidence bearing upon the question whether or not the person was under the influence of alcohol or a controlled substance, including tests obtained more than two hours after the alleged violation *and results obtained from partial tests on an infrared breath-testing instrument. A result from a partial test is the measurement obtained by analyzing one adequate breath sample, as defined in section 5, paragraph (b).*

Sec. 3. Minnesota Statutes 1982, section 169.121, subdivision 6, is amended to read:

Subd. 6. [PRELIMINARY SCREENING TEST.] When a peace officer has reason to believe from the manner in which a person is driving, operating, controlling, or acting upon departure from a motor vehicle, or has driven, operated, or controlled a motor vehicle, that the driver may be violating or has violated subdivision 1, he may require the driver to provide a sample of his breath for a preliminary screening test using a device approved by the commissioner of public safety for this purpose. The results of this preliminary screening test shall be used for the purpose of deciding whether an arrest should be made and whether to require the (CHEMICAL) tests authorized in section 169.123, but shall not be used in any court action except to prove that a (CHEMICAL) test was properly required of a person pursuant to section 169.123, subdivision 2. Following the screening test additional tests may be required of the driver pursuant to the provisions of section 169.123.

The driver who refuses to furnish a sample of his breath is subject to the provisions of section 169.123 unless, in compliance with section 169.123, he submits to a blood, breath or urine test to determine the presence of alcohol or a controlled substance.

Sec. 4. Minnesota Statutes 1983 Supplement, section 169.123, subdivision 2, is amended to read:

Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.] (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state consents, subject to the provisions of this section and section 169.121, to a (CHEMICAL) test of his blood, breath, or urine for the purpose of determining the presence of alcohol or a controlled substance. The test shall be administered at the direction of a peace officer. The test may be required of a person when an officer has reasonable and probable grounds to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist: (1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity with it; or (2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death; or (3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or (4) the screening test was administered and recorded an alcohol concentration of 0.10 or more. No action may be taken against the person for declining to take a direct blood test, if offered, unless an alternative test was offered.

(b) At the time a (CHEMICAL) test (SPECIMEN) is requested, the person shall be informed:

(1) that if testing is refused, the person's right to drive will be revoked for a minimum period of six months;

(2) that if a test is taken and the results indicate that the person is under the influence of alcohol or a controlled substance, the person will be subject to criminal penalties and the person's right to drive may be revoked for a minimum period of 90 days;

(3) that the person has a right to consult with an attorney but that this right is limited to the extent that it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test;

(4) that after submitting to testing, the person has the right to have additional tests made by a person of his own choosing; and

(5) that if he refuses to take a test, the refusal will be offered into evidence against him at trial.

Sec. 5. Minnesota Statutes 1982, section 169.123, is amended by adding a subdivision to read:

Subd. 2b. [BREATH TEST USING AN INFRARED BREATH-TESTING INSTRUMENT.] (a) In the case of a breath test administered using an infrared breath-testing instrument, the test shall consist of analyses in the following sequence: one adequate breath sample analysis, one calibration standard analysis, and a second, adequate breath sample analysis.

(b) In the case of a test administered using an infrared breath-testing instrument, a sample is adequate if the instrument analyzes the sample and does not indicate the sample is deficient.

(c) For purposes of this section, when a test is administered using an infrared breath-testing instrument, failure of a person to provide two separate, adequate breath samples in the proper sequence constitutes a refusal.

Sec. 6. Minnesota Statutes 1983 Supplement, section 169.123, subdivision 3, is amended to read:

Subd. 3. [MANNER OF MAKING TEST; ADDITIONAL TESTS.] Only a physician, medical technician, physician's trained mobile intensive care paramedic, registered nurse, medical technologist or laboratory assistant acting at the request of a peace officer may withdraw blood for the purpose of determining the presence of alcohol or controlled substance. This limitation does not apply to the taking of a breath or urine (SPECIMEN) sample. The person tested has the right to have a person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a peace officer; pro-

vided, that the additional test (SPECIMEN) *sample* on behalf of the person is obtained at the place where the person is in custody, after the test administered at the direction of a peace officer, and at no expense to the state. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer. The physician, medical technician, physician's trained mobile intensive care paramedic, medical technologist, laboratory assistant or registered nurse drawing blood at the request of a peace officer for the purpose of determining alcohol concentration shall in no manner be liable in any civil or criminal action except for negligence in drawing the blood. The person administering a breath test shall be fully trained in the administration of breath tests pursuant to training given by the commissioner of public safety.

Sec. 7. Minnesota Statutes 1982, section 169.123, subdivision 4, is amended to read:

Subd. 4. [REFUSAL, CONSENT TO PERMIT TEST; REVOCATION OF LICENSE.] If a person refuses to permit (CHEMICAL TESTING) *a test*, none shall be given, but the peace officer shall report the refusal to the commissioner of public safety and the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred. If a person submits to (CHEMICAL TESTING) *a test* and the test results indicate an alcohol concentration of 0.10 or more, the results of the test shall be reported to the commissioner of public safety and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred.

Upon certification by the peace officer that there existed reasonable and probable grounds to believe the person had been driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person refused to submit to (CHEMICAL TESTING) *a test*, the commissioner of public safety shall revoke the person's license or permit to drive, or his nonresident operating privilege, for a period of six months. Upon certification by the peace officer that there existed reasonable and probable grounds to believe the person had been driving, operating or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person submitted to (CHEMICAL TESTING) *a test* and the test results indicate an alcohol concentration of 0.10 or more, the commissioner of public safety shall revoke the person's license or permit to drive, or his nonresident operating privilege, for a period of 90 days.

If the person is a resident without a license or permit to operate a motor vehicle in this state, the commissioner of public

safety shall deny to the person the issuance of a license or permit for the same period after the date of the alleged violation as provided herein for revocation, subject to review as hereinafter provided.

Sec. 8. Minnesota Statutes 1982, section 169.123, subdivision 5a, is amended to read:

Subd. 5a. [PEACE OFFICER AGENT FOR NOTICE OF REVOCATION.] On behalf of the commissioner of public safety a peace officer offering a (CHEMICAL) test or directing the administration of a (CHEMICAL) test shall serve immediate notice of intention to revoke and of revocation on a person who refuses to permit (CHEMICAL TESTING) a test or on a person who submits to a (CHEMICAL) test the results of which indicate an alcohol concentration of 0.10 or more. The officer shall take the license or permit of the driver, if any, and issue a temporary license effective only for 7 days. The peace officer shall send the person's driver's license to the commissioner of public safety along with the certificate required by subdivision 4.

Sec. 9. [634.16] [ADMISSION INTO EVIDENCE OF RESULTS OF INFRARED BREATH-TESTS.]

In any civil or criminal hearing or trial, the results of an infrared breath-test, when performed by a person who has been fully trained in the use of an infrared breath-testing instrument, as defined in section 1, pursuant to training given or approved by the commissioner of public safety or his acting agent, are admissible in evidence without antecedent expert testimony that an infrared breath-testing instrument provides a trustworthy and reliable measure of the alcohol in the breath.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective the day following final enactment and apply to trials or hearings commenced on or after that date."

Delete the title and insert:

"A bill for an act relating to highway traffic regulations; providing for breath tests to be administered using an infrared breath-testing instrument for purposes of determining the presence of alcohol or a controlled substance; authorizing the results of infrared breath tests to be admissible into evidence in civil and criminal proceedings; amending Minnesota Statutes 1982, sections 169.01, by adding a subdivision; 169.121, subdivision 6; 169.123, subdivisions 4, 5a, and by adding a subdivision; Minnesota Statutes 1983 Supplement, sections 169.121, sub-

division 2; 169.123, subdivisions 2 and 3; proposing new law coded in Minnesota Statutes, chapter 634."

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1665, A bill for an act relating to crimes; traffic regulations; requiring revocation of a person's driver's license until his or her 19th birthday upon violation of a traffic law relating to the possession or consumption of alcohol; amending Minnesota Statutes 1982, sections 169.121, subdivision 4; 169.122, subdivision 4; 169.123, subdivision 4; 171.16, subdivision 5; and 171.17; Minnesota Statutes 1983 Supplement, section 169.123, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [169.1221] [ALCOHOL VIOLATION BY UNDERAGE DRIVERS; LICENSE REVOCATION.]

Subdivision 1. [VIOLATION OF OPEN BOTTLE LAW.] Any person under the age of 19 years convicted of violating section 169.122 shall have his or her driver's license or permit to drive revoked by the commissioner of public safety for a period of 90 days.

Subd. 2. [POSSESSION IN MOTOR VEHICLE.] Unless a person 19 years of age or older is present in the motor vehicle, any person under the age of 19 years who possesses any unopened or sealed bottle or receptacle containing intoxicating liquors or nonintoxicating malt liquors while in a motor vehicle upon a public highway shall have his or her driver's license or permit to drive revoked by the commissioner of public safety for a period of 60 days.

Subd. 3. [SECOND OR SUBSEQUENT OFFENSE.] (a) Any person under the age of 19 convicted of a second or subsequent offense under section 169.122 shall have his or her driver's license or permit to drive revoked by the commissioner of public safety for a period of 180 days.

(b) Any person under the age of 19 who violates the provisions of subdivision 2 a second or subsequent time shall have

his or her driver's license or permit to drive revoked by the commissioner of public safety for a period of 120 days.

Sec. 2. Minnesota Statutes 1983 Supplement, section 169.123, subdivision 2, is amended to read:

Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.] (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state consents, subject to the provisions of this section and section 169.121, to a chemical test of his blood, breath, or urine for the purpose of determining the presence of alcohol or a controlled substance. The test shall be administered at the direction of a peace officer. The test may be required of a person when an officer has reasonable and probable grounds to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist: (1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity with it; or (2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death; or (3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or (4) the screening test was administered and recorded an alcohol concentration of 0.10 or more. No action may be taken against the person for declining to take a direct blood test, if offered, unless an alternative test was offered.

(b) At the time a chemical test specimen is requested, the person shall be informed:

(1) that if testing is refused, the person's right to drive will be revoked for a minimum period of six months;

(2) that if a test is taken and the results indicate that the person is under the influence of alcohol or a controlled substance, the person will be subject to criminal penalties and the person's right to drive may be revoked for a minimum period of 90 days;

(3) that the person has a right to consult with an attorney but that this right is limited to the extent that it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test;

(4) that after submitting to testing, the person has the right to have additional tests made by a person of his own choosing; and

(5) that if he refuses to take a test, the refusal will be offered into evidence against him at trial.

In addition, a driver who is under the age of 19 shall be informed that if a chemical test is taken and the results indicate

an alcohol concentration of 0.05 or more, his or her driver's license or permit to drive shall be revoked for 90 days or for 180 days if this is his or her second or subsequent offense.

Sec. 3. Minnesota Statutes 1982, section 169.123, subdivision 4, is amended to read:

Subd. 4. [REFUSAL, CONSENT TO PERMIT TEST; REVOCATION OF LICENSE.] If a person refuses to permit chemical testing, none shall be given, but the peace officer shall report the refusal to the commissioner of public safety and the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred. If a person submits to chemical testing and the test results indicate an alcohol concentration of 0.10 or more, the results of the test shall be reported to the commissioner of public safety and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred.

Upon certification by the peace officer that there existed reasonable and probable grounds to believe the person had been driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person refused to submit to chemical testing, the commissioner of public safety shall revoke the person's license or permit to drive, or his nonresident operating privilege, for a period of six months. *Except as provided in this subdivision*, upon certification by the peace officer that there existed reasonable and probable grounds to believe the person had been driving, operating or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person submitted to chemical testing and the test results indicate an alcohol concentration of 0.10 or more, the commissioner of public safety shall revoke the person's license or permit to drive, or his nonresident operating privilege, for a period of 90 days.

Upon certification by the peace officer that there existed reasonable and probable grounds to believe the person had been driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance, that the person submitted to chemical testing and that the following conditions exist, the commissioner of public safety shall revoke the person's driver's license or permit to drive for a period of 90 days:

(1) *the person was under the age of 19 years at the time of the testing; and*

(2) *the test results indicate an alcohol concentration of 0.05 or more. Provided, that if a person under the age of 19 years has his or her driver's license or permit to drive revoked a second or subsequent time under this section, the revocation period shall be 180 days.*

If the person is a resident without a license or permit to operate a motor vehicle in this state, the commissioner of public safety shall deny to the person the issuance of a license or permit for the same period after the date of the alleged violation as provided herein for revocation, subject to review as hereinafter provided.

Sec. 4. Minnesota Statutes 1982, section 169.123, subdivision 5a, is amended to read:

Subd. 5a. [PEACE OFFICER AGENT FOR NOTICE OF REVOCATION.] On behalf of the commissioner of public safety a peace officer offering a chemical test or directing the administration of a chemical test shall serve immediate notice of intention to revoke and of revocation: (a) on a person who refuses to permit chemical testing; or (b) on a person who submits to a chemical test the results of which indicate an alcohol concentration of 0.10 or more; or (c) *on a person who is under 19 years of age who submits to a chemical test the results of which indicate an alcohol concentration of 0.05 or more.* The officer shall take the license or permit of the driver, if any, and issue a temporary license effective only for 7 days. The peace officer shall send the person's driver's license to the commissioner of public safety along with the certificate required by subdivision 4.

Sec. 5. Minnesota Statutes 1983 Supplement, section 169.123, subdivision 6, is amended to read:

Subd. 6. [HEARING.] A hearing under this section shall be before a municipal or county judge, in any county in the judicial district where the alleged offense occurred. The hearing shall be to the court and may be conducted at the same time and in the same manner as hearings upon pre-trial motions in the criminal prosecution under section 169.121, if any. The hearing shall be recorded. The commissioner of public safety shall appear and be represented by the attorney general or through the prosecuting authority for the jurisdiction involved.

The hearing shall be held at the earliest practicable date, and in any event no later than 60 days following the filing of the petition for review. The judicial district administrator shall establish procedures to ensure efficient compliance with the provisions of this subdivision. To accomplish this, the administrator may, whenever possible, consolidate and transfer review hearings among the county courts within the judicial district.

The scope of the hearing shall be limited to the issues of:

(1) whether the peace officer had reasonable and probable grounds to believe the person was driving, operating, or in physical control of a motor vehicle while under the influence of alcohol

or a controlled substance, and whether the person was lawfully placed under arrest for violation of section 169.121, or the person was involved in a motor vehicle accident or collision resulting in property damage, personal injury or death, or the person refused to take a screening test provided for by section 169.121, subdivision 6, or the screening test was administered and recorded an alcohol concentration of 0.10 or more; and

(2) whether at the time of the request for the test the peace officer informed the person of his rights and the consequences of taking or refusing the test as required by subdivision 2; and

(3) (EITHER) (a) whether the person refused to permit the test (,); or (b) whether a test was taken and the test results indicated an alcohol concentration of 0.10 or more at the time of testing (,); or (c) *whether a test was taken by a person under the age of 19 years and the test results indicate an alcohol concentration of 0.05 or more*; and whether the testing method used was valid and reliable (,); and whether the test results were accurately evaluated.

It shall be an affirmative defense for the petitioner to prove that, at the time of the refusal, his refusal to permit the test was based upon reasonable grounds.

Certified or otherwise authenticated copies of laboratory or medical personnel reports, records, documents, licenses and certificates shall be admissible as substantive evidence.

The court shall order either that the revocation be rescinded or sustained and forward the order to the commissioner of public safety. The court shall file its order within 14 days following the hearing. If the revocation is sustained, the court shall also forward the person's driver's license or permit to the commissioner of public safety for his further action if the license or permit is not already in the commissioner's possession.

Sec. 6. Minnesota Statutes 1982, section 260.193, subdivision 8, is amended to read:

Subd. 8. If the juvenile court finds that the child is a juvenile major highway or water traffic offender, it may make any one or more of the following dispositions of the case:

(a) Reprimand the child and counsel with the child and his parents;

(b) Continue the case for a reasonable period under such conditions governing the child's use and operation of any motor vehicles or boat as the court may set;

(c) Require the child to attend a driver improvement school if one is available within the county;

(d) Recommend to the department of public safety suspension of the child's driver's license as provided in section 171.16;

(e) *If the child is found to have violated the provisions of section 169.122, or section 1, subdivision 2, if the child has a driver's license or permit to drive, the court shall forward its findings in the case and the child's driver's license or permit to the commissioner of public safety. Upon receipt, the commissioner shall revoke the child's license or permit for a period of 90 days if the child was found to have violated section 169.122, or 60 days if he or she was found to have violated section 1, subdivision 2. Provided, that any child found to have violated section 169.122 a second or subsequent time shall have his or her license or permit revoked for 180 days, and any child found to have violated section 1, subdivision 2 a second or subsequent time shall have his or her license or permit revoked for 120 days.*

(f) If the child is found to have committed two moving highway traffic violations or to have contributed to a highway accident involving death, injury, or physical damage in excess of \$100, the court may recommend to the commissioner of public safety or to the licensing authority of another state the cancellation of the child's license until he reaches the age of 18 years, and the commissioner of public safety is hereby authorized to cancel the license without hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety, or to the licensing authority of another state, that the child's license be returned to him, and the commissioner of public safety is authorized to return the license;

((F)) (g) Place the child under the supervision of a probation officer in his own home under conditions prescribed by the court including reasonable rules relating to his operation and use of motor vehicles or boats directed to the correction of his driving habits;

((G)) (h) Require the child to pay a fine of up to \$500. The court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child.

Sec. 7. Minnesota Statutes 1982, section 260.195, subdivision 3, is amended to read:

Subd. 3. [DISPOSITIONS.] If the juvenile court finds that a child is a juvenile alcohol or controlled substance offender, the court may require the child to:

- (a) Pay a fine of up to \$100;
- (b) Participate in a community service project;
- (c) Participate in a drug awareness program; or
- (d) Order the child to undergo a chemical dependency evaluation and if warranted by this evaluation, order participation by the child in an inpatient or outpatient chemical dependency treatment program; or
- (e) Perform any other activities or participate in any other treatment programs deemed appropriate by the court.

In all cases where the juvenile court finds that a child has purchased or attempted to purchase an alcoholic beverage in violation of section 340.731, if the child has a driver's license or permit to drive, and if the child used a driver's license or permit to purchase or attempt to purchase the alcoholic beverage, the court shall forward its finding in the case and the child's driver's license or permit to the commissioner of public safety. Upon receipt, the commissioner shall revoke the child's license or permit for a period of 30 days.

None of the dispositional alternatives described in (THIS SUBDIVISION) clauses (a) to (e) shall be imposed by the court in a manner which would cause an undue hardship upon the child.

Sec. 8. Minnesota Statutes 1982, section 340.035, is amended to read:

340.035 [PERSONS UNDER 19 YEARS; PENALTY.]

Subdivision 1. It is unlawful for any:

(1) Licensee or his employee to permit any person under the age of 19 years to consume (NON-INTOXICATING MALT) intoxicating liquor on the licensed premises (EXCEPT AS PROVIDED IN PARAGRAPH (5);)

((2) PERSON OTHER THAN THE PARENT OR LEGAL GUARDIAN TO PROCURE NON-INTOXICATING MALT LIQUOR FOR ANY PERSON UNDER THE AGE OF 19 YEARS;)

((3) PERSON TO INDUCE A PERSON UNDER THE AGE OF 19 YEARS TO PURCHASE OR PROCURE NON-INTOXICATING MALT LIQUOR;)

((4) PERSON UNDER THE AGE OF 19 YEARS TO MISREPRESENT HIS AGE FOR THE PURPOSE OF OBTAINING NON-INTOXICATING MALT LIQUOR;)

((5) PERSON UNDER THE AGE OF 19 YEARS TO CONSUME ANY NON-INTOXICATING MALT LIQUOR UNLESS IN THE COMPANY OF HIS PARENT OR GUARDIAN;)

((6) PERSON UNDER THE AGE OF 19 YEARS TO POSSESS ANY NON-INTOXICATING MALT LIQUOR, WITH INTENT TO CONSUME IT AT A PLACE OTHER THAN THE HOUSEHOLD OF HIS PARENT OR GUARDIAN).

Subd. 2. A person violating (ANY PROVISION OF) this section is guilty of a misdemeanor.

Sec. 9. Minnesota Statutes 1982, section 340.07, is amended by adding a subdivision to read:

Subd. 18. "Alcoholic beverage" means any malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight, ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing in excess of 3.2 percent of alcohol by weight.

Sec. 10. Minnesota Statutes 1982, section 340.731, is amended to read:

340.731 [PERSONS UNDER 19 YEARS, FORBIDDEN ACTS OR STATEMENTS.]

It shall be unlawful for (1) a person under the age of 19 years to enter any premises licensed for the retail sale of alcoholic beverages or any municipal liquor store for the purpose of purchasing, or having served or delivered to him or her, any alcoholic beverage (CONTAINING MORE THAN ONE-HALF OF ONE PERCENT OF ALCOHOL BY VOLUME); or

(2) a person under the age of 19 years to (CONSUME ANY INTOXICATING LIQUOR OR TO) purchase, attempt to purchase or have another purchase for him or her any (INTOXICATING LIQUOR) *alcoholic beverage*; or

(3) any person to misrepresent or misstate his or her age, or the age of any other person for the purpose of inducing any licensee or any employee of any licensee, or any employee of any municipal liquor store, to sell, serve or deliver any alcoholic beverage to a person under the age of 19 years; or

(4) a person under the age of 19 years to have in his or her possession any (INTOXICATING LIQUOR) *alcoholic beverage*, with intent to consume same at a place other than the household of his or her parent or guardian. Possession of (SUCH INTOXICATING LIQUOR) *an alcoholic beverage* at a place other than the household of his or her parent or guardian shall be prima facie evidence of intent to consume the same at a place other than the household of his or her parent or guardian; or

(5) *a person under the age of 19 years to consume any alcoholic beverage unless in the household of his or her parent or guardian and with the consent of his or her parent or guardian.*

Sec. 11. Minnesota Statutes 1982, section 340.732, is amended to read:

340.732 [VIOLATIONS, PENALTIES.]

Any person who (SHALL VIOLATE) *violates* any provision of section 340.731 (SHALL BE DEEMED) *is* guilty of a misdemeanor (AND UPON CONVICTION THEREOF SHALL BE PUNISHED ACCORDINGLY).

In addition, any person under the age of 19 years who purchases or attempts to purchase an alcoholic beverage in violation of section 340.731 shall have his or her driver's license or permit to drive revoked by the commissioner of public safety for a period of 30 days if the person used a driver's license or permit to purchase or attempt to purchase the alcoholic beverage.

Sec. 12. [EFFECTIVE DATE.]

Sections 1 to 11 are effective August 1, 1984, and apply to offenses committed on or after that date."

Delete the title and insert:

"A bill for an act relating to highway traffic regulations; requiring driver's license revocation of any person under the age of 19 who purchases, attempts to purchase, possesses while in a motor vehicle, or drives after drinking alcoholic beverages; amending Minnesota Statutes 1982, sections 169.123, subdivisions 4 and 5a; 260.193, subdivision 8; 260.195, subdivision 3; 340.035; 340.07, by adding a subdivision; 340.731; 340.732; Minnesota Statutes 1983 Supplement, section 169.123, subdivisions 2 and 6; proposing new law coded in Minnesota Statutes, chapter 169."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1806, A bill for an act relating to public welfare; amending the reporting of maltreatment of minors act; clarifying the roles of law enforcement and local welfare agencies; clarifying language; amending Minnesota Statutes 1982, section 626.556, subdivisions 3 and 11; amending Minnesota Statutes 1983 Supplement, section 626.556, subdivisions 1, 2, 4, and 10.

Reported the same back with the following amendments:

Page 3, line 13, delete "or" and insert a comma

Page 5, line 3, after "AGENCY" insert "*AND LOCAL LAW ENFORCEMENT AGENCY*"

Page 5, line 16, after "agency" insert "*and the local law enforcement agency*"

Page 5, line 17, reinstate the stricken language and before "assessing" insert "or"

Page 5, line 24, strike "or" and before the period insert ", or school official"

Page 5, line 26, reinstate the stricken "investigation"

Page 5, line 27, before "assessment" insert "or"

Page 5, line 33, after "agency" insert "*or the local law enforcement agency*"

Page 6, line 3, after the period insert "*For interviews conducted by the local welfare agency*"

Page 6, line 4, strike the first comma and insert "and"

Page 6, line 6, before the period insert ", but the local welfare agency, or the local law enforcement agency shall have the exclusive authority to determine who may attend the interview"

Page 6, line 11, before the period insert "*or local law enforcement agency. Where the school fails to comply with the provisions of this section, the juvenile court may order the school to comply with this provision*"

Page 6, line 14, reinstate the stricken "investigation" and before "assessment" insert "or"

Page 6, line 24, after "agency" insert "*or the local law enforcement agency*"

Page 7, line 1, strike "and" and insert a comma

Page 7, line 2, after "reports" insert ", *and the local law enforcement agencies*"

Amend the title as follows:

Page 1, line 4, after the semicolon insert "requiring law enforcement agencies to follow certain procedures when interviewing minors on school property;"

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1902, A bill for an act relating to real property; allowing service of summons upon dissolved domestic corporations; amending Minnesota Statutes 1982, section 508.16, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 272.12, is amended to read:

272.12 [CONVEYANCES, TAXES PAID BEFORE RECORDING.]

When a deed or other instrument conveying land, or a plat of any town site or addition thereto, or a survey required pursuant to section 508.47, is presented to the county auditor for transfer, he shall ascertain from his records if there be taxes delinquent upon the land described therein, or if it has been sold for taxes. If there are taxes delinquent, he shall certify to the same; and upon payment of such taxes, or in case no taxes are delinquent, he shall transfer the land upon the books of his office, and note upon the instrument, over his official signature, the words, "no delinquent taxes and transfer entered," or, if the land described has been sold or assigned to an actual purchaser for taxes, the words "paid by sale of land described within;" and, unless such statement is made upon such instru-

ment, the county recorder or the registrar of titles shall refuse to receive or record the same; provided, that sheriff's or referees' certificates of sale on execution or foreclosure of a lien or mortgage, deeds of distribution made by a personal representative in probate proceedings, decrees and judgments, receivers receipts, patents, and copies of town or statutory city plats, in case the original plat filed in the office of the county recorder has been lost or destroyed, and the instruments releasing, removing and discharging reversionary and forfeiture provisions affecting title to land and instruments releasing, removing or discharging easement rights in land or building or other restrictions, may be recorded without such certificate; and, provided that instruments conveying land and, as appurtenant thereto an easement over adjacent tract or tracts of land, may be recorded without such certificate as to the land covered by such easement; and provided further, that any instrument granting an easement made in favor of any public utility or pipe line for conveying gas, liquids or solids in suspension, in the nature of a right of way over, along, across or under a tract of land may be recorded without such certificate as to the land covered by such easement. *Any instrument amending or restating the declarations, bylaws, or other enabling documents governing homeowners associations of condominiums, townhouses, and other planned unit developments may be recorded without the auditor's certificate.*

A deed of distribution made by a personal representative in a probate proceeding, a decree, or a judgment that conveys land shall be presented to the county auditor, who shall transfer the land upon the books of his office and note upon the instrument, over his official signature, the words, "transfer entered", and the instrument may then be recorded. A decree or judgment that affects title to land but does not convey land may be recorded without presentation to the auditor.

A violation of this section by the county recorder or the registrar of titles shall be a gross misdemeanor, and, in addition to the punishment therefor, he shall be liable to the grantee of any instrument so recorded for the amount of any damages sustained.

When, as a condition to permitting the recording of deed or other instrument affecting the title to real estate previously forfeited to the state under the provisions of sections 281.16 to 281.27, county officials, after such real estate has been purchased or repurchased, have required the payment of taxes erroneously assumed to have accrued against such real estate after forfeiture and before the date of purchase or repurchase, the sum required to be so paid shall be refunded to the persons entitled thereto out of moneys in the funds in which the sum so paid was placed. Delinquent taxes are those taxes deemed delinquent under section 279.02.

Sec. 2. Minnesota Statutes 1982, section 508.16, subdivision 1, is amended to read:

Subdivision 1. The summons shall be subscribed by the clerk, directed to the defendants, and require them to appear and answer the application of the applicant, within 20 days after the service of the summons, exclusive of the day of such service. It shall be served in the manner as provided by law for the service of a summons in civil actions in the district court, except as herein otherwise provided. It shall be served upon the state by delivering a copy thereof to the attorney general, a deputy attorney general or an assistant attorney general who shall transmit the same to the county attorney of the county in which the land described therein is situated, and thereupon such county attorney shall appear in such proceeding, and represent the state therein. *It shall be served upon a domestic corporation governed by chapter 302A whose charter has terminated by dissolution, expiration, or otherwise, by delivering a copy of it to a person, known to the applicant, who held office in the corporation at the time of dissolution and can be found in the state or, if no officer known to the applicant can be found in the state, by publishing the summons in a newspaper printed and published in the county where the application is filed, once each week for three consecutive weeks.* It shall be served upon all persons not personally served who are not residents of the state or who cannot be found therein, and upon domestic corporations *not governed by chapter 302A* whose charter has terminated by dissolution, expiration, or otherwise more than three years prior to the commencement of the action, and upon unknown successors in interests of such corporations, and upon "all other persons or parties unknown claiming any right, title, estate, lien, or interest in the real estate described in the application herein" by publishing the same in a newspaper printed and published in the county wherein the application is filed, once each week for three consecutive weeks; provided, if the order for summons or a supplemental order of the court, filed before, during or after the publication of the summons, shall so direct, the summons may be personally served without the state upon any one or more of the defendants who are nonresidents of the state or who cannot be found therein, in like manner and with like effect as such service in a summons in a civil action in the district court; and provided further, that any nonresident defendant, natural or corporate, who can be found in the state of Minnesota and can be personally served therein, may be served personally. The clerk shall also, at least 20 days before the entry of the decree which shall be entered in the matter, send a copy of the summons by mail to all defendants not served personally who are not residents of the state, and whose place of address is known to applicant or stated in the application, or in the order directing the issuance of the summons. The certificate of the clerk that he has mailed the summons, as herein provided, shall be conclusive evidence thereof. Other or further notice of the application for registration may be given in such manner and to such persons as the court or any judge thereof may direct. The summons shall be served at the ex-

pense of the applicant and proof of the service shall be made in the same manner as in civil actions. The summons shall be substantially in the following form:

**SUMMONS IN APPLICATION FOR
REGISTRATION OF LAND**

State of Minnesota

ss.

County of

District Court Judicial District.

In the matter of the application of (name of applicant) to register the title to the following described real estate situated in county, Minnesota, namely:

(description of land)

Applicant,

vs

(names of defendants) and "all other persons or parties unknown claiming any right, title, estate, lien or interest in the real estate described in the application herein."

Defendants.

**THE STATE OF MINNESOTA TO THE ABOVE NAMED
DEFENDANTS:**

You are hereby summoned and required to answer the application of the applicant in the above entitled proceeding and to file your answer to the said application in the office of the clerk of said court, in said county, within 20 days after service of this summons upon you exclusive of the day of such service, and, if you fail to answer the application within the time aforesaid, the applicant in this proceeding will apply to the court for the relief demanded therein.

Witness clerk of said court, and the seal thereof,
at, in said county, this day of,
19...

(Seal)

.....
Clerk

Sec. 3. Minnesota Statutes 1982, section 519.09, is amended to read:

519.09 [DOWER AND CURTESY ABOLISHED.]

All inchoate estates or statutory interests in lieu of dower and curtesy in all lands in this state which have been conveyed prior to January 1, (1960) 1970, by the husband or wife of the one entitled to such inchoate dower or curtesy, or statutory interest, by a conveyance in writing, are hereby abolished.

Sec. 4. Minnesota Statutes 1982, section 519.101, is amended to read:

519.101 [ACTIONS NOT MAINTAINABLE.]

No action for the recovery of real property, or of any right therein, or the possession thereof, shall be maintained by any person having any estate in dower or by the curtesy or any estate or statutory interest in lieu of dower or by the curtesy therein, or by anyone claiming, by, through or under any such person, where it appears that the husband or wife of such person conveyed such real property, or any interest therein, by a conveyance in writing, prior to the first day of January, (1960) 1970; and no action shall be maintained for the recovery of real property, or of any right therein, or the possession thereof, by any person claiming by reason of failure of a spouse to join in a conveyance of land which constituted the homestead of the grantor at the time of the conveyance where such conveyance was made prior to January 1, (1960) 1970, unless such action shall be commenced on or prior to the first day of January, (1974) 1985, and notice thereof filed for record at the time of the commencement of said action in the office of the county recorder in the county where said real property is situate.

Sec. 5. Minnesota Statutes 1982, section 566.03, subdivision 1, is amended to read:

Subdivision 1. When any person holds over lands or tenements after a sale thereof on an execution or judgment, or on foreclosure of a mortgage, and expiration of the time for redemption, or after termination of contract to convey the same, *provided that if the person holding such lands or tenements after the sale, foreclosure, or termination is a tenant, he has received at least one month's written notice of the termination of his tenancy as a result of the sale, foreclosure, or termination; or when any person holds over lands or tenements after termination of the time for which they are demised or let to him or to the persons under whom he holds possession, or contrary to the conditions or covenants of the lease or agreement under which he holds, or after any rent becomes due according to the terms of such lease or agreement (,); or when any tenant at will holds over after the determination of any such estate by*

notice to quit, (.) in all such cases the person entitled to the premises may recover possession thereof in the manner herein-after provided.

Sec. 6. [ABSTRACT OF TITLE; STORAGE WITHIN MINNESOTA.]

An abstract of title to Minnesota real estate shall be stored within the state of Minnesota. This section does not apply if the holder of the abstract of title is the mortgagor or fee simple owner of the real estate to which the abstract pertains."

Delete the title and insert:

"A bill for an act relating to real property; providing that certain instruments may be recorded without an auditor's certificate; allowing service of summons upon dissolved domestic corporations; amending provisions related to the abolition of dower and curtesy; clarifying when the right of possession passes after a sale on execution or judgment or mortgage foreclosure; providing for a notice in certain cases; requiring storage of abstracts of title to be stored in Minnesota with certain exceptions; amending Minnesota Statutes 1982, sections 272.12, 508.16, subdivision 1; 519.09; 519.101; and 566.03, subdivision 1."

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1935, A bill for an act relating to powers of attorney; providing procedures for granting powers of attorney; construing various specific powers; amending Minnesota Statutes 1982, sections 508.72; 508A.72; proposing new law coded as Minnesota Statutes, chapter 523; repealing Minnesota Statutes 1982, sections 51A.25; 354.10; 507.291; 507.292; 507.293; 507.39; 524.5-502; 524.5-505; and 528.16.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1, Minnesota Statutes 1982, section 508.72, is amended to read:

508.72 [AGENCY; POWER TO BE REGISTERED.]

Any act which may legally be done or performed by any person under this chapter may be done and performed by his agent (THERETO) *when duly authorized in writing. (SUCH) The instrument or power of attorney shall be filed with the registrar and registered by him if it is executed and acknowledged as (NOW) required by law in the case of a deed (, FILED WITH THE REGISTRAR, AND REGISTERED BY HIM).* Any instrument revoking (SUCH) *the power of attorney (SHALL) may be filed and registered if it is executed (,) and acknowledged (, AND REGISTERED) in (LIKE MANNER) the same way. A written instrument of revocation of an unregistered power of attorney, executed and acknowledged by a person having a registered interest in land, may be filed for registration as a memorial upon the certificate of title.*

Sec. 2. Minnesota Statutes 1982, section 508A.72, is amended to read:

508A.72 [AGENCY; POWER TO BE REGISTERED.]

Any act which may legally be done or performed by any person under sections 508A.01 to 508A.85 may be done and performed by his agent when duly authorized in writing. The instrument or power of attorney shall be *filed with the registrar and registered by him if it is executed and acknowledged as required by law in the case of a deed (, FILED WITH THE REGISTRAR, AND REGISTERED BY HIM).* Any instrument revoking the power of attorney (SHALL) *may be filed and registered if it is executed (,) and acknowledged (, AND REGISTERED) in (LIKE MANNER) the same way. A written instrument of revocation of an unregistered power of attorney, executed and acknowledged by a person having a registered interest in land, may be filed for registration as a memorial upon the certificate of title.*

Sec. 3. [523.01] [AUTHORIZATION.]

A person who is a competent adult may, as principal, designate another person or an authorized corporation as the person's attorney-in-fact by a written power of attorney. The power of attorney is validly executed when it is dated and signed by the principal and, in the case of a signature on behalf of the principal, by another, or by a mark, acknowledged by a notary public. Only powers of attorney validly created pursuant to section 3 or 4 are validly executed powers of attorney for the purposes of sections 3 to 27.

Sec. 4. [523.02] [COMMON LAW, PRE-EXISTING AND FOREIGN POWERS OF ATTORNEY.]

A written power of attorney is a validly executed power of attorney for the purposes of sections 3 to 27, and is subject to the provisions of sections 3 to 27, if it is validly created pursuant to:

(1) the law of Minnesota as it existed prior to the enactment of sections 3 to 27 if it was executed prior to the effective date of sections 3 to 27; (2) the common law; or (3) the law of another state or country.

Sec. 5. [523.03] [INTERPRETATION.]

Unless the context requires otherwise, all references in sections 3 to 27 to the "principal" include any guardian or conservator of the estate appointed for the principal at any time and all references to a "power of attorney" mean a validly executed power of attorney.

Sec. 6. [523.04] [POWER OF ATTORNEY PRESUMED TO BE VALIDLY EXECUTED.]

A written power of attorney that is dated and purports to be signed by the principal named in it is presumed to be valid. All parties may rely on this presumption except those who have actual knowledge that the power was not validly executed.

Sec. 7. [523.05] [RECORDING OF POWER OF ATTORNEY.]

If the exercise of the power of attorney requires execution and delivery of any instrument which is recordable, the power of attorney and any affidavit authorized under sections 3 to 27 when authenticated for record in conformity with section 507.24, are also recordable.

Sec. 8. [523.06] [CERTIFICATION OF POWER OF ATTORNEY.]

A certified copy of a power of attorney has the same force and effect as a power of attorney bearing the signature of the principal. A copy of a power of attorney may be certified by an official of a state or of a political subdivision of a state who is authorized to make certifications. The certification shall state that the certifying official has examined an original power of attorney and the copy and that the copy is a true and correct copy of the original power of attorney.

Sec. 9. [523.07] [DURABLE POWER OF ATTORNEY.]

A power of attorney is durable if it contains language such as "This power of attorney shall not be affected by disability of the principal" or "This power of attorney shall become effective upon the disability of the principal," or similar words showing the intent of the principal that the authority conferred is exercisable notwithstanding his later disability or incapacity.

Sec. 10. [523.08] [TERMINATION OF A DURABLE POWER.]

A durable power of attorney terminates on the death of the principal or upon the expiration of a period of time specified in the power of attorney if the period ends prior to the death of the principal.

Sec. 11. [523.09] [TERMINATION OF A NONDURABLE POWER OF ATTORNEY.]

A nondurable power of attorney terminates on the death of the principal, on the incompetency of the principal, or upon the expiration of a period of time specified in the power of attorney if the period ends prior to the death or incompetency of the principal.

Sec. 12. [523.10] [MISSING PERSONS PRESUMED LIVING.]

A missing person is presumed to be living until actual proof of death or legal adjudication of death occurs.

Sec. 13. [523.11] [REVOCATION OF A POWER.]

Subdivision 1. [MANNER.] An executed power of attorney may be revoked only by a written instrument of revocation signed by the principal and, in the case of a signature on behalf of the principal by another or a signature by a mark, acknowledged by a notary public. The conservator or guardian of the principal has the same power the principal would have if the principal were not disabled or incompetent to revoke, suspend, or terminate all or any part of the power of attorney.

Subd. 2. [EFFECT.] Revocation of an executed power of attorney is not effective as to any party unless that party has actual notice of the revocation. As used in this chapter, "actual notice of revocation" means that a written instrument of revocation has been received by the party or, in a real property transaction, that a written instrument of revocation containing the legal description of the real property has been recorded in the office of the county recorder or filed in the office of the registrar of titles. Recorded or filed revocation is actual notice of revocation of a power of attorney only as to any interest in real property described in the revocation and located in the county where it is recorded.

Subd. 3. [PRESUMPTIONS.] A written instrument of revocation that purports to be signed by the principal named in the power of attorney is presumed to be valid. Any party receiving

the written instrument of revocation may rely on this presumption and is not liable for later refusing to accept the authority of the attorney-in-fact.

Subd. 4. [TRANSFEREE AFFIDAVIT OF NONREVOCATION.] *In the case of a conveyance of an interest in property, an affidavit signed by an initial transferee of the interest of the principal stating that the initial transferee had not received, at the time of the conveyance, a written instrument of revocation of the power of attorney, constitutes conclusive proof as to all subsequent transferees that no written instrument of revocation was received by the initial transferee, except as to a subsequent transferee who commits an intentional fraud.*

Sec. 14. [523.12] [POWER OF ATTORNEY-IN-FACT TO BIND PRINCIPAL.]

Any action taken by the attorney-in-fact pursuant to the power of attorney binds the principal, the principal's heirs and assigns, and the representative of the estate of the principal in the same manner as though the action was taken by the principal, and, during any time while a guardian or conservator has been appointed for the principal and only the guardian or conservator has the power to take relevant action, as though the action was taken by the guardian or conservator.

Sec. 15. [523.13] [MULTIPLE ATTORNEYS-IN-FACT.]

Unless it is provided to the contrary in a power of attorney which authorizes two or more attorneys-in-fact to act on behalf of a principal, any action taken by any one of the several attorneys-in-fact pursuant to the power of attorney, whether the other attorneys-in-fact consent or object to the action, binds the principal, the principal's heirs and assigns, and the representative of the estate of the principal in the same manner as though the action was taken by the principal, and, during any time while a guardian or conservator has been appointed for the principal and only the guardian or conservator has the power to take the relevant action, as though the action was taken by the guardian or conservator.

Sec. 16. [523.14] [SUCCESSOR ATTORNEY-IN-FACT NOT LIABLE FOR ACTS OF PREDECESSOR.]

An attorney-in-fact who is named in a power of attorney to succeed an attorney-in-fact who dies, resigns, or otherwise is unable to serve, is not liable for any action taken by the predecessor attorney-in-fact.

Sec. 17. [523.15] [CO-ATTORNEYS-IN-FACT NOT LIABLE FOR ACTS OF EACH OTHER.]

When two or more attorneys-in-fact are authorized to act on behalf of a principal, an attorney-in-fact who did not join in or consent to the action of one or more co-attorneys-in-fact is not liable for that action. Failure to object to an action is not consent.

Sec. 18. [523.16] [AFFIDAVIT AS PROOF OF AUTHORITY OF ATTORNEY-IN-FACT.]

If the attorney-in-fact exercising a power pursuant to a power of attorney has authority to act as a result of the death, incompetency, or resignation of one or more attorneys-in-fact named in the power of attorney, an affidavit executed by the attorney-in-fact setting forth the conditions precedent to the attorney-in-fact's authority to act under the power of attorney and stating that those conditions have occurred is conclusive proof as to any party relying on the affidavit of the occurrence of those conditions.

Sec. 19. [523.17] [AFFIDAVIT OF ATTORNEY-IN-FACT AS CONCLUSIVE PROOF OF NONTERMINATION AND NONREVOCATION IN REAL PROPERTY TRANSACTIONS.]

If the exercise of a power granted by a power of attorney relating to real property requires execution or delivery of any instrument which is recordable, an affidavit, signed by the attorney-in-fact, stating that the attorney-in-fact did not have, at the time of exercising a power pursuant to the power of attorney, actual knowledge of the termination of the power of attorney by the death of the principal, or, if the power of attorney is one which terminates upon the incompetence of the principal, actual knowledge of the principal's incompetence, or actual notice of the revocation of the power of attorney, is conclusive proof that the power of attorney had not terminated or been revoked at the time of the exercise of the power as to any party relying on the affidavit except any party dealing directly with the attorney-in-fact who has actual knowledge that the power of attorney had terminated prior to the exercise of the power or actual notice of the revocation of the power of attorney.

Sec. 20. [523.18] [ATTORNEY-IN-FACT'S SIGNATURE AS CONCLUSIVE PROOF OF NONTERMINATION.]

In the exercise of a power granted by a power of attorney, other than in a transaction relating to real property described in section 19, a signature by a person as "attorney-in-fact for [Name of the Principal]" or "[Name of the Principal] by [Name of the attorney-in-fact] his/her attorney-in-fact" or any similar written disclosure of the principal and attorney-in-fact relationship constitutes an attestation by the attorney-in-fact that the attorney-in-fact did not have, at the time of signing,

actual knowledge of the termination of the power of attorney by the death of the principal or, if the power is one which terminates upon incompetence of the principal, actual knowledge of the principal's incompetence, or actual notice of the revocation of the power of attorney, and is conclusive proof as to any party relying on the attestation that the power of attorney had not terminated or been revoked at the time of the signature by the attorney-in-fact on behalf of the principal except as to any party who has actual knowledge that the power of attorney had terminated prior to the signature or actual notice of the revocation of the power of attorney.

Sec. 21. [523.19] [THIRD PARTIES HELD HARMLESS.]

Any party accepting the authority of an attorney-in-fact to exercise a power granted by a power of attorney is not liable to the principal, to the heirs and assigns of the principal, or to any representative of the estate of the principal if: (1) the applicable provisions of sections 19 and 20 have been satisfied; (2) the provisions of section 18 have been satisfied, if applicable; (3) the party has no actual notice of the revocation of the power of attorney prior to the transaction; (4) the party has no actual knowledge of the death of the principal and, if the power of attorney is not a durable power of attorney, has not received actual notice of a judicial determination that the principal is legally incompetent; and (5) the duration of the power of attorney specified in the power of attorney itself, if any, has not expired. A good faith purchaser from any party who has obtained an interest in property from an attorney-in-fact is not liable to the principal, the heirs or assigns of the principal, or the representative of the estate of the principal.

Sec. 22. [523.20] [LIABILITY OF PARTIES REFUSING AUTHORITY OF ATTORNEY-IN-FACT TO ACT ON PRINCIPAL'S BEHALF.]

Any party refusing to accept the authority of an attorney-in-fact to exercise a power granted by a power of attorney which (1) is executed in conformity with section 25; (2) contains a specimen signature of the attorney-in-fact authorized to act; (3) with regard to the execution or delivery of any recordable instrument relating to real property, is accompanied by affidavits that satisfy the provisions of section 19; (4) with regard to any other transaction, is signed by the attorney-in-fact in a manner conforming to section 20; and (5) when applicable, is accompanied by an affidavit and any other document required by section 18, is liable to the principal and to the principal's heirs, assigns, and representative of the estate of the principal in the same manner as the party would be liable had the party refused to accept the authority of the principal to act on his own behalf unless: (1) the party has actual notice of the revocation of the power of attorney prior to the exercise of the power; (2)

the duration of the power of attorney specified in the power of attorney itself has expired; or (3) the party has actual knowledge of the death of the principal or, if the power of attorney is not a durable power of attorney, actual notice of a judicial determination that the principal is legally incompetent. This provision does not negate any liability which a party would have to the principal or to the attorney-in-fact under any other form of power of attorney under the common law or otherwise.

Sec. 23. [523.21] [DUTIES OF AN ATTORNEY-IN-FACT.]

The attorney-in-fact shall keep complete records of all transactions entered into by the attorney-in-fact on behalf of the principal. The attorney-in-fact has no duty to render an accounting of those transactions unless: (1) requested to do so at any time by the principal; or (2) the instrument conferring the power of attorney requires that the attorney-in-fact render accountings and specifies to whom the accounting must be delivered. The persons entitled to examine and copy the records of the attorney-in-fact are the principal and the guardian or conservator of the estate of the principal while the principal is living and the personal representative of the estate of the principal after the death of the principal. The attorney-in-fact has no affirmative duty to exercise any power conferred upon the attorney-in-fact under the power of attorney. In exercising any power conferred by the power of attorney, the attorney-in-fact shall exercise the power in the same manner as an ordinarily prudent person of discretion and intelligence would exercise in the management of the person's own affairs and shall have the interests of the principal utmost in mind. The attorney-in-fact is personally liable to any person, including the principal, who is injured by an action taken by the attorney-in-fact in bad faith under the power of attorney.

Sec. 24. [523.22] [LIABILITY OF ATTORNEY-IN-FACT FOR IMPROPER EXECUTION OF AFFIDAVITS AND SIGNATURE.]

Nothing in sections 3 to 27 limits any rights the principal may have against the attorney-in-fact for any fraudulent or negligent actions in executing affidavits or signing or acting on behalf of the principal as an attorney-in-fact. An attorney-in-fact who knowingly executes a false affidavit or, knowing that the conditions of section 20 are not satisfied, signs on behalf of the principal is liable for treble the amount of damages suffered by the principal.

Sec. 25. [523.23] [STATUTORY SHORT FORM OF GENERAL POWER OF ATTORNEY; FORMAL REQUIREMENTS; JOINT AGENTS.]

Subdivision 1. [FORM.] The use of the following form in the creation of a power of attorney is lawful, and, when used, it

shall be construed in accordance with the provisions of sections 25 and 26:

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE DEFINED IN SECTION 26. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT ADVICE. THE USE OF ANY OTHER OR DIFFERENT FORM OF POWER OF ATTORNEY DESIRED BY THE PARTIES IS ALSO PERMITTED. THIS POWER OF ATTORNEY MAY BE REVOKED BY YOU IF YOU LATER WISH TO DO SO. THIS POWER OF ATTORNEY AUTHORIZES THE ATTORNEY-IN-FACT TO ACT FOR YOU BUT DOES NOT REQUIRE THAT HE OR SHE DO SO.

Know All Men by These Presents, which are intended to constitute a **STATUTORY SHORT FORM POWER OF ATTORNEY** pursuant to Chapter . . . , Section . . . , of Minnesota Law:

That I . . . (insert name and address of the principal) do hereby appoint . . . (insert name and address of the attorney-in-fact, or each attorney-in-fact, if more than one is designated) my attorney(s)-in-fact to act (jointly):

(NOTE: If more than one attorney-in-fact is designated and the principal wishes each attorney-in-fact alone to be able to exercise the power conferred, delete the word "jointly." Failure to delete the word "jointly" will require the attorneys-in-fact to act unanimously.)

First: in my name, place and stead in any way which I myself could do, if I were personally present, with respect to the following matters as each of them is defined in section 26:

[TO GRANT TO THE ATTORNEY-IN-FACT ANY OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF EACH POWER BEING GRANTED. TO DELETE ANY OF THE FOLLOWING POWERS, DO NOT INITIAL THE LINE IN FRONT OF THE POWER. YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER BEING DELETED WITH A LINE DRAWN THROUGH IT (OR IN SIMILAR FASHION). FAILURE TO INITIAL THE LINE IN FRONT OF THE POWER WILL HAVE THE EFFECT OF DELETING THE POWER.]

Initial

..... (A) real property transactions;

..... (B) tangible personal property transactions;

- (C) *bond, share, and commodity transactions;*
- (D) *banking transactions;*
- (E) *business operating transactions;*
- (F) *insurance transactions;*
- (G) *beneficiary transactions;*
- (H) *gift transactions;*
- (I) *fiduciary transactions;*
- (J) *claims and litigation;*
- (K) *family maintenance;*
- (L) *benefits from military service;*
- (M) *records, reports, and statements;*
- (N) *all other matters.*

Second: [YOU MUST INDICATE BELOW WHETHER OR NOT THIS POWER OF ATTORNEY WILL BE EFFECTIVE IF YOU BECOME INCOMPETENT. INITIAL THE LINE IN FRONT OF THE STATEMENT THAT EXPRESSES YOUR INTENT.]

This power of attorney shall continue to be effective if I become incompetent. It shall not be affected by my later disability or incompetency.

This power of attorney shall not be effective if I become incompetent.

Third: [YOU MUST INDICATE BELOW WHETHER OR NOT THIS POWER OF ATTORNEY AUTHORIZES THE ATTORNEY-IN-FACT TO TRANSFER YOUR PROPERTY DIRECTLY TO HIMSELF OR HERSELF. INITIAL THE LINE IN FRONT OF THE STATEMENT THAT EXPRESSES YOUR INTENT.]

This power of attorney authorizes the attorney-in-fact to transfer property directly to himself or herself.

This power of attorney does not authorize the attorney-in-fact to transfer property directly to himself or herself.

*In Witness Whereof I have hereunto signed my name this
day of, 19*

(Signature of Principal)

[Acknowledgment]

Specimen Signature of Attorney(s)-in-Fact

Subd. 2. [FAILURE TO INITIAL A POWER.] Any of the powers of the form in subdivision 1 which is not initialed is withheld by the principal from the attorney-in-fact. The withholding by the principal from the attorney-in-fact of any of the powers of (A) to (M) of the form in subdivision 1 automatically constitute withholding of the powers of (N).

Subd. 3. [REQUIREMENTS.] To constitute a "statutory short form power of attorney," as this phrase is used in this chapter the wording and content of the form in subdivision 1 must be duplicated exactly, the NOTICES must appear in a conspicuous place and manner, parts Second and Third must be properly completed, and the signature of the principal must be acknowledged.

Subd. 4. [POWERS OF ATTORNEY-IN-FACT.] All powers enumerated in section 26 may be legally performed by an attorney-in-fact acting on behalf of a principal.

Sec. 26. [523.24] [CONSTRUCTION.]

Subdivision 1. [REAL PROPERTY TRANSACTIONS.] In a statutory short form power of attorney, the language conferring general authority with respect to real estate transactions, means that the principal authorizes the attorney-in-fact:

(1) to accept as a gift, or as security for a loan, to reject, to demand, to buy, to lease, to receive, or otherwise to acquire either ownership or possession of any estate or interest in real property;

(2) to sell, exchange, convey either with or without covenants, quitclaim, release, surrender, mortgage, encumber, partition or consent the partitioning, plat or consent platting, grant options concerning, lease or sublet, or otherwise to dispose of, any estate or interest in real property;

(3) to release in whole or in part, assign the whole or a part of, satisfy in whole or in part, and enforce by action, proceeding or otherwise, any mortgage, encumbrance, lien, or other claim to real property which exists, or is claimed to exist, in favor of the principal;

(4) to do any act of management or of conservation with respect to any estate or interest in real property owned, or claimed to be owned, by the principal, including by way of illustration, but not of restriction, power to insure against any casualty, liability, or loss, to obtain or regain possession or protect such estate or interest by action, proceeding or otherwise, to pay, compromise or contest taxes or assessments, to apply for and receive refunds in connection therewith, to purchase supplies, hire assistance or labor, and make repairs or alterations in the structures or lands;

(5) to use in any way, develop, modify, alter, replace, remove, erect, or install structures or other improvements upon any real property in which the principal has, or claims to have, any estate or interest;

(6) to demand, receive, obtain by action, proceeding, or otherwise, any money, or other thing of value to which the principal is, or may become, or may claim to be entitled as the proceeds of an interest in real property or of one or more of the transactions enumerated in this subdivision; to conserve, invest, disburse, or utilize anything so received for purposes enumerated in this subdivision, and to reimburse the attorney-in-fact for any expenditures properly made by the attorney-in-fact in the execution of the powers conferred on the attorney-in-fact by the statutory short form power of attorney;

(7) to participate in any reorganization with respect to real property and receive and hold any shares of stock or instrument of similar character received in accordance with a plan of reorganization, and to act with respect to the shares, including, by way of illustration but not of restriction, power to sell or otherwise to dispose of the shares, or any of them, to exercise or sell any option, conversion or similar right with respect to the shares, and to vote on the shares in person or by the granting of a proxy;

(8) to agree and contract in any manner, and with any person, and on any terms, which the attorney-in-fact may select, for the accomplishment of any of the purposes enumerated in this subdivision, and to perform, rescind, reform, release, or modify such an agreement or contract or any other similar agreement or contract made by or on behalf of the principal;

(9) to execute, acknowledge, seal, and deliver any deed, revocation, mortgage, lease, notice, check, or other instrument which

the attorney-in-fact deems useful for the accomplishment of any of the purposes enumerated in this subdivision;

(10) to prosecute, defend, submit to arbitration, settle, and propose or accept a compromise with respect to, any claim existing in favor of, or against, the principal based on or involving any real estate transaction or to intervene in any action or proceeding relating to the claim;

(11) to hire, discharge, and compensate any attorney, accountant, expert witness, or other assistant or assistants when the attorney-in-fact deems that action to be desirable for the proper execution of any of the powers described in this subdivision, and for the keeping of needed records; and

(12) in general, and in addition to all the specific acts in this subdivision, to do any other act with respect to any estate or interest in real property.

All powers described in this subdivision are exercisable equally with respect to any estate or interest in real property owned by the principal at the giving of the power of attorney or acquired after that time, and whether located in the state of Minnesota or elsewhere.

Subd. 2. [TANGIBLE PERSONAL PROPERTY TRANSACTIONS.] In a statutory short form power of attorney, the language conferring general authority with respect to tangible personal property transactions, means that the principal authorizes the attorney-in-fact:

(1) to accept as a gift, or as security for a loan, reject, demand, buy, receive, or otherwise to acquire either ownership or possession of any tangible personal property or any interest in tangible personal property;

(2) to sell, exchange, convey either with or without covenants, release, surrender, mortgage, encumber, pledge, hypothecate, pawn, grant options concerning, lease or sublet to others, or otherwise to dispose of any tangible personal property or any interest in any tangible personal property;

(3) to release in whole or in part, assign the whole or a part of, satisfy in whole or in part, and enforce by action, proceeding or otherwise, any mortgage, encumbrance, lien, or other claim, which exists, or is claimed to exist, in favor of the principal, with respect to any tangible personal property or any interest in tangible personal property;

(4) to do any act of management or of conservation, with respect to any tangible personal property or to any interest in

any tangible personal property owned, or claimed to be owned, by the principal, including by way of illustration, but not of restriction, power to insure against any casualty, liability, or loss, to obtain or regain possession, or protect the tangible personal property or interest in any tangible personal property, by action, proceeding, or otherwise, to pay, compromise, or contest taxes or assessments, to apply for and receive refunds in connection with taxes or assessments, move from place to place, store for hire or on a gratuitous bailment, use, alter, and make repairs or alterations of any tangible personal property, or interest in any tangible personal property;

(5) *to demand, receive, or obtain by action, proceeding, or otherwise any money or other thing of value to which the principal is, or may become, or may claim to be entitled as the proceeds of any tangible personal property or of any interest in any tangible personal property, or of one or more of the transactions enumerated in this subdivision, to conserve, invest, disburse or utilize anything so received for purposes enumerated in this subdivision, and to reimburse the attorney-in-fact for any expenditures properly made by the attorney-in-fact in the execution of the powers conferred on the attorney-in-fact by the statutory short form power of attorney;*

(6) *to agree and contract in any manner and with any person and on any terms which the attorney-in-fact may select, for the accomplishment of any of the purposes enumerated in this subdivision, and to perform, rescind, reform, release, or modify any agreement or contract or any other similar agreement or contract made by or on behalf of the principal;*

(7) *to execute, acknowledge, seal, and deliver any conveyance, mortgage, lease, notice, check, or other instrument which the attorney-in-fact deems useful for the accomplishment of any of the purposes enumerated in this subdivision;*

(8) *to prosecute, defend, submit to arbitration, settle, and propose or accept a compromise with respect to any claim existing in favor of or against the principal based on or involving any tangible personal property transaction or to intervene in any action or proceeding relating to such a claim;*

(9) *to hire, discharge, and compensate any attorney, accountant, expert witness, or other assistant when the attorney-in-fact deems that action to be desirable for the proper execution by the attorney-in-fact of any of the powers described in this subdivision, and for the keeping of needed records; and*

(10) *in general, and in addition to all the specific acts listed in this subdivision, to do any other acts with respect to any tangible personal property or interest in any tangible personal property.*

All powers described in this subdivision are exercisable equally with respect to any tangible personal property or interest in any tangible personal property owned by the principal at the giving of the power of attorney or acquired after that time, and whether located in the state of Minnesota or elsewhere.

Subd. 3. [BOND, SHARE, AND COMMODITY TRANSACTIONS.] In a statutory short form power of attorney, the language conferring general authority with respect to bond, share, and commodity transactions means that the principal authorizes the attorney-in-fact:

(1) to accept as a gift or as security for a loan, reject, demand, buy, receive, or otherwise to acquire either ownership or possession of any bond, share, instrument of similar character, commodity interest, or any instrument with respect to the bond, share, or interest, together with the interest, dividends, proceeds, or other distributions connected with any of those instruments;

(2) to sell or sell short and to exchange, transfer either with or without a guaranty, release, surrender, hypothecate, pledge, grant options concerning, loan, trade in, or otherwise to dispose of any bond, share, instrument of similar character, commodity interest, or any instrument with respect to the bond, share, or interest;

(3) to release in whole or in part, assign the whole or a part of, satisfy in whole or in part, and enforce by action, proceeding or otherwise, any pledge, encumbrance, lien, or other claim as to any bond, share, instrument of similar character, commodity interest or any interest with respect to the bond, share, or interest, when the pledge, encumbrance, lien, or other claim is owned, or claimed to be owned, by the principal;

(4) to do any act of management or of conservation with respect to any bond, share, instrument of similar character, commodity interest or any instrument with respect thereto, owned or claimed to be owned by the principal or in which the principal has or claims to have an interest, including by way of illustration but not of restriction, power to insure against any casualty, liability, or loss, to obtain or regain possession or protect the principal's interest therein by action, proceeding or otherwise, to pay, compromise or contest taxes or assessments, to apply for and receive refunds in connection with taxes or assessments, to consent to and participate in any reorganization, recapitalization, liquidation, merger, consolidation, sale or lease, or other change in or revival of a corporation or other association, or in the financial structure of any corporation or other association, or in the priorities, voting rights, or other special rights with respect to the corporation or association, to become a depositor with any

protective, reorganization, or similar committee of the bond, share, other instrument of similar character, commodity interest, or any instrument with respect to the bond, share, or interest, belonging to the principal, to make any payments reasonably incident to the foregoing, to exercise or sell any option, conversion, or similar right, to vote in person or by the granting of a proxy with or without the power of substitution, either discretionary, general or otherwise, for the accomplishment of any of the purposes enumerated in this subdivision;

(5) to carry in the name of a nominee selected by the attorney-in-fact any evidence of the ownership of any bond, share, other instrument of similar character, commodity interest, or instrument with respect to the bond, share, or interest, belonging to the principal;

(6) to employ, in any way believed to be desirable by the attorney-in-fact, any bond, share, other instrument of similar character, commodity interest, or any instrument with respect to the bond, share, or interest, in which the principal has or claims to have any interest, for the protection or continued operation of any speculative or margin transaction personally begun or personally guaranteed, in whole or in part, by the principal;

(7) to demand, receive, or obtain by action, proceeding or otherwise, any money or other thing of value to which the principal is, or may become, or may claim to be entitled as the proceeds of any interest in a bond, share, other instrument of similar character, commodity interest, or any instrument with respect to the bond, share, or interest, or of one or more of the transactions enumerated in this subdivision, to conserve, invest, disburse, or utilize anything so received for purposes enumerated in this subdivision, and to reimburse the attorney-in-fact for any expenditures properly made by the attorney-in-fact in the execution of the powers conferred on the attorney-in-fact by the statutory short form power of attorney;

(8) to agree and contract, in any manner, with any broker or other person, and on any terms which the attorney-in-fact selects, for the accomplishment of any of the purposes enumerated in this subdivision, and to perform, rescind, reform, release, or modify the agreement or contract or any other similar agreement made by or on behalf of the principal;

(9) to execute, acknowledge, seal, and deliver any consent, agreement, authorization, assignment, revocation, notice, waiver of notice, check, or other instrument which the attorney-in-fact deems useful for the accomplishment of any of the purposes enumerated in this subdivision;

(10) to execute, acknowledge, and file any report or certificate required by law or governmental regulation;

(11) to prosecute, defend, submit to arbitration, settle, and propose or accept a compromise with respect to, any claim existing in favor of or against the principal based on or involving any bond, share, or commodity transaction or to intervene in any related action or proceeding;

(12) to hire, discharge, and compensate any attorney, accountant, expert witness or other assistant or assistants when the attorney-in-fact deems that action to be desirable for the proper execution of any of the powers described in this subdivision, and for the keeping of needed records; and

(13) in general, and in addition to all the specific acts listed in this subdivision, to do any other acts with respect to any interest in any bond, share, other instrument of similar character, commodity, or instrument with respect to a commodity.

All powers described in this subdivision are exercisable equally with respect to any interest in any bond, share or other instrument of similar character, commodity, or instrument with respect to a commodity owned by the principal at the giving of the power of attorney or acquired after that time, whether located in the state of Minnesota or elsewhere.

Subd. 4. [BANKING TRANSACTIONS.] In a statutory short form power of attorney, the language conferring general authority with respect to banking transactions, means that the principal authorizes the attorney-in-fact:

(1) to continue, modify, and terminate any deposit account or other banking arrangement made by or on behalf of the principal prior to the execution of the power of attorney;

(2) to open in the name of the principal alone, or in a way that clearly evidences the principal and attorney-in-fact relationship, a deposit account of any type with any bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other institution which serves as a depository for funds selected by the attorney-in-fact, to hire safe deposit box or vault space and to make other contracts for the procuring of other services made available by the banking institution as the attorney-in-fact deems desirable;

(3) to make, sign, and deliver checks or drafts for any purpose, to withdraw by check, order, or otherwise any funds or property of the principal deposited with or left in the custody of any banking institution, wherever located, either before or after the execution of the power of attorney;

(4) to prepare any necessary financial statements of the assets and liabilities or income and expenses of the principal for submission to any banking institution;

(5) to receive statements, vouchers, notices, or other documents from any banking institution and to act with respect to them;

(6) to enter at any time any safe deposit box or vault which the principal could enter if personally present;

(7) to borrow money at any interest rate the attorney-in-fact selects, to pledge as security any assets of the principal the attorney-in-fact deems desirable or necessary for borrowing, to pay, renew, or extend the time of payment of any debt of the principal;

(8) to make, assign, draw, endorse, discount, guarantee, and negotiate, all promissory notes, bills of exchange, checks, drafts, or other negotiable or nonnegotiable paper of the principal, or payable to the principal or his order, to receive the cash or other proceeds of any of those transactions, to accept any bill of exchange or draft drawn by any person upon the principal, and to pay it when due;

(9) to receive for the principal and to deal in and to deal with any sight draft, warehouse receipt, or other negotiable or nonnegotiable instrument in which the principal has or claims to have an interest;

(10) to apply for and to receive letters of credit from any banking institution selected by the attorney-in-fact, giving indemnity or other agreement in connection with the letters of credit which the attorney-in-fact deems desirable or necessary;

(11) to consent to an extension in the time of payment with respect to any commercial paper or any banking transaction in which the principal has an interest or by which the principal is, or might be, affected in any way;

(12) to demand, receive, obtain by action, proceeding, or otherwise any money or other thing of value to which the principal is, or may become, or may claim to be entitled as the proceeds of any banking transaction, and to reimburse the attorney-in-fact for any expenditures properly made in the execution of the powers conferred upon the attorney-in-fact by the statutory short form power of attorney;

(13) to execute, acknowledge, and deliver any instrument of any kind, in the name of the principal or otherwise, which the attorney-in-fact deems useful for the accomplishment of any of the purposes enumerated in this subdivision;

(14) to prosecute, defend, submit to arbitration, settle, and propose or accept a compromise with respect to any claim existing in favor of or against the principal based on or involving any

banking transaction or to intervene in any related action or proceeding;

(15) to hire, discharge, and compensate any attorney, accountant, expert witness, or other assistant when the attorney-in-fact deems that action to be desirable for the proper execution of any of the powers described in this subdivision, and for the keeping of needed records; and

(16) in general, and in addition to all the specific acts listed in this subdivision, to do any other acts in connection with any banking transaction which does or might in any way affect the financial or other interests of the principal.

All powers described in this subdivision are exercisable equally with respect to any banking transaction engaged in by the principal at the giving of the power of attorney or engaged in after that time, and whether conducted in the state of Minnesota or elsewhere.

Subd. 5. [BUSINESS OPERATING TRANSACTIONS.]
In a statutory short form power of attorney, the language conferring general authority with respect to business operating transactions, means that the principal authorizes the attorney-in-fact:

(1) to discharge and perform any duty or liability and also to exercise any right, power, privilege, or option which the principal has, or claims to have, under any partnership agreement whether the principal is a general or limited partner; to enforce the terms of a partnership agreement for the protection of the principal, by action, proceeding, or otherwise, as the attorney-in-fact deems desirable or necessary, and to defend, submit to arbitration, settle, or compromise any action or other legal proceeding to which the principal is a party because of his membership in the partnership;

(2) to exercise in person or by proxy or to enforce by action, proceeding, or otherwise, any right, power, privilege, or option which the principal has as the holder of any bond, share, or other instrument of similar character and to defend, submit to arbitration, settle or compromise any action or other legal proceeding to which the principal is a party because of a bond, share, or other instrument of similar character;

(3) with respect to any business enterprise which is owned solely by the principal:

(a) to continue, modify, renegotiate, extend, and terminate any contractual arrangements made with any person or entity, firm, association, or corporation by or on behalf of the principal

with respect to the business enterprise prior to the granting of the power of attorney;

(b) to determine the policy of the business enterprise as to the location of the site or sites to be used for its operation, the nature and extent of the business to be undertaken by it, the methods of manufacturing, selling, merchandising, financing, accounting, and advertising to be employed in its operation, the amount and types of insurance to be carried, the mode of securing, compensating, and dealing with accountants, attorneys, servants, and other agents and employees required for its operation, and to agree and to contract in any manner, with any person, and on any terms which the attorney-in-fact deems desirable or necessary for effectuating any or all of the decisions of the attorney-in-fact as to policy, and to perform, rescind, reform, release, or modify the agreement or contract or any other similar agreement or contract made by or on behalf of the principal;

(c) to change the name or form of organization under which the business enterprise is operated and to enter into a partnership agreement with other persons or to organize a corporation to take over the operation of the business or any part of the business, as the attorney-in-fact deems desirable or necessary;

(d) to demand and receive all money which is or may become due to the principal or which may be claimed by the principal or on his behalf in the operation of the business enterprise, and to control and disburse the funds in the operation of the enterprise in any way which the attorney-in-fact deems desirable or necessary, and to engage in any banking transactions which the attorney-in-fact deems desirable or necessary for effectuating the execution of any of the powers of the attorney-in-fact described in clauses (a) to (d);

(4) to prepare, sign, file, and deliver all reports, compilations of information, returns, or other papers with respect to any business operating transaction of the principal, which are required by any governmental agency, department, or instrumentality or which the attorney-in-fact deems desirable or necessary for any purpose, and to make any related payments;

(5) to pay, compromise, or contest taxes or assessments and to do any act or acts which the attorney-in-fact deems desirable or necessary to protect the principal from illegal or unnecessary taxation, fines, penalties, or assessments in connection with his business operations, including power to attempt to recover, in any manner permitted by law, sums paid before or after the execution of the power of attorney as taxes, fines, penalties, or assessments;

(6) to demand, receive, obtain by action, proceeding, or otherwise, any money or other thing of value to which the prin-

principal is, may become, or may claim to be entitled as the proceeds of any business operation of the principal, to conserve, to invest, to disburse, or to use anything so received for purposes enumerated in this subdivision, and to reimburse the attorney-in-fact for any expenditures properly made by the attorney-in-fact in the execution of the powers conferred upon the attorney-in-fact by the statutory short form power of attorney;

(7) to execute, acknowledge, seal, and deliver any deed, assignment, mortgage, lease, notice, consent, agreement, authorization, check, or other instrument which the attorney-in-fact deems useful for the accomplishment of any of the purposes enumerated in this subdivision;

(8) to prosecute, defend, submit to arbitration, settle, and propose or accept a compromise with respect to, any claim existing in favor of, or against, the principal based on or involving any business operating transaction or to intervene in any related action or proceeding;

(9) to hire, discharge, and compensate any attorney, accountant, expert witness, or other assistant when the attorney-in-fact deems that action to be desirable for the proper execution by the attorney-in-fact of any of the powers described in this subdivision, and for the keeping of needed records; and

(10) in general, and in addition to all the specific acts listed in this subdivision, to do any other act which the attorney-in-fact deems desirable or necessary for the furtherance or protection of the interests of the principal in any business.

All powers described in this subdivision are exercisable equally with respect to any business in which the principal is interested at the time of giving of the power of attorney or in which the principal becomes interested after that time, and whether operated in the state of Minnesota or elsewhere.

Subd. 6. [INSURANCE TRANSACTIONS.] In a statutory short form power of attorney, the language conferring general authority with respect to insurance transactions, means that the principal authorizes the attorney-in-fact:

(1) to continue, pay the premium or assessment on, modify, rescind, release, or terminate any contract of life, accident, health, or disability insurance or for the provision of health care services, or any combination of these contracts procured by or on behalf of the principal prior to the granting of the power of attorney which insures either the principal or any other person, without regard to whether the principal is or is not a beneficiary under the contract;

(2) to procure new, different, or additional contracts of life, accident, health, or disability insurance for the principal or for provision of health care services for the principal, to select the amount, the type of insurance and the mode of payment under each contract, to pay the premium or assessment on, modify, rescind, release or terminate, any contract so procured by the attorney-in-fact, and to designate the beneficiary of the contract, provided, however, that the attorney-in-fact cannot be named a beneficiary except, if permitted under subdivision 8, the attorney-in-fact can be named the beneficiary of death benefit proceeds under an insurance contract, or, if the attorney-in-fact was named as a beneficiary under the contract which was procured by the principal prior to the granting of the power of attorney, then the attorney-in-fact can continue to be named as the beneficiary under the contract or under any extension or renewal of or substitute for the contract;

(3) to apply for and receive any available loan on the security of the contract of insurance, whether for the payment of a premium or for the procuring of cash, to surrender and then to receive the cash surrender value, to exercise any election as to beneficiary or mode of payment, to change the manner of paying premiums, to change or convert the type of insurance contract, with respect to any contract of life, accident, health, disability, or liability insurance as to which the principal has, or claims to have, any one or more of the powers described in this subdivision and to change the beneficiary of the contract of insurance, provided, however, that the attorney-in-fact cannot be a new beneficiary except, if permitted under subdivision 8, the attorney-in-fact can be the beneficiary of death benefit proceeds under an insurance contract, or, if the attorney-in-fact was named as a beneficiary under the contract which was procured by the principal prior to the granting of the power of attorney, then the attorney-in-fact can continue to be named as the beneficiary under the contract or under any extension or renewal of or substitute for the contract;

(4) to demand, receive, obtain by action, proceeding, or otherwise, any money, dividend, or other thing of value to which the principal is, or may become, or may claim to be entitled as the proceeds of any contract of insurance or of one or more of the transactions enumerated in this subdivision, to conserve, invest, disburse, or utilize anything so received for purposes enumerated in this subdivision, and to reimburse the attorney-in-fact for any expenditures properly made by the attorney-in-fact in the execution of the powers conferred on the attorney-in-fact by the statutory short form power of attorney;

(5) to apply for and procure any available governmental aid in the guaranteeing or paying of premiums of any contract of insurance on the life of the principal;

(6) to sell, assign, hypothecate, borrow upon, or pledge the interest of the principal in any contract of insurance;

(7) to pay from any proceeds or otherwise, compromise, or contest, and to apply for refunds in connection with, any tax or assessment levied by a taxing authority with respect to any contract of insurance or the proceeds of the refunds or liability accruing by reason of the tax or assessment;

(8) to agree and contract in any manner, with any person, and on any terms which the attorney-in-fact selects for the accomplishment of any of the purposes enumerated in this subdivision, and to perform, rescind, reform, release, or modify the agreement or contract;

(9) to execute, acknowledge, seal, and deliver any consent, demand, request, application, agreement, indemnity, authorization, assignment, pledge, notice, check, receipt, waiver, or other instrument which the attorney-in-fact deems useful for the accomplishment of any of the purposes enumerated in this subdivision;

(10) to continue, procure, pay the premium or assessment on, modify, rescind, release, terminate, or otherwise deal with any contract of insurance, other than those enumerated in (1) or (2), whether fire, marine, burglary, compensation, liability, hurricane, casualty, or other type, or any combination of insurance, to do any act or acts with respect to the contract or with respect to its proceeds or enforcement which the attorney-in-fact deems desirable or necessary for the promotion or protection of the interests of the principal;

(11) to prosecute, defend, submit to arbitration, settle, and propose or accept a compromise with respect to any claim existing in favor of or against the principal based on or involving any insurance transaction or to intervene in any related action or proceeding;

(12) to hire, discharge, and compensate any attorney, accountant, expert witness, or other assistants when the attorney-in-fact deems the action to be desirable for the proper execution by the attorney-in-fact of any of the powers described in this subdivision and for the keeping of needed records; and

(13) in general, and in addition to all the specific acts listed in this subdivision, to do any other acts in connection with procuring, supervising, managing, modifying, enforcing, and terminating contracts of insurance or for the provisions of health care services in which the principal is the insured or is otherwise in any way interested.

All powers described in this subdivision are exercisable with respect to any contract of insurance or for the provision of health care service in which the principal is in any way interested, whether made in the state of Minnesota or elsewhere.

Subd. 7. [BENEFICIARY TRANSACTIONS.] *In the statutory short form power of attorney, the language conferring general authority with respect to beneficiary transactions, means that the principal authorizes the attorney-in-fact:*

(1) *to represent and act for the principal in all ways and in all matters affecting any trust, probate estate, guardianship, conservatorship, escrow, custodianship, or other fund out of which the principal is entitled, or claims to be entitled, as a beneficiary, to some share or payment, including, but not limited to the following:*

(a) *to accept, reject, disclaim, receive, receipt for, sell, assign, release, pledge, exchange, or consent to a reduction in or modification of any share in or payment from the fund;*

(b) *to demand or obtain by action, proceeding, or otherwise any money or other thing of value to which the principal is, may become, or may claim to be entitled by reason of the fund, to initiate, to participate in, and to oppose any proceeding, judicial, or otherwise, for the ascertainment of the meaning, validity, or effect of any deed, declaration of trust, or other transaction affecting in any way the interest of the principal, to initiate, participate in, and oppose any proceeding, judicial or otherwise, for the removal, substitution, or surcharge of a fiduciary, to conserve, invest, disburse, or use anything so received for purposes listed in this subdivision, and to reimburse the attorney-in-fact for any expenditures properly made by the attorney-in-fact in the execution of the powers conferred on the attorney-in-fact by the statutory short form power of attorney;*

(c) *to prepare, sign, file, and deliver all reports, compilations of information, returns, or papers with respect to any interest had or claimed by or on behalf of the principal in the fund, to pay, compromise, or contest, and apply for and receive refunds in connection with, any tax or assessment, with respect to any interest had or claimed by or on behalf of the principal in the fund or with respect to any property in which an interest is had or claimed;*

(d) *to agree and contract in any manner, with any person, and on any terms the attorney-in-fact selects, for the accomplishment of the purposes listed in this subdivision, and to perform, rescind, reform, release, or modify the agreement or contract or any other similar agreement or contract made by or on behalf of the principal;*

(e) *to execute, acknowledge, verify, seal, file, and deliver any deed, assignment, mortgage, lease, consent, designation, pleading, notice, demand, election, conveyance, release, assignment, check, pledge, waiver, admission of service, notice of appearance, or other instrument which the attorney-in-fact deems*

useful for the accomplishment of any of the purposes enumerated in this subdivision;

(f) *to submit to arbitration or settle and propose or accept a compromise with respect to any controversy or claim which affects the administration of the fund, in any one of which the principal has, or claims to have, an interest, and to do any and all acts which the attorney-in-fact deems to be desirable or necessary in effectuating the compromise;*

(g) *to hire, discharge, and compensate any attorney, accountant, expert witness, or other assistant, when the attorney-in-fact deems that action to be desirable for the proper execution by the attorney-in-fact of any of the powers described in this subdivision, and for the keeping of needed records;*

(h) *to transfer any part or all of any interest which the principal may have in any interests in real estate, stocks, bonds, bank accounts, insurance, and any other assets of any kind and nature, to the trustee of any revocable trust created by the principal as grantor.*

For the purposes of clauses (a) to (h), "the fund" means any trust, probate estate, guardianship, conservatorship, escrow, custodianship, or any other fund in which the principal has or claims to have an interest.

(2) *in general, and in addition to all the specific acts listed in this subdivision, to do any other acts with respect to the administration of a trust, probate estate, guardianship, conservatorship, escrow, custodianship, or other fund, in which the principal has, or claims to have, an interest as a beneficiary.*

All powers described in this subdivision are exercisable equally with respect to the administration or disposition of any trust, probate estate, guardianship, conservatorship, escrow, custodianship, or other fund in which the principal is interested at the giving of the power of attorney or becomes interested after that time, as a beneficiary, and whether located in the state of Minnesota or elsewhere.

Subd. 8. [GIFT TRANSACTIONS.] *In the statutory short form power of attorney, the language conferring general authority with respect to gift transactions, means that the principal authorizes the attorney-in-fact:*

(1) *to make gifts to organizations, whether charitable or otherwise, to which the principal has made gifts, and to satisfy pledges made to organizations by the principal;*

(2) *to make gifts on behalf of the principal to the principal's spouse, children, and other descendants or the spouse*

of any child or other descendant, either outright or in trust, for purposes which the attorney-in-fact deems to be in the best interest of the principal, specifically including minimization of income, estate, inheritance, or gift taxes, provided that no attorney-in-fact nor any one the attorney-in-fact has a legal obligation to support may be the recipient of any gifts in any one calendar year which, in the aggregate, exceed \$10,000 in value to each recipient;

(3) to prepare, execute, consent to on behalf of the principal, and file any return, report, declaration, or other document required by the laws of the United States, any state or subdivision of a state, or any foreign government, which the attorney-in-fact deems to be desirable or necessary with respect to any gift made under the authority of this subdivision;

(4) to execute, acknowledge, seal, and deliver any deed, assignment, agreement, authorization, check, or other instrument which the attorney-in-fact deems useful for the accomplishment of any of the purposes enumerated in this subdivision;

(5) to prosecute, defend, submit to arbitration, settle, and propose or accept a compromise with respect to any claim existing in favor of or against the principal based on or involving any gift transaction or to intervene in any related action or proceeding;

(6) to hire, discharge, and compensate any attorney, accountant, expert witness, or other assistant when the attorney-in-fact deems that action to be desirable for the proper execution by the attorney-in-fact of any of the powers described in this subdivision, and for the keeping of needed records; and

(7) in general, and in addition to but not in contravention of all the specific acts listed in this subdivision, to do any other acts which the attorney-in-fact deems desirable or necessary to complete any gift on behalf of the principal.

All powers described in this subdivision are exercisable equally with respect to a gift of any property in which the principal is interested at the giving of the power of attorney or becomes interested after that time, and whether located in the state of Minnesota or elsewhere.

Subd. 9. [FIDUCIARY TRANSACTIONS.] In a statutory short form power of attorney, the language conferring general authority with respect to fiduciary transactions, means that the principal authorizes the agent:

(1) to apply for and procure, in the name of the principal, letters of administration, letters testamentary, letters of guard-

ianship or conservatorship, or any other type of authority, either judicial or administrative, to act as a fiduciary of any sort;

(2) to represent and act for the principal in all ways and in all matters affecting any fund with respect to which the principal is a fiduciary;

(3) to initiate, participate in, and oppose any proceeding, judicial or otherwise, for the removal, substitution, or surcharge of a fiduciary, to conserve, to invest or to disburse anything received for the purposes of the fund for which it is received, and to reimburse the attorney-in-fact for any expenditures properly made by the attorney-in-fact in the execution of the powers conferred on the attorney-in-fact by the statutory short form power of attorney;

(4) to agree and contract, in any manner, with any person, and on any terms which the attorney-in-fact selects for the accomplishment of the purposes enumerated in this subdivision, and to perform, rescind, reform, release, or modify the agreement or contract or any other similar agreement or contract made by or on behalf of the principal;

(5) to execute, acknowledge, verify, seal, file, and deliver any consent, designation, pleading, notice, demand, election, conveyance, release, assignment, check, pledge, waiver, admission of service, notice of appearance, or other instrument which the attorney-in-fact deems useful for the accomplishment of any of the purposes enumerated in this subdivision;

(6) to hire, discharge, and compensate any attorney, accountant, expert witness, or other assistants, when the attorney-in-fact deems that action to be desirable for the proper execution by the attorney-in-fact of any of the powers described in this subdivision, and for the keeping of needed records; and

(7) in general, and in addition to all the specific acts listed in this subdivision, to do any other acts with respect to a fund of which the principal is a fiduciary.

For the purposes of clauses (1) to (7), "fund" means any trust, probate estate, guardianship, conservatorship, escrow, custodianship, or any other fund in which the principal has, or claims to have, an interest as a fiduciary.

All powers described in this subdivision are exercisable equally with respect to any fund of which the principal is a fiduciary to the giving of the power of attorney or becomes a fiduciary after that time, and whether located in the state of Minnesota or elsewhere.

Subd. 10. [CLAIMS AND LITIGATION.] In a statutory short form power of attorney, the language conferring general authority with respect to claims and litigation, means that the principal authorizes the attorney-in-fact:

(1) to assert and prosecute before any court, administrative board, department, commissioner, or other tribunal, any cause of action, claim, counterclaim, offset, or defense, which the principal has, or claims to have, against any individual, partnership, association, corporation, government, or other person or instrumentality, including, by way of illustration and not of restriction, power to sue for the recovery of land or of any other thing of value, for the recovery of damages sustained by the principal in any manner, for the elimination or modification of tax liability, for an injunction, for specific performance, or for any other relief;

(2) to bring an action of interpleader or other action to determine adverse claims, to intervene or interplead in any action or proceeding, and to act in any litigation as amicus curiae;

(3) in connection with any action or proceeding or controversy at law or otherwise, to apply for and, if possible, procure a libel, an attachment, a garnishment, an order of arrest, or other preliminary, provisional, or intermediate relief and to resort to and to utilize in all ways permitted by law any available procedure for the effectuation or satisfaction of the judgment, order, or decree obtained;

(4) in connection with any action or proceeding, at law or otherwise, to perform any act which the principal might perform, including by way of illustration and not of restriction, acceptance of tender, offer of judgment, admission of any facts, submission of any controversy on an agreed statement of facts, consent to examination before trial, and generally to bind the principal in the conduct of any litigation or controversy as seems desirable to the attorney-in-fact;

(5) to submit to arbitration, settle, and propose or accept a compromise with respect to any claim existing in favor of or against the principal or any litigation to which the principal is, may become, or may be designated a party;

(6) to waive the issuance and service of a summons, citation, or other process upon the principal, accept service of process, appear for the principal, designate persons upon whom process directed to the principal may be served, execute and file or deliver stipulations on the principal's behalf, verify pleadings, appeal to appellate tribunals, procure and give surety and indemnity bonds at the times and to the extent the attorney-in-fact deems desirable or necessary, contract and pay for the preparation and printing of records and briefs, receive and execute and

file or deliver any consent, waiver, release, confession of judgment, satisfaction of judgment, notice, agreement, or other instrument which the attorney-in-fact deems desirable or necessary in connection with the prosecution, settlement, or defense of any claim by or against the principal or of any litigation to which the principal is or may become or be designated a party;

(7) to appear for, represent, and act for the principal with respect to bankruptcy or insolvency proceedings, whether voluntary or involuntary, whether of the principal or of some other person, with respect to any reorganization proceeding, or with respect to any receivership or application for the appointment of a receiver or trustee which, in any way, affects any interest of the principal in any real property, bond, share, commodity interest, tangible personal property, or other thing of value;

(8) to hire, discharge, and compensate any attorney, accountant, expert witness or other assistant when the attorney-in-fact deems that action to be desirable for the proper execution of any of the powers described in this subdivision;

(9) to pay, from funds in the control of the attorney-in-fact or for the account of the principal, any judgment against the principal or any settlement which may be made in connection with any transaction enumerated in this subdivision, and to receive and conserve any money or other things of value paid in settlement of or as proceeds of one or more of the transactions enumerated in this subdivision, and to receive, endorse, and deposit checks; and

(10) in general, and in addition to all the specific acts listed in this subdivision, to do any other acts in connection with any claim by or against the principal or with litigation to which the principal is or may become or be designated a party.

All powers described in this subdivision are exercisable equally with respect to any claim or litigation existing at the giving of the power of attorney or arising after that time, and whether arising in the state of Minnesota or elsewhere.

Subd. 11. [FAMILY MAINTENANCE.] In a statutory short form power of attorney, the language conferring general authority with respect to family maintenance, means that the principal authorizes the attorney-in-fact:

(1) to do all acts necessary for maintaining the customary standard of living of the spouse and children, and other persons customarily supported by the principal, including by way of illustration and not by way of restriction, power to provide living quarters by purchase, lease, or other contract, or by payment of the operating costs, including interest, amortization payments, repairs, and taxes of premises owned by the principal and occupied by his family or dependents, to provide normal

domestic help for the operation of the household, to provide usual vacations and usual travel expenses, to provide usual educational facilities, and to provide funds for all the current living costs of the spouse, children, and other dependents, including, among other things, shelter, clothing, food, and incidentals;

(2) to pay for necessary medical, dental, and surgical care, hospitalization, and custodial care for the spouse, children, and other dependents of the principal;

(3) to continue whatever provision has been made by the principal, either prior to or after the execution of the power of attorney, for his spouse and other persons customarily supported by the principal, with respect to automobiles, or other means of transportation, including by way of illustration but not by way of restriction, power to license, insure, and replace any automobiles owned by the principal and customarily used by the spouse, children, or other persons customarily supported by the principal;

(4) to continue whatever charge accounts have been operated by the principal prior to the execution of the power of attorney or thereafter for the convenience of his spouse, children, or other persons customarily supported by the principal, to open new accounts the attorney-in-fact deems to be desirable for the accomplishment of any of the purposes enumerated in this subdivision, and to pay the items charged on those accounts by any person authorized or permitted by the principal to make charges prior to the execution of the power of attorney;

(5) to continue payments incidental to the membership or affiliation of the principal in any church, club, society, order, or other organization or to continue contributions to those organizations;

(6) to demand, receive, obtain by action, proceeding, or otherwise any money or other thing of value to which the principal is or may become or may claim to be entitled as salary, wages, commission, or other remuneration for services performed, or as a dividend or distribution upon any stock, or as interest or principal upon any indebtedness, or any periodic distribution of profits from any partnership or business in which the principal has or claims an interest, and to endorse, collect, or otherwise realize upon any instrument for the payment received;

(7) to use any asset of the principal for the performance of the powers enumerated in this subdivision, including by way of illustration and not by way of restriction, power to draw money by check or otherwise from any bank deposit of the principal, to sell any interest in real property, bond, share, commodity interest, tangible personal property, or other asset of the prin-

cipal, to borrow money and pledge as security for a loan, any asset, including insurance, which belongs to the principal;

(8) to execute, acknowledge, verify, seal, file, and deliver any application, consent, petition, notice, release, waiver, agreement, or other instrument which the attorney-in-fact deems useful for the accomplishment of any of the purposes enumerated in this subdivision;

(9) to hire, discharge, and compensate any attorney, accountant, or other assistant when the attorney-in-fact deems that action to be desirable for the proper execution by any of the powers described in this subdivision, and for the keeping of needed records; and

(10) in general, and in addition to all the specific acts listed in this subdivision, to do any other acts for the welfare of the spouse, children, or other persons customarily supported by the principal or for the preservation and maintenance of the other personal relationships of the principal to parents, relatives, friends, and organizations as are appropriate.

All powers described in this subdivision are exercisable equally whether the acts required for their execution relate to real or personal property owned by the principal at the giving of the power of attorney or acquired after that time and whether those acts are performable in the state of Minnesota or elsewhere.

Subd. 12. [BENEFITS FROM MILITARY SERVICE.] In a statutory short form power of attorney, the language conferring general authority with respect to benefits from military service, means that the principal authorizes the attorney-in-fact:

(1) to execute vouchers in the name of the principal for any and all allowances and reimbursements payable by the United States or by any state or subdivision of a state to the principal, including, by way of illustration and not of restriction, all allowances and reimbursements for transportation of the principal and of his dependents, and for shipment of household effects, to receive, endorse, and collect the proceeds of any check payable to the order of the principal drawn on the treasurer or other fiscal officer or depository of the United States or of any state or subdivision of a state;

(2) to take possession and order the removal and shipment of any property of the principal from any post, warehouse, depot, dock, or other place of storage or safekeeping, either governmental or private, to execute and deliver any release, voucher, receipt, bill of lading, shipping ticket, certificate, or other instrument which the attorney-in-fact deems desirable or necessary for that purpose;

(3) to prepare, file, and prosecute the claim of the principal to any benefit or assistance, financial or otherwise, to which the principal is, or claims to be, entitled, under the provisions of any statute or regulation existing at the execution of the power of attorney or enacted after that time by the United States or by any state or by any subdivision of a state, or by any foreign government, which benefit or assistance arises from or is based upon military service performed prior to or after the execution of the power of attorney by the principal or by any person related by blood or marriage to the principal, to execute any receipt or other instrument which the attorney-in-fact deems desirable or necessary for the enforcement or for the collection of that claim;

(4) to receive the financial proceeds of any claim of the type described in this subdivision, to conserve, invest, disburse, or use anything so received for purposes enumerated in this subdivision, and to reimburse the attorney-in-fact for any expenditures properly made by him in the execution of the powers conferred on the attorney-in-fact by the statutory short form power of attorney;

(5) to prosecute, defend, submit to arbitration, settle, and propose or accept a compromise with respect to any claim existing in favor of or against the principal based on or involving any benefits from military service or to intervene in any related action or proceeding;

(6) to hire, discharge, and compensate any attorney, accountant, expert witness, or other assistant when the attorney-in-fact deems that action to be desirable for the proper execution by the attorney-in-fact of any of the powers described in this subdivision; and

(7) in general, and in addition to all the specific acts listed in this subdivision, to do any other acts which the attorney-in-fact deems desirable or necessary, to assure to the principal, and to the dependents of the principal, the maximum possible benefit from the military service performed prior to or after the execution of the power of attorney by the principal or by any person related by blood or marriage to the principal.

All powers described in this subdivision are exercisable equally with respect to any benefits from military service existing at the giving of the power of attorney or accruing after that time, and whether accruing in the state of Minnesota or elsewhere.

Subd. 13. [RECORDS, REPORTS, AND STATEMENTS.]
In a statutory short form power of attorney, the language conferring general authority with respect to records, reports, and statements means that the principal authorizes the attorney-in-fact:

(1) to keep records of all cash received and disbursed for or on account of the principal, of all credits and debits to the account of the principal, and of all transactions affecting in any way the assets and liabilities of the principal;

(2) to prepare, execute, and file all tax and tax information returns, for all periods, required by the laws of the United States, any state or any subdivision of a state, or any foreign government, to prepare, execute, and file all other tax-related documents for all tax periods, including requests for extension of time, offers, waivers, consents, powers of attorney, closing agreements, and petitions to any tax court regarding tax matters, and to prepare, execute, and file all other instruments which the attorney-in-fact deems desirable or necessary for the safeguarding of the principal against excessive or illegal taxation or against penalties imposed for claimed violation of any law or other governmental regulation, it being the intent of this provision that it is sufficiently definite to permit the attorney-in-fact to represent the principal respecting all taxes that the principal has paid and all tax returns that the principal has filed, either personally or through an agent, with the Internal Revenue Service or any other agency of the United States government, any state department of revenue, any political subdivision of a state, and any foreign country or political subdivision of a foreign country;

(3) to prepare, execute, and file any return, report, declaration, or other document required by the laws of the United States, any state, subdivision of a state, or any foreign government, including, by way of illustration and not as a limitation, any report or declaration required by the Social Security Administration, the commissioner of economic security or other, similar, governmental agency, which the attorney-in-fact deems to be desirable or necessary for the safeguarding or maintenance of the principal's interest;

(4) to prepare, execute, and file any record, report, or statement which the attorney-in-fact deems desirable or necessary for the safeguarding or maintenance of the principal's interest, with respect to price, rent, wage, or rationing control, or other governmental activity;

(5) to hire, discharge, and compensate any attorney, accountant, or other assistant when the attorney-in-fact deems that action to be desirable for the proper execution of any of the powers described in this subdivision; and

(6) in general, and in addition to all the specific acts listed in this subdivision, to do any other acts in connection with the preparation, execution, filing, storage, or other use of any records, reports, or statements of or concerning the principal's affairs.

All powers described in this subdivision are exercisable equally with respect to any records, reports, or statements of or concerning the affairs of the principal existing at the giving of the power of attorney or arising after that time, and whether arising in the state of Minnesota or elsewhere.

Subd. 14. [ALL OTHER MATTERS.] In a statutory short form power of attorney, the language conferring general authority with respect to all other matters, means that the principal authorizes the attorney-in-fact to act as an alter ego of the principal with respect to any and all possible matters and affairs affecting property owned by the principal which are not enumerated in subdivisions 1 to 13, and which the principal can do through an agent.

Sec. 27. [523.25] [MODIFICATION TO STATUTORY SHORT FORM POWER OF ATTORNEY.]

A power of attorney which satisfies the requirements of section 25, subdivision 1, is not prevented from being a statutory short form power of attorney, by the fact that: (1) it creates a nondurable power of attorney instead of a durable power of attorney; (2) it provides for one or more named successors to the attorney-in-fact originally named; or (3) it provides that the attorney-in-fact must render an accounting to the principal or other designated person.

Sec. 28. Minnesota Statutes 1982, section 528.15, is amended to read:

528.15 [PURPOSE; FORMS.]

The declared purpose of sections 528.01 to (528.16) 528.15 is to render certainty to the nature of accounts of deposit in relation to the rights of survivorship, and to distinguish accounts of survivorship from accounts established for the purpose of having an agent with power to draw on the account for the convenience of the owner with no survivorship rights in the agent. To further accomplish this purpose, the forms contained in this section are recommended for use to be kept on file in the depository financial institution. Deposits made using a form of account containing the following language signed by the depositor shall be conclusive evidence of the intent of decedent to establish a survivorship account in the absence of fraud or misrepresentation, subject, nevertheless, to other disposition made by will specifically referring to the account as otherwise provided in section 528.05, clause (e), the form to read as follows:

"The undersigned signators of this account hereby acknowledge that the depositor or depositors, both as to the original deposit and any subsequent deposits, intend that such funds as

may constitute the account balance upon the death of any party to this account, shall be the property of the surviving party or parties who shall take as a surviving joint tenant.

If two or more persons shall be the survivors, their interests shall continue to be held as joint tenants with right of survivorship.

Where no rights of survivorship are intended and the account is one to be established for convenience only between a depositor and his agent, the following language is recommended for use, and when so used, any account deposited in the form shall be construed as a matter of law to be an account subject to a power of attorney with no survivorship rights, the form to read as follows:

"I (grantor of power), hereby constitute and appoint (grantee of power), as my attorney in fact, to deposit or withdraw funds held in (name of bank), in account No.

Dated:

Acknowledgment: In the presence of (an authorized person), (name of financial institution)."

The power so granted is subject to the provisions of (SECTION 528.16) sections 3 to 27.

Sec. 29. [REPEALER.]

Minnesota Statutes, 1982, sections 51A.25; 507.291; 507.292; 507.293; 507.294; 507.39; 524.5-501; 524.5-502; and 528.16, are repealed."

Delete the title and insert:

"A bill for an act relating to powers of attorney; providing procedures for granting powers of attorney; construing various specific powers; amending Minnesota Statutes 1982, sections 508.72; 508A.72; 528.15; proposing new law coded as Minnesota Statutes, chapter 523; repealing Minnesota Statutes 1982, sections 51A.25; 507.291; 507.292; 507.293; 507.294; 507.39; 524.5-501; 524.5-502; and 528.16."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1950, A bill for an act relating to marriage; authorizing a married woman to use her former surname; proposing new law coded in Minnesota Statutes, chapters 325G and 517.

Reported the same back with the following amendments:

Page 1, line 10, after "*her*" insert "*current or*" and after "*surname*" delete "*or*"

Page 1, line 11, delete "*married name*"

Page 1, line 13, delete "*her*" and insert "*a*"

Page 1, line 14, after the period, insert "*Refusal to issue a credit card pursuant to this section constitutes an unfair discriminatory practice under section 363.03, subdivision 8.*"

Page 1, delete lines 15 to 24 and insert:

"Sec. 2. Minnesota Statutes 1982, section 363.03, subdivision 8, is amended to read:

Subd. 8. [CREDIT; SEX DISCRIMINATION.] It is an unfair discriminatory practice:

(1) to discriminate in the extension of credit to a person because of sex or marital status;

(2) *for a credit card issuer to refuse to issue a credit card to a woman under her current or former surname unless there is an intent to defraud or mislead, except that a credit card issuer may require that a woman requesting a card under a former surname open a separate account in that name. A credit card issuer may also require disclosure of any other names under which the credit card applicant may have a credit history.*

Sec. 3. Minnesota Statutes 1982, section 363.03, is amended by adding a subdivision to read:

Subd. 8a. [BUSINESS; SEX DISCRIMINATION.] *It is an unfair discriminatory practice for a person engaged in a trade or business or in the provision of a service to refuse to do business with or provide a service to a woman based on her use of her current or former surname. It is an unfair discriminatory practice for a person to impose, as a condition of doing business with or providing a service to a woman, that a woman use her current surname rather than a former surname."*

Delete the title and insert:

"A bill for an act relating to discrimination; authorizing a woman to use a current or former surname for purposes of credit or business; prohibiting discrimination on the basis of use of a current or former surname; amending Minnesota Statutes 1982, section 363.03, subdivision 8, and by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 325G."

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 2049, A bill for an act relating to vital statistics; providing for collection of statistical data concerning the dissolution or annulment of marriage; appropriating money; amending Minnesota Statutes 1982, section 144.224; proposing new law coded in Minnesota Statutes, chapter 518.

Reported the same back with the following amendments:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 1982, section 144.224, is amended to read:

144.224 [REPORTS OF DISSOLUTION AND ANNULMENT OF MARRIAGE.]

Each month the clerk of court shall (FILE A REPORT WITH) *forward to* the (STATE REGISTRAR, REPORTING) *commissioner of health* the (DISSOLUTIONS AND ANNULMENTS OF MARRIAGE GRANTED BY THE COURT IN) *statistical report forms collected pursuant to section 2 during* the preceding month. The report *form* shall include *only* the following information:

a. Name (AND), date of birth, *birthplace, residence, race, and educational attainment* of the husband and wife;

b. County of decree;

c. Date *and type* of decree;

d. (SIGNATURE OF THE CLERK OF COURT; AND) *Place and date of marriage;*

e. Date (SIGNED) *of separation;*

- f. *Number and ages of children of marriage;*
- g. *Amount and status of maintenance and child support;*
- h. *Custody of children;*
- i. *Income of the parties;*
- j. *Length of separation and length of marriage; and*
- k. *Number of previous marriages and reasons for ending the previous marriages (death, dissolution, or annulment).*

The commissioner may publish data collected under this section in summary form only. The statistical report form shall contain a statement that neither the report form, nor information contained in the form, shall be admissible in evidence in this or any subsequent proceeding."

Page 1, line 26, before "*Before*" insert "*On or*" and after "*Before*" insert "*the time*"

Page 2, line 1, delete "*petitioner's attorney*" and insert "*moving party, if other than the petitioner,*"

Page 2, line 2, delete "*return to*" and insert "*file with*"

Page 2, line 5, after the period, insert "*The clerk of court shall not refuse entry of a decree on the basis that the statistical report form is incomplete. Neither the statistical report form, nor information contained in the form, shall be admissible in evidence in this or any subsequent proceeding.*"

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

S. F. No. 1454, A bill for an act relating to public welfare; authorizing the commissioner to enter into interstate adoption compacts; establishing procedures for interstate assistance payments; amending Minnesota Statutes 1983 Supplement, section 256B.06, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 259.

Reported the same back with the following amendments:

Page 5, line 24, delete "*they*" and insert "*the adoptive parents and the child*"

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 63, 1230, 1284, 1285, 1400, 1547, 1554, 1579, 1638, 1665, 1806, 1902, 1935 and 1950 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 1454 was read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

S. F. Nos. 1853, 1859, 1905, 1954 and 1974.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1473.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1642.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1815.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1853, A bill for an act relating to veterinarians; permitting certain University of Minnesota employees to perform certain duties; amending Minnesota Statutes 1982, section 156.12, subdivision 2.

The bill was read for the first time.

Carlson, D., moved that S. F. No. 1853 and H. F. No. 1822, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1859, A bill for an act relating to commerce; requiring insurance for motor vehicle service contracts; requiring motor vehicle service contract providers to file certain forms; prohibiting the issuance of motor vehicle service contracts in certain circumstances; authorizing the commissioner of commerce to adopt rules; proposing new law coded in Minnesota Statutes, chapter 65B.

The bill was read for the first time.

Quinn moved that S. F. No. 1859 and H. F. No. 1820, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1905, A bill for an act relating to crimes; providing penalties for falsely reporting a medical emergency and for interfering with emergency communications over a citizen's band radio channel; imposing a penalty; amending Minnesota Statutes 1983 Supplement, section 609.78.

The bill was read for the first time.

Nelson, D., moved that S. F. No. 1905 and H. F. No. 2198, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1954, A bill for an act relating to elections; making procedural changes; correcting erroneous and obsolete provi-

sions; amending Minnesota Statutes 1982, sections 200.02, subdivision 7; 201.021; 201.061, subdivision 2; 203B.04, subdivision 4; 203B.06, subdivision 4; 204B.27, subdivisions 2 and 3; 204B.28, subdivision 2; 204B.29, subdivision 1; 204C.27; 204D.11, subdivision 3, and by adding a subdivision; 206.15; 208.04; Minnesota Statutes 1983 Supplement, sections 203B.12, subdivision 2; 204B.36, subdivision 2; 204C.10, subdivision 1; 204C.32, subdivision 2; and 204D.11, subdivisions 1 and 5; repealing Minnesota Statutes 1982, sections 201.018, subdivision 1; 204C.11; and 204C.30, subdivision 2.

The bill was read for the first time.

Welle moved that S. F. No. 1954 and H. F. No. 1871, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1974, A bill for an act relating to commerce; clarifying the limitations on enforcement of indemnification agreements in construction contracts; amending Minnesota Statutes 1983 Supplement, sections 337.01, subdivisions 2, 3, and 4; 337.02; 337.03; and 337.05, subdivision 2, and by adding subdivisions; and Laws 1983, chapter 333, section 6; proposing new law coded in Minnesota Statutes, chapter 337.

The bill was read for the first time.

Norton moved that S. F. No. 1974 and H. F. No. 2151, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1473, A bill for an act relating to real property; allowing service of summons upon dissolved domestic corporations; amending provisions related to the abolition of dower and curtesy; amending Minnesota Statutes 1982, sections 508.16, subdivision 1; 519.09; and 519.101.

The bill was read for the first time.

Ellingson moved that S. F. No. 1473 and H. F. No. 1902, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1642, A bill for an act relating to highway traffic regulations; providing for breath tests to be administered using an infrared breath-testing instrument for the purpose of determining the presence of alcohol or a controlled substance; authorizing the results of infrared breath-tests to be admissible into evidence in civil and criminal hearings; amending Minnesota Statutes 1982, sections 169.01, by adding a subdivision; 169.121, subdivision 6; 169.123, subdivisions 4, 5a, and by adding a sub-

division; Minnesota Statutes 1983 Supplement, sections 169.121, subdivision 2; 169.123, subdivisions 2 and 3; proposing new law coded in Minnesota Statutes, chapter 634.

The bill was read for the first time.

Vellenga moved that S. F. No. 1642 and H. F. No. 1638, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1815, 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 144.

The bill was read for the first time.

Clawson moved that S. F. No. 1815 and H. F. No. 1892, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

MOTIONS AND RESOLUTIONS

Gustafson moved that the name of Berkelman be stricken as an author on H. F. No. 1141. The motion prevailed.

Greenfield moved that the names of Wynia, Staten and Reif be added as authors on H. F. No. 1966. The motion prevailed.

Vellenga moved that the name of Segal be added as an author on H. F. No. 2041. The motion prevailed.

Graba moved that the name of Segal be added as an author on H. F. No. 2069. The motion prevailed.

Brinkman moved that the name of Brandl be added as an author on H. F. No. 2134. The motion prevailed.

Skoglund moved that the name of Blatz be added as an author on H. F. No. 2148. The motion prevailed.

Dimler moved that the name of Neuenschwander be added as an author on H. F. No. 2322. The motion prevailed.

Kelly moved that the name of Segal be added as an author on H. F. No. 2323. The motion prevailed.

Gustafson moved that H. F. No. 1141 be returned to its author. The motion prevailed.

Staten, Norton, Bishop, Gustafson and Clark, K., introduced:

House Concurrent Resolution No. 11, A house concurrent resolution requiring the establishment of an affirmative action plan for the legislature; requiring employment of an affirmative action officer.

The concurrent resolution was referred to the Committee on Rules and Legislative Administration.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 11:00 a.m., Friday, April 13, 1984. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Friday, April 13, 1984.

EDWARD A. BURDICK, Chief Clerk, House of Representatives