

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1984

EIGHTY-FIRST DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 18, 1984

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

Prayer was offered by Pastor Tomas E. Meeks, House Chaplain, Ramsey, 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
Brandt	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. Clawson moved that further reading of the Journal be dis-

pensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1775, 158, 2060, 2098, 467, 229, 994, 1561, 1903, 1991, 1203, 1386 and 2182 and S. F. Nos. 120, 1978, 1408, 1451, 1492, 1007, 1668, 1469, 1560, 1826, 1572, 1337, 1843, 1561 and 1842 have been placed in the members' files.

S. F. No. 1668 and H. F. No. 2041, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Vellenga moved that S. F. No. 1668 be substituted for H. F. No. 2041 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1469 and H. F. No. 1679, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Boo moved that the rules be so far suspended that S. F. No. 1469 be substituted for H. F. No. 1679 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 120 and H. F. No. 63, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Gruenes moved that the rules be so far suspended that S. F. No. 120 be substituted for H. F. No. 63 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1976 and H. F. No. 1501, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Jacobs moved that the rules be so far suspended that S. F. No. 1976 be substituted for H. F. No. 1501 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1451 and H. F. No. 1601, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Anderson, B., moved that the rules be so far suspended that S. F. No. 1451 be substituted for H. F. No. 1601 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1492 and H. F. No. 1554, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Brandl moved that the rules be so far suspended that S. F. No. 1492 be substituted for H. F. No. 1554 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1408 and H. F. No. 1757, 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. 1408 be substituted for H. F. No. 1757 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1337 and H. F. No. 2078, 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. 1337 be substituted for H. F. No. 2078 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1561 and H. F. No. 1285, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Bishop moved that the rules be so far suspended that S. F. No. 1561 be substituted for H. F. No. 1285 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1842 and H. F. No. 1828, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Vanasek moved that the rules be so far suspended that S. F. No. 1842 be substituted for H. F. No. 1828 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1560 and H. F. No. 1284, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Bishop moved that S. F. No. 1560 be substituted for H. F. No. 1284 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

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

April 16, 1984

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

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1984 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1984</i>	<i>Date Filed 1984</i>
1350		379	April 11	April 11
1127		380	April 11	April 11
1832		381	April 14	April 16

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

81st Day]

WEDNESDAY, APRIL 18, 1984

8719

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 16, 1984

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

Dear Speaker Sieben:

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

H. F. No. 1944, relating to financial institutions; qualifying obligations of the African Development Bank for public and private investment.

Sincerely,

RUDY PERPICH
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 16, 1984

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

Dear Speaker Sieben:

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

H. F. No. 1784, relating to the state board of investment; establishing combined investment funds.

Sincerely,

RUDY PERPICH
Governor

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

April 16, 1984

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

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1984 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1984</i>	<i>Date Filed 1984</i>
	1944	382	April 16	April 16
	1784	383	April 16	April 16

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Eken from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1291, A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 8; removing the constitutional restrictions on permanent school fund investments; establishing statutory restrictions; amending Minnesota Statutes 1982, section 11A.16, subdivision 4.

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

The report was adopted.

Eken from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1559, A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 10; allowing pub-

lic lands of the state to be exchanged for any other public land; amending Minnesota Statutes 1982, sections 94.343, subdivision 1; and 94.349, subdivision 3.

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

The report was adopted.

Eken from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2289, A resolution memorializing the President and Congress of the United States to adopt on an emergency basis a public policy of preserving the family farm as an invaluable natural resource.

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

The report was adopted.

Eken from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2312, A resolution memorializing the United States Congress to allow greater flexibility in the use of federal funds for veterans care facilities and programs.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1291, 1559, 2289 and 2312 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1668, 1469, 120, 1976, 1451, 1492, 1408, 1337, 1561, 1842 and 1560 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Wenzel, St. Onge, McEachern, Krueger and Graba introduced:

H. F. No. 2332, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Clark, K., introduced:

H. F. No. 2333, A bill for an act relating to occupational safety and health; regulating the use of video display terminals; amending Minnesota Statutes 1982, sections 182.651, by adding subdivisions; 182.653, by adding subdivisions; and 182.655, by adding a subdivision.

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

Sviggum, Brandl and Onnen introduced:

H. F. No. 2334, A bill for an act relating to public welfare; revising the requirements for procedures for determining the rates for care of residents of intermediate care facilities for the mentally retarded; amending Minnesota Statutes 1983 Supplement, section 256B.501, subdivision 3.

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

Nelson, K., introduced:

H. F. No. 2335, A bill for an act relating to state departments and agencies; authorizing the board of barber examiners to assume the duties of the director of the office of consumer services in overseeing the practice of cosmetology.

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

Brandl introduced:

H. F. No. 2336, A bill for an act relating to firefighters; establishing the firefighters standards board; providing for training of firefighters; appropriating money; proposing new law coded in Minnesota Statutes, chapter 299F.

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

Brandl introduced:

H. F. No. 2337, A bill for an act relating to marriage dissolution; providing for marital property division; prohibiting assignment of pension benefits or rights acquired upon dissolution or annulment; amending Minnesota Statutes 1982, section 518.58.

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

Metzen introduced:

H. F. No. 2338, A bill for an act relating to agriculture; changing procedures for weighing livestock; imposing a penalty; appropriating money; amending Minnesota Statutes 1982, sections 17A.03, by adding subdivisions; 17A.04, subdivisions 1, 6, 7, and 8; 17A.05; 17A.07; 17A.10; 17A.11; and 17A.12; Minnesota Statutes 1983 Supplement, section 17A.06, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 17A.

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

HOUSE ADVISORIES

The following House Advisory was introduced:

Levi introduced:

H. A. No. 64, A proposal to study and recommend licensing revisions for van converters and manufacturer dealers.

The advisory was referred to the Committee on Transportation.

Segal was excused while in conference.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1405

A bill for an act relating to state monuments; adding the "Monument to the Living" in Ramsey County to the list of state monuments; amending Minnesota Statutes 1982, section 138.585, by adding a subdivision.

April 17, 1984

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1405, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1405 be further amended as follows:

Page 1, line 12, delete "*momento*" and insert "*memento*"

Page 1, line 14, delete everything before "*in*"

Page 1, line 16, delete "RELOCATION" and insert "LOCATION".

Page 1, line 17, delete everything before "*the*"

Page 1, line 18, delete everything after "*be*"

Page 1, delete line 19 and insert "*permanently located within the Capitol grounds in a place of visual prominence and honor.*"

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

House Conferees: KATHLEEN BLATZ, JOE QUINN and DANIEL J. KNUTH.

Senate Conferees: WILLIAM V. BELANGER, JR., GENE MERRIAM and DONALD M. MOE.

Blatz moved that the report of the Conference Committee on H. F. No. 1405 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1405, A bill for an act relating to state monuments; adding the "Monument to the Living" in Ramsey County to the list of state monuments; amending Minnesota Statutes 1932, section 138.585, by adding a subdivision.

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

The question was taken on the repassage of the bill and the roll was called. There were 108 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1839, A bill for an act relating to St. Louis County; permitting the county to establish an emergency jobs program.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1606, A bill for an act relating to elections; prohibiting certain inquiries of voters at or near the polls; amending Minnesota Statutes 1982, section 204C.06, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2148, A bill for an act relating to insurance; authorizing the use of smoker and nonsmoker mortality tables; coordinating payments by primary and secondary health insurers; proposing new law coded in Minnesota Statutes, chapters 61A and 62A.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1656, A bill for an act relating to commerce; motor fuel franchises; providing for a temporary prohibition on certain building alterations that eliminate service bays.

H. F. No. 1778, A bill for an act relating to environment; changing the date by which the pollution control agency must adopt an acid deposition standard for acid deposition in certain sensitive areas; amending Minnesota Statutes 1982, section 116.44, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1659, A bill for an act relating to commerce; prohibiting limited partnerships from interposing the defense of usury; amending Minnesota Statutes 1982, section 334.021.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1722, A bill for an act relating to crimes; changing the limitation period for certain criminal sexual conduct offenses; amending Minnesota Statutes 1982, section 628.26.

H. F. No. 2247, A bill for an act relating to public health; exempting increases of less than five swing beds from certificate of need review; amending Minnesota Statutes 1982, section 145.833, subdivision 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1371, A bill for an act relating to state government; providing for a day care center for state employees in the capitol complex; amending Minnesota Statutes 1982, section 16.02, by adding a subdivision.

H. F. No. 1633, A bill for an act relating to metropolitan government; allowing the mosquito control district to take certain actions; amending Minnesota Statutes 1982, section 473.704, subdivision 17.

H. F. No. 1985, A bill for an act relating to occupations and professions; regulating the licensing of salons for estheticians; amending Minnesota Statutes 1982, section 155A.08, subdivision 2.

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. 1428, A bill for an act relating to missing children; requiring the commissioner of public safety to establish a Minnesota missing child program; requiring law enforcement agencies receiving missing child reports to take certain actions; proposing new law coded in Minnesota Statutes, chapter 299C.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Bishop moved that the House concur in the Senate amendments to H. F. No. 1428 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1428, A bill for an act relating to missing children; requiring the commissioner of public safety to establish a Minnesota missing child program; requiring law enforcement agencies receiving missing child reports to take certain actions; proposing new law coded in Minnesota Statutes, chapter 299C.

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 118 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Thiede Welker

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. 1528, A bill for an act relating to taxation; updating references to the internal revenue code; simplifying certain income tax and property tax refund provisions; increasing the interest rate on refunds; making technical corrections and administrative changes to income tax, inheritance tax, and property tax refund provisions; amending Minnesota Statutes 1982, sections 10A.31, subdivision 1; 62E.11, subdivision 8; 270A.07, subdivision 5; 271.12; 271.19; 290.01, subdivision 20e; 290.05, subdivision 4; 290.06, subdivisions 3e, and 3f; 290.095, subdivision 11; 290.17, subdivision 1a; 290.23, subdivision 3; 290.311, subdivision 1; 290.41, subdivision 2, and by adding a subdivision; 290.56, subdivisions 4 and 5; 290.61; 290.92, subdivision 11; 290.931, subdivision 1; 290.936; and 290A.07, subdivision 2a; 291.18; 294.09, subdivision 1; 298.09, subdivision 4; 299.05; and 600.21; Minnesota Statutes 1983 Supplement, sections 290.01, subdivisions 20, 20a, 20b, and 20f; 290.032, subdivision 2; 290.06, subdivisions 2c, 3d, 11, 13, and 14; 290.067, subdivisions 1 and 2; 290.077, subdivision 4; 290.089, subdivisions 2 and 3; 290.09, subdivisions 5 and 29; 290.091; 290.10; 290.17, subdivisions 1 and 2; 290.174; 290.175; 290.18, subdivision 1; 290.21, subdivision 3; 290.37, subdivision 1; 290.431; 290.45, subdivision 1; 290.46; 290.50, subdivision 1; 290.92, subdivisions 13 and 26; 290.93, subdivisions 9 and 10; 290.9726, subdivision 5; 290A.03, subdivisions 3, 6, 11, 12, and 14; 290A.04, subdivisions 1 and 2; 290A.07, subdivision 3; and 296.18, subdivision 1; 297A.35, subdivision 1; and Laws 1980, chapter 439, section 36; proposing new law coded in Minnesota Statutes, chapter 270; repealing Minnesota Statutes 1982, sections 290.011; 290.311, subdivision 2; Minnesota Statutes 1983 Supplement, section 290A.16; and Laws 1983, chapter 207, section 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Tomlinson moved that the House concur in the Senate amendments to H. F. No. 1528 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1528, A bill for an act relating to taxation; updating references to the internal revenue code; simplifying certain income tax and property tax refund provisions; making technical corrections and administrative changes to income tax, inheritance tax and property tax refund provisions; making child support withholding permanent; providing for withholding of attorneys fees and costs; amending Minnesota Statutes 1982, sections 10A.31, subdivision 1; 62E.11, subdivision 8; 171.31; 271.19; 290.01, subdivision 20e; 290.05, subdivision 4; 290.06,

subdivisions 3e, and 3f; 290.095, subdivision 11; 290.17, subdivision 1a; 290.23, subdivision 3; 290.311, subdivision 1; 290.41, subdivision 2, and by adding a subdivision; 290.50, subdivision 6; 290.56, subdivisions 4 and 5; 290.61; 290.931, subdivision 1; 290A.07, subdivision 2a; 600.21; Minnesota Statutes 1983 Supplement, sections 176.186; 290.01, subdivisions 20, 20a, 20b, and 20f; 290.032, subdivision 2; 290.06, subdivisions 2c, 3d, 13, and 14; 290.067, subdivisions 1 and 2; 290.077, subdivision 4; 290.089, subdivisions 2 and 3; 290.09, subdivisions 5 and 29; 290.091; 290.10; 290.17, subdivisions 1 and 2; 290.174; 290.175; 290.18, subdivision 1; 290.21, subdivision 3; 290.37, subdivision 1; 290.431; 290.45, subdivision 1; 290.46; 290.92, subdivision 26; 290.93, subdivision 10; 290.9726, subdivision 5; 290A.03, subdivisions 3, 6, 11, 12, and 14; 290A.04, subdivisions 1 and 2; 290A.07, subdivision 3; and 296.18, subdivision 1; Laws 1980, chapter 439, section 36; Laws 1982, chapter 523, article 4, section 2; repealing Minnesota Statutes 1982, sections 290.011; 290.311, subdivision 2; Minnesota Statutes 1983 Supplement, section 290A.16; and Laws 1983, chapter 207, section 6.

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

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

Those who voted in the affirmative were:

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

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

There being no objection the order of business reverted to Reports of Chief Clerk.

REPORTS OF CHIEF CLERK

S. F. No. 1572 and H. F. No. 2248, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Norton moved that the rules be so far suspended that S. F. No. 1572 be substituted for H. F. No. 2248 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1826 and H. F. No. 1709, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Peterson moved that the rules be so far suspended that S. F. No. 1826 be substituted for H. F. No. 1709 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1007 and H. F. No. 899, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Greenfield moved that the rules be so far suspended that S. F. No. 1007 be substituted for H. F. No. 899 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1978 and H. F. No. 2063, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Anderson, G., moved that the rules be so far suspended that S. F. No. 1978 be substituted for H. F. No. 2063 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 1572, 1826, 1007 and 1978 were read for the second time.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1456, A bill for an act relating to Otter Tail county; authorizing the board of county commissioners to sell certain real property.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Anderson, R., moved that the House concur in the Senate amendments to H. F. No. 1456 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1456, A bill for an act relating to Otter Tail county; authorizing the board of county commissioners to sell certain real property.

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

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

Those who voted in the affirmative were:

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

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

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

Anderson, R., was excused while in conference.

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. 1522, A bill for an act relating to Mille Lacs county; permitting the sale of certain tax-forfeited land.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Peterson moved that the House concur in the Senate amendments to H. F. No. 1522 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1522, A bill for an act relating to tax-forfeited land; permitting the sale of certain tax-forfeited land in Mille Lacs County; modifying certain limitations on the sale of tax-forfeited land which borders on or is adjacent to certain waters; amending Minnesota Statutes 1982, section 282.018.

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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Brandl	Dempsey	Greenfield	Hokr
Anderson, G.	Brinkman	Dimler	Gruenes	Jacobs
Battaglia	Burger	Eken	Gustafson	Jennings
Beard	Carlson, D.	Elioff	Gutknecht	Jensen
Begich	Carlson, L.	Erickson	Halberg	Johnson
Bennett	Clark, J.	Evans	Haukoos	Kahn
Bergstrom	Clark, K.	Findlay	Heap	Kalis
Bishop	Clawson	Fjoslien	Heinitz	Kelly
Blatz	Cohen	Forsythe	Himle	Knickerbocker
Boo	Coleman	Graba	Hoffman	Knuth

Kostohryz	Murphy	Quinn	Schreiber	Valan
Krueger	Nelson, D.	Quist	Seaberg	Valento
Kvam	Neuenschwander	Redalen	Segal	Vanasek
Larsen	Norton	Reif	Shaver	Vellenga
Levi	O'Connor	Rice	Shea	Waltman
Long	Ogren	Riveness	Sherman	Welch
Ludeman	Olsen	Rodosovich	Simoneau	Welker
Mann	Omann	Rodriguez, C.	Skoglund	Welle
Marsh	Onnen	Rodriguez, F.	Solberg	Wenzel
McDonald	Osthoff	Rose	Sparby	Wigley
McEachern	Otis	St. Onge	Staten	Wynia
McKasy	Pauly	Sarna	Sviggun	Zaffke
Metzen	Peterson	Schafer	Thiede	Speaker Sieben
Minne	Piepho	Scheid	Tomlinson	
Munger	Piper	Schoenfeld	Tunheim	

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. 1156, A bill for an act relating to the revisor of statutes; recodifying the laws governing the office of the revisor of statutes and the publication of Minnesota Statutes; amending Minnesota Statutes 1982, sections 15.18; 16.02, subdivision 24; 60B.01, subdivision 1; 336.1-101; 480.057; and 524.1-101; proposing new law coded in Minnesota Statutes, chapter 645; proposing new law coded as Minnesota Statutes, chapter 3C; repealing Minnesota Statutes 1982, sections 645.03; 645.04; 645.05; and 645.06; and chapters 482 and 648.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Cohen moved that the House concur in the Senate amendments to H. F. No. 1156 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1156, A bill for an act relating to Minnesota Statutes; recodifying the laws governing the office of the revisor of statutes and the publication of Minnesota Statutes; providing for the replacement of gender-specific references with neutral or equal references to gender; imposing duties on the revisor of statutes; setting goals; providing for the accomplishment of goals within existing resources; amending Minnesota Statutes 1982, sections 15.18; 16.02, subdivision 24; 60B.01, subdivision 1; 336.1-101; 480.057; and 524.1-101; proposing new law coded in Minnesota Statutes, chapter 645; proposing new law coded as Minnesota Statutes, chapter 3C; repealing Minnesota Statutes 1982, sections 645.03; 645.04; 645.05; and 645.06; and chapters 482 and 648.

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 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Findlay	Levi	Piepho	Solberg
Anderson, G.	Fjoslien	Long	Piper	Sparby
Battaglia	Forsythe	Ludeman	Quinn	Staten
Beard	Greenfield	Mann	Quist	Sviggum
Begich	Gruenes	Marsh	Redalen	Swanson
Bennett	Gustafson	McDonald	Reif	Thiede
Bergstrom	Gutknecht	McEachern	Rice	Tomlinson
Bishop	Halberg	McKasy	Riveness	Tunheim
Blatz	Haukoos	Metzen	Rodosovich	Uphus
Boo	Heap	Minne	Rodriguez, C.	Valan
Brandl	Heinitz	Munger	Rodriguez, F.	Valento
Brinkman	Himle	Murphy	Rose	Vanasek
Carlson, D.	Hoffman	Nelson, D.	St. Onge	Vellenga
Carlson, L.	Hokr	Nelson, K.	Sarna	Waltman
Clark, J.	Jacobs	Neuenschwander	Schafer	Welch
Clark, K.	Jennings	Norton	Scheid	Welker
Clawson	Jensen	O'Connor	Schoenfeld	Welle
Cohen	Johnson	Ogren	Schreiber	Wenzel
Coleman	Kahn	Olsen	Seaberg	Wigley
Dempsey	Kalis	Omann	Segal	Wynia
DenOuden	Knickerbocker	Onnen	Shaver	Zaffke
Dimler	Knuth	Osthoff	Shea	Speaker Sieben
Eken	Kostohryz	Otis	Sherman	
Eloff	Krueger	Pauly	Simoneau	
Erickson	Kvam	Peterson	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. 1770, A bill for an act relating to the city of Minneapolis; authorizing compensation for members of the park and recreation board; amending Laws 1974, chapter 181, section 1, as amended.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sarna moved that the House concur in the Senate amendments to H. F. No. 1770 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1770, A bill for an act relating to the city of Minneapolis; authorizing compensation for members of the park and

recreation board and the library board; amending Laws 1974, chapters 181, section 1, as amended; and 182, section 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 113 yeas and 10 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DenOuden	Erickson	Haukoos	McDonald	Sviggum
Dimler	Fjoslien	Ludeman	Schafer	Welker

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. 1999, A bill for an act relating to the city of Duluth; authorizing the establishment of an energy conservation program for dwellings as a part of its municipal utility system and the issuance of municipal revenue bonds for that purpose; amending Laws 1981, chapter 223, section 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Munger moved that the House concur in the Senate amendments to H. F. No. 1999 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1999, A bill for an act relating to the city of Duluth; authorizing the expansion of the energy conservation program to include multifamily homes; amending Laws 1981, chapter 223, section 2; and 6, subdivisions 2 and 3.

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

The question was taken on the repassage of the bill and the roll was called. There were 106 yeas and 16 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dempsey	Kvam	McDonald	Schafer	Thiede
DenOuden	Ludeman	Omannon	Seaberg	Welker
Dimler	Marsh	Quist	Sviggum	Zaffke
Johnson				

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. 1421, A bill for an act relating to labor; authorizing certain payroll deductions; amending Minnesota Statutes 1982, section 181.06, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Simoneau moved that the House concur in the Senate amendments to H. F. No. 1421 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1421, A bill for an act relating to labor; authorizing certain payroll deductions; amending Minnesota Statutes 1982, section 181.06, subdivision 2.

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 68 yeas and 47 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bennett	Findlay	Jennings	Quist	Thiede
Bishop	Fjoslien	Johnson	Redalen	Uphus
Blatz	Forsythe	Knickerbocker	Reif	Valan
Brandl	Gruenes	Kvam	Rose	Valento
Burger	Gutknecht	Ludeman	Schafer	Waltman
Dempsey	Halberg	Marsh	Schreiber	Welker
DenOuden	Haukoos	McDonald	Seaberg	Wigley
Dimler	Heinitz	Omann	Shaver	
Erickson	Himle	Onnen	Sherman	
Evans	Hokr	Piepho	Sviggun	

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. 1663, A bill for an act relating to agriculture; making certain changes in apiary law; amending Minnesota Statutes 1983 Supplement, sections 19.55; 19.56; 19.57; 19.58, subdivisions 1 and 2; 19.64, subdivision 1, and by adding a subdivision; repealing Minnesota Statutes 1983 Supplement, section 19.58, subdivision 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Fjoslien moved that the House concur in the Senate amendments to H. F. No. 1663 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1663, A bill for an act relating to agriculture; making certain changes in apiary law; amending Minnesota Statutes 1983 Supplement, sections 19.55; 19.56; 19.57; 19.58, subdivisions 1 and 2; 19.64, subdivision 1, and by adding a subdivision; repealing Minnesota Statutes 1983 Supplement, section 19.58, subdivision 6.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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. 1420, A bill for an act relating to public employment; regulating grievances of disciplinary actions; amending Minnesota Statutes 1983 Supplement, section 179.70, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Jennings moved that the House refuse to concur in the Senate amendments to H. F. No. 1420, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

Anderson, G.	Dempsey	Heap	Ludeman	Piepho
Battaglia	DenOuden	Heinitz	Mann	Piper
Beard	Dimler	Himle	Marsh	Price
Begich	Eken	Hoffman	McDonald	Quinn
Bennett	Elioff	Hokr	McKasy	Quist
Bergstrom	Erickson	Jacobs	Minne	Redalen
Bishop	Evans	Jennings	Murphy	Reif
Blatz	Findlay	Jensen	Neuenschwander	Riveness
Boo	Fjoslien	Kelly	Norton	Rodosovich
Brandl	Forsythe	Knickerbocker	Ogren	Rodriguez, C.
Brinkman	Graba	Knuth	Olsen	Rodriguez, F.
Burger	Greenfield	Kostohryz	Omann	Rose
Carlson, D.	Gruenes	Krueger	Onnen	St. Onge
Carlson, L.	Gustafson	Kvam	Osthoff	Scheid
Clark, J.	Gutknecht	Larsen	Otis	Schoenfeld
Cohen	Halberg	Levi	Pauly	Schreiber
Coleman	Haukoos	Long	Peterson	Seaberg

Shaver	Solberg	Tomlinson	Vanasck	Welle
Shea	Sparby	Tunheim	Voss	Wenzel
Sherman	Staten	Uphus	Waltman	Wigley
Simoneau	Sviggum	Valan	Welch	Zaffke
Skoglund	Thiede	Valento	Welker	Speaker Sieben

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

The question was taken on the Jennings motion and the roll was called.

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

There were 80 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Jennings	Olsen	Shea
Begich	Findlay	Jensen	Omann	Sherman
Bennett	Fjoslie	Johnson	Onnen	Simoneau
Bishop	Forsythe	Knickerbocker	Pauly	Sparby
Blatz	Frerichs	Kostohryz	Piepho	Sviggum
Boo	Graba	Krueger	Quist	Thiede
Brinkman	Gruenes	Kvam	Redalen	Tunheim
Burger	Gutknecht	Levi	Reif	Uphus
Carlson, D.	Halberg	Ludeman	Rodosevich	Valan
Clawson	Haukoos	Mann	Rodriguez, C.	Valento
Cohen	Heap	Marsh	Rose	Waltman
Coleman	Heinitz	McDonald	Schafer	Welker
Dempsey	Himle	McEachern	Schoenfeld	Welle
DenOuden	Hoffman	McKasy	Schreiber	Wenzel
Dimler	Hokr	Neuenschwander	Seaberg	Wigley
Erickson	Jacobs	Norton	Shaver	Zaffke

Those who voted in the negative were:

Anderson, G.	Greenfield	Munger	Piper	Skoglund
Battaglia	Gustafson	Murphy	Price	Solberg
Beard	Kalis	Nelson, D.	Quinn	Swanson
Bergstrom	Kelly	Nelson, K.	Rice	Tomlinson
Brandl	Knuth	O'Connor	Riveness	Vanasck
Carlson, L.	Larsen	Ogren	Rodriguez, F.	Voss
Clark, J.	Long	Osthoff	St. Onge	Welch
Clark, K.	Metzen	Otis	Sarna	Wynia
Eken	Minne	Peterson	Scheid	Speaker Sieben
Elioff				

The motion prevailed.

Mr. Speaker:

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

H. F. No. 1466, A bill for an act relating to courts; providing procedures for collection of conciliation court judgments; requiring conciliation court clerks to explain procedures of conciliation court to litigants and to assist them in filling out forms; amending Minnesota Statutes 1982, sections 488A.13, subdivision 2; 488A.16, subdivision 8; 487.30, by adding subdivisions; 488A.30, subdivision 2; and 488A.33, subdivision 7.

The Senate has appointed as such committee Messrs. Merriam, Freeman and Johnson, D. E.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1258, A bill for an act relating to the environment; requiring an agreement between the state and federal government prior to test drilling of geologic structures for disposal of high level radioactive waste and notification of results; regulating transportation of high level radioactive waste in the state; providing penalties; regulating nuclear fission electric generating plants in Minnesota; amending Minnesota Statutes 1982, section 116C.71, by adding subdivisions; and 116C.74; proposing new law coded in Minnesota Statutes, chapters 116C and 216B.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Merriam; Moe, D. M., and Ulland.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Clark, K., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1258. The motion prevailed.

Mr. Speaker:

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

S. F. No. 1858.

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. 1683, 2164 and 2165.

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. 2167.

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. 1903 and 2046.

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. 1298, 1879 and 1880.

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. 1622.

PATRICK E. FLAHAVEN, Secretary of the Senate

The Speaker called Wynia to the Chair.

FIRST READING OF SENATE BILLS

S. F. No. 1858, A bill for an act relating to crimes; setting penalties for flight from a peace officer under certain conditions; amending Minnesota Statutes 1982, section 609.487, subdivision 4.

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

S. F. No. 1683, A bill for an act relating to housing; prohibiting certain rent control ordinances in cities, counties, and towns; proposing new law coded in Minnesota Statutes, chapter 471.

The bill was read for the first time.

McEachern moved that S. F. No. 1683 and H. F. No. 2173, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2164, A resolution memorializing Congress to enact H. R. 5081, the Fair Trade in Steel Act of 1984.

The bill was read for the first time.

Minne moved that S. F. No. 2164 and H. F. No. 2276, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2165, A bill for an act relating to public finance; authorizing additional investment alternatives; providing for the delivery of municipal obligations in certificated or uncertificated form; providing restrictions on the use of certain data; providing a formula for determining limitations on interest rates on municipal obligations; providing an alternative procedure for conducting a public sale of municipal obligations; amending Minnesota Statutes 1982, sections 471.56, by adding a subdivision; 475.55, subdivisions 1, 4, and by adding a subdivision; 475.60, subdivision 3, and by adding a subdivision; repealing Minnesota Statutes 1982, sections 475.71; and 475.76, subdivision 5.

The bill was read for the first time.

Shea moved that S. F. No. 2165 and H. F. No. 2218, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2167, A bill for an act relating to port authorities; fixing the amount of the property tax levy for them; requiring

a reverse referendum in certain circumstances; amending Minnesota Statutes 1982, section 458.14.

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

S. F. No. 1903, A bill for an act relating to communications; deregulating radio common carriers; amending Minnesota Statutes 1982, section 237.01, subdivision 2, and by adding subdivisions.

The bill was read for the first time.

Jacobs moved that S. F. No. 1903 and H. F. No. 2070, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2046, A bill for an act relating to statutes; revising the text of certain laws to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without causing changes in the meaning of the laws affected; requiring the revisor of statutes to editorially change criminal fines in a manner consistent with 1983 regular session changes made in maximum authorized fines; amending Minnesota Statutes 1982, chapters 1, as amended; 16A, as amended; 177, as amended; and 300, as amended; and Minnesota Statutes 1982, sections 10.39; 15.375; 80A.22, subdivision 1; 152.15, subdivision 1; 609.20; Minnesota Statutes 1983 Supplement, sections 609.21; 609.52, subdivision 3; 609.582; 617.246, subdivisions 2, 3, and 4; repealing Minnesota Statutes 1982, sections 10.02; 10.03; 16A.02; 16A.04, subdivisions 2 and 3; 16A.07; 16A.08; 16A.125, subdivision 6; 16A.132; 16A.52; 16A.55; 16A.65, subdivision 3; and Minnesota Statutes 1983 Supplement, section 609.0341, subdivision 3.

The bill was read for the first time.

Ellingson moved that S. F. No. 2046 and H. F. No. 2161, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1298, A bill for an act relating to local government; providing procedures for the publication of legal notices; removing various requirements for publication of notices; amending Minnesota Statutes 1982, sections 3.21; 48.48, subdivision 1; 88.48, subdivision 2; 94.10, subdivision 1; 94.344, subdivision 7; 123.33, subdivision 11; 123.71, subdivision 1; 206.17, subdivision 2; 279.07; 279.08; 300.13, subdivision 4; 302A.727, subdivision 1; 306.023, subdivision 2; 306.111, subdivision 2; 306.16, subdivision 2; 306.21, subdivision 1; 307.06; 315.25; 326.18; 346.02; 370.04; 370.07; 371.04; 372.02; 372.08; 374.13; 374.34; 375.025, subdivision 4; 375.12; 375.17; 375.51, subdivision 3; 375.52;

383A.27, subdivision 2; 412.191, subdivisions 3 and 4; 414.09, subdivision 3; 415.021; 429.061, subdivision 2; 430.02, subdivisions 3, 7, 11, and 12; 430.04; 430.07, subdivision 5; 430.102, subdivision 3; 435.202, subdivision 2; 441.04; 462.427, subdivision 3; 465.32; 465.38; 471.697, subdivision 1; 471.698, subdivision 1; 472.04, subdivision 2; and 484.30; proposing new law coded in Minnesota Statutes, chapters 375 and 471; proposing new law coded as Minnesota Statutes, chapter 331A; repealing Minnesota Statutes 1982, sections 55.09; 331.01; 331.02; 331.03; 331.04; 331.05; 331.06; 331.07; 331.08; 331.10; 331.11; and 441.51.

The bill was read for the first time.

Clawson moved that S. F. No. 1298 and H. F. No. 1302, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1879, A bill for an act relating to agriculture; regulating the bulk sale of food; proposing new law coded in Minnesota Statutes, chapter 31.

The bill was read for the first time.

Nelson, K., moved that S. F. No. 1879 and H. F. No. 1910, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1880, A bill for an act relating to local government; providing for financing of county and county regional jails; providing for a special allocation of mortgage revenue bonds for calendar year 1985; authorizing the levy of special assessments or service charges for fire protection and pedestrian skyway systems; allowing the town of Blue Hill to exercise certain powers; letting municipal housing contracts; increasing the amount of expenditures for construction and other work that requires an award by contract; amending Minnesota Statutes 1982, sections 429.021, subdivision 1; 429.031, subdivision 3; 429.091, subdivision 2; 429.101, subdivision 1; 462.461, subdivisions 1, 2, and 3; 462C.09, by adding a subdivision; 641.24; and 641.264, subdivision 1.

The bill was read for the first time.

Ellingson moved that S. F. No. 1880 and H. F. No. 2012, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

CALL OF THE HOUSE LIFTED

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

S. F. No. 1622, A bill for an act relating to peace officers; increasing the compensation for dependents of peace officers killed in the line of duty; amending Minnesota Statutes 1982, section 352E.04.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Wenzel moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1622 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Wenzel moved that the rules of the House be so far suspended that S. F. No. 1622 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1622 was read for the second time.

The Speaker resumed the Chair.

S. F. No. 1622, A bill for an act relating to peace officers; increasing the compensation for dependents of peace officers killed in the line of duty; amending Minnesota Statutes 1982, section 352E.04.

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

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

Those who voted in the affirmative were:

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

Tomlinson	Valento	Waltman	Welle	Wynia
Tunheim	Vanasek	Welch	Wenzel	Zaffke
Uphus	Vellenga	Welker	Wigley	Speaker Sieben
Valan	Voss			

The bill was passed and its title agreed to.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1420:

Riveness, Simoneau, Jennings, Norton and Begich.

Eken moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

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

SPECIAL ORDERS

H. F. No. 158 was reported to the House.

Osthoff, Bennett, Evans, Reif, Piepho and Anderson, R., moved to amend H. F. No. 158, the first engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [PROPOSED AMENDMENT.]

The following amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, article XIII, section 5, will read as follows:

Sec. 5. The legislature shall not authorize any lottery or the sale of lottery tickets *except as provided in this section. The legislature may authorize lotteries where the prizes are awarded to persons selected by lot, if conducted by the state with net revenues dedicated to income tax relief or by non-profit organizations for charitable purposes as those terms are defined by law.*

Sec. 2. [SUBMISSION TO VOTERS.]

The proposed amendment shall be submitted to the people at the 1984 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to permit the legislature to authorize lotteries operated by the state with net revenue dedicated to income tax relief, or by nonprofit organizations for charitable purposes?"

Yes

No " "

Delete the title and insert:

"A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, section 5; permitting the legislature to authorize certain lotteries."

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

Battaglia	Erickson	Kostohryz	Peterson	Solberg
Begich	Evans	Krueger	Piepho	Sviggum
Bennett	Findlay	Ludeman	Price	Swanson
Blatz	Fjoslien	Mann	Quinn	Thiede
Boo	Frerichs	McDonald	Quist	Uphus
Brinkman	Gruenes	McEachern	Rodosovich	Valan
Carlson, L.	Gustafson	Metzen	Rodriguez, C.	Valento
Clark, J.	Haukoos	Minne	Rodriguez, F.	Vanasek
Clark, K.	Heap	Munger	St. Onge	Waltman
Clawson	Heinitz	Nelson, D.	Scheid	Welker
Cohen	Hoffman	Neuenschwander	Schreiber	Welle
Coleman	Jennings	Ogren	Seaberg	Wenzel
Dempsey	Jensen	Olsen	Shaver	Wigley
DenOuden	Johnson	Onnen	Shea	Wynia
Eken	Kalis	Osthoff	Simoneau	Zaffke
Ellingson	Knickerbocker	Otis	Skoglund	Speaker Sieben

Osthoff 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.

Wynia moved to re-refer H. F. No. 158 to the Committee on Appropriations.

A roll call was requested and properly seconded.

The question was taken on the Wynia motion to re-refer H. F. No. 158 to the Committee on Appropriations and the roll was called.

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

There were 68 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Bishop	Fjoslien	Kvam	Rice	Thiede
Blatz	Forsythe	Ludeman	Rodosovich	Tunheim
Boo	Frerichs	Mann	Rodriguez, C.	Uphus
Brandl	Graba	Marsh	Rose	Valento
Burger	Greenfield	McDonald	Schafer	Vanasek
Carlson, D.	Gruenes	McKasy	Schreiber	Vellenga
Clark, K.	Gutknecht	Munger	Seaberg	Voss
Clawson	Halberg	Nelson, K.	Segal	Waltman
Coleman	Heap	Norton	Shaver	Welch
Dempsey	Himle	Onnen	Shea	Welker
DenOuden	Hokr	Pauly	Sherman	Wynia
Dimler	Jennings	Piepho	Skoglund	Zaffke
Erickson	Johnson	Quist	Svigum	
Findlay	Kahn	Redalen	Swanson	

Those who voted in the negative were:

Anderson, R.	Evans	Krueger	Olsen	Sarna
Battaglia	Gustafson	Larsen	Omamn	Scheid
Beard	Haukoos	Levi	Osthoff	Schoenfeld
Begich	Heinitz	Long	Otis	Simoneau
Bennett	Hoffman	McEachern	Peterson	Solberg
Bergstrom	Jacobs	Metzen	Piper	Sparby
Carlson, L.	Jensen	Minne	Price	Tomlinson
Clark, J.	Kalis	Murphy	Quinn	Valan
Cohen	Kelly	Nelson, D.	Reif	Welle
Eken	Knickerbocker	Neuenschwander	Riveness	Wenzel
Elioff	Knuth	O'Connor	Rodriguez, F.	Speaker Sieben
Ellingson	Kostohryz	Ogren	St. Onge	

The motion prevailed and H. F. No. 158 was re-referred to the Committee on Appropriations.

CALL OF THE HOUSE LIFTED

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

H. F. No. 1557 was reported to the House.

McEachern moved that H. F. No. 1557 be returned to its author. The motion prevailed.

S. F. No. 1807, A bill for an act relating to commerce; clarifying the right of indirect purchasers to sue for damages under the Minnesota Antitrust Law of 1971; amending Minnesota Statutes 1982, section 325D.57.

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

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1977, A bill for an act relating to economic development; clarifying provisions relating to the export finance authority; amending Minnesota Statutes 1983 Supplement, sections 17.104, by adding a subdivision; and 17.105, subdivisions 1, 3, 4, and 7.

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

The question was taken on the passage of the bill and the roll was called. There were 103 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Clark, K.	Gustafson	Mann	Olsen
Battaglia	Cohen	Halberg	Marsh	Omman
Beard	Coleman	Haukoos	McDonald	Onnen
Begich	Dempsey	Heinitz	McEachern	Osthoff
Bennett	Dimler	Hoffman	McKasy	Pauly
Bergstrom	Eken	Jacobs	Metzen	Peterson
Bishop	Elioff	Jensen	Minne	Piepho
Blatz	Erickson	Kahn	Munger	Piper
Boo	Evans	Kelly	Murphy	Price
Brandl	Findlay	Knickerbocker	Nelson, D.	Quinn
Brinkman	Fjoslien	Kostohryz	Nelson, K.	Redalen
Burger	Forsythe	Krueger	Neuenschwander	Reif
Carlson, D.	Graba	Larsen	Norton	Riveness
Carlson, L.	Greenfield	Levi	O'Connor	Rodosovich
Clark, J.	Gruenes	Long	Ogren	Rodriguez, C.

Rodriguez, F.	Seaberg	Sparby	Uphus	Welch
Rose	Segal	Staten	Valan	Welle
St. Onge	Sherman	Sviggum	Valento	Wenzel
Sarna	Simoneau	Swanson	Vanasek	Speaker Sieben
Schoenfeld	Skoglund	Tomlinson	Voss	
Schreiber	Solberg	Tunheim	Waltman	

Those who voted in the negative were:

Johnson	Schafer	Thiede	Welker	Zaffke
Ludeman				

The bill was passed and its title agreed to.

S. F. No. 1931 was reported to the House.

Cohen moved to amend S. F. No. 1931, as follows:

Page 1, line 11, delete "*one hard wire*" insert "*a*"

The motion prevailed and the amendment was adopted.

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 third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Welker

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

S. F. No. 1563 was reported to the House.

Begich moved to amend S. F. No. 1563, the unofficial engrossment, as follows:

Page 1, after line 11, insert:

"Section 1. [181.585] [EMPLOYEE DISCHARGE.]

Any individual who:

(1) *has been employed for more than 6 months under an employment contract in this state;*

(2) *is discharged for reasons which do not give rise to a remedy under federal law; and*

(3) *is discharged without just cause,*

shall have a cause of action against his or her employer for breach of the employment contract. Remedies under the cause of action shall include reinstatement, specific and general contract damages, punitive damages, and costs of the suit including reasonable attorney's fees.

An employer is acting with just cause when: (1) the employer discharges the employee for mistake or misconduct which significantly and adversely affects the employer's business interests or for general business reasons that require that the employee's position be terminated; and (2) such discharge is reasonable in light of the employee's past years of service to the employer, and the quality of this service. Mistake or misconduct on the part of an employee which may give an employer just cause to discharge the employee includes incompetence, neglect of duty, and physical or mental incapacity. General business reasons which may give the employer just cause to discharge an employee include downturns in business which require that the employer temporarily or permanently discharge the employee and automation by the employer which makes the employee's position obsolete. Among other cases, an employer is not acting with just cause when the employer discharges an employee due to personal animosity, the employee's political beliefs, the employee reporting a violation of law or refusing to violate a law, and the exercise by the employee of a legal right or privilege.

Sec. 2.

Minnesota Statutes, section 181.585 shall apply only with respect to employment contracts which are entered into, renewed, or modified, after the day following final enactment of this bill."

Renumber the remaining sections and correct all internal cross-references

Further, amend the title as necessary

A roll call was requested and properly seconded.

Ludeman moved to lay the Begich amendment to S. F. No. 1563, the unofficial engrossment, on the table.

A roll call was requested and properly seconded.

The question was taken on the motion to lay on the table and the roll was called. There were 55 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Bennett	Forsythe	Jennings	Omamn	Sherman
Blatz	Frerichs	Johnson	Onnen	Sviggum
Boo	Graba	Knickerbocker	Pauly	Thiede
Burger	Gruenes	Krueger	Piepho	Tunheim
Dempsey	Gutknecht	Kvam	Quist	Uphus
DenOuden	Halberg	Levi	Redalen	Valan
Dimler	Haukoos	Ludeman	Reif	Valento
Erickson	Heap	Marsh	Rose	Waltman
Evans	Heinitz	McDonald	Schafer	Welker
Findlay	Himle	McKasy	Schreiber	Wigley
Fjoslien	Hokr	Olsen	Seaberg	Zaffke

Those who voted in the negative were:

Battaglia	Eken	Mann	Osthoff	Skoglund
Beard	Elioff	McEachern	Otis	Solberg
Begich	Ellingson	Metzen	Peterson	Sparby
Bergstrom	Greenfield	Minne	Piper	Staten
Brandl	Gustafson	Munger	Price	Swanson
Brinkman	Jacobs	Murphy	Quinn	Vanasek
Carlson, D.	Jensen	Nelson, D.	Rodosovich	Vellenga
Carlson, L.	Kelly	Nelson, K.	Rodriguez, F.	Welch
Clark, J.	Knuth	Neuenschwander	Sarna	Welle
Clark, K.	Kostohryz	Norton	Scheid	Wenzel
Cohen	Larsen	O'Connor	Schoenfeld	Wynia
Coleman	Long	Ogren	Simoneau	Speaker Sieben

The motion did not prevail.

Welker moved to re-refer S. F. No. 1563, the unofficial engrossment, to the Committee on Labor-Management Relations.

A roll call was requested and properly seconded.

The question was taken on the Welker motion and the roll was called. There were 48 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Bennett	Fjoslien	Hokr	Omann	Swiggum
Blatz	Forsythe	Jennings	Onnen	Thiede
Boo	Frerichs	Johnson	Pauly	Uphus
Burger	Gruenes	Knickerbocker	Redalen	Valan
Carlson, D.	Gutknecht	Kvam	Reif	Valento
DenOuden	Halberg	Ludeman	Rose	Waltman
Dimler	Haukoos	Marsh	Schafer	Welker
Erickson	Heap	McDonald	Schreiber	Zaffke
Evans	Heinitz	McKasy	Seaberg	
Findlay	Himle	Olsen	Sherman	

Those who voted in the negative were:

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

The motion did not prevail.

The question recurred on the Begich amendment and the roll was called. There were 51 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Battaglia	Elioff	Long	Otis	Simoneau
Beard	Ellingson	Metzen	Peterson	Skoglund
Begich	Greenfield	Minne	Piper	Solberg
Bergstrom	Gustafson	Munger	Price	Swanson
Brandl	Hoffman	Murphy	Quinn	Vanasek
Carlson, L.	Jacobs	Nelson, D.	Rice	Voss
Clark, J.	Kahn	Norton	Rodriguez, F.	Welle
Clark, K.	Kelly	O'Connor	St. Onge	Wenzel
Cohen	Kostohryz	Ogren	Sarna	Wynia
Coleman	Larsen	Osthoff	Scheid	Speaker Sieben
Eken				

Those who voted in the negative were:

Anderson, G.	Burger	Findlay	Gutknecht	Hokr
Bennett	Carlson, D.	Fjoslien	Halberg	Jennings
Bishop	DenOuden	Forsythe	Haukoos	Johnson
Blatz	Dimler	Frerichs	Heap	Knickerbocker
Boo	Erickson	Graba	Heinitz	Krueger
Brinkman	Evans	Gruenes	Himle	Kvam

Levi	Onnen	Rodriguez, C.	Shaver	Valan
Ludeman	Pauly	Rose	Shea	Valento
Mann	Piepho	Schafer	Sherman	Waltman
Marsh	Quist	Schoenfeld	Sviggum	Welch
McDonald	Redalen	Schreiber	Thiede	Welker
McKasy	Reif	Seaberg	Tunheim	Wigley
Olsen	Rodosovich	Segal	Uphus	Zaffke
Omann				

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

Begich moved to amend S. F. No. 1563, the unofficial engrossment, as follows:

Page 4, after line 18, insert:

"Sec. 4. Minnesota Statutes 1983 Supplement, section 363.02, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYMENT.] The provisions of section 363.03, subdivision 1, shall not apply to:

(1) The employment of any individual

(a) by his parent, grandparent, spouse, child, or grandchild, or

(b) in the domestic service of any person;

(2) A religious or fraternal corporation, association, or society, with respect to qualifications based on religion, when religion shall be a bona fide occupational qualification for employment;

(3) The employment of one person in place of another, standing by itself, shall not be evidence of an unfair discriminatory practice;

(4) (AN AGE RESTRICTION APPLIED UNIFORMLY AND WITHOUT EXCEPTION TO ALL INDIVIDUALS ESTABLISHED BY A BONA FIDE APPRENTICESHIP PROGRAM ESTABLISHED PURSUANT TO CHAPTER 178, WHICH LIMITS PARTICIPATION TO PERSONS WHO ENTER THE PROGRAM PRIOR TO SOME SPECIFIED AGE AND THE TRADE INVOLVED IN THE PROGRAM PREDOMINANTLY INVOLVES HEAVY PHYSICAL LABOR OR WORK ON HIGH STRUCTURES. AFTER JANUARY 1, 1984, THESE AGE RESTRICTIONS ARE EXEMPT FROM THE PROVISIONS OF SECTION 363.03, SUBDIVISION 1 ONLY TO THE EXTENT THAT THEY ARE DECLARED EXEMPT IN RULES ADOPTED BY THE COMMISSIONER ACCORDING TO CHAPTER 14. THE COMMISSIONER MUST ADOPT RULES GOVERNING THIS SUBJECT BEFORE JANUARY

1, 1984, AND IS AUTHORIZED TO ADOPT TEMPORARY, AS WELL AS PERMANENT RULES FOR THIS PURPOSE. NEITHER SHALL) The operation of a bona fide seniority system which mandates differences in such things as wages, hiring priorities, lay-off priorities, vacation credit, and job assignments based on seniority, (BE A VIOLATION OF THE AGE DISCRIMINATION PROVISIONS OF SECTION 363.03, SUBDIVISION 1,) so long as the operation of the system is not a subterfuge to evade the provisions of chapter 363;

(5) With respect to age discrimination, a practice by which a labor organization or employer offers or supplies varying insurance benefits or other fringe benefits to members or employees of differing ages, so long as the cost to the labor organization or employer for the benefits is reasonably equivalent for all members or employees;

(6) A restriction imposed by state statute, home rule charter, ordinance, or civil service rule, and applied uniformly and without exception to all individuals, which establishes a maximum age for entry into employment as a peace officer or firefighter.

(7) Nothing in this chapter concerning age discrimination shall be construed to validate or permit age requirements which have a disproportionate impact on persons of any class otherwise protected by section 363.03, subdivision 1 or 5.

It is not an unfair employment practice for an employer, employment agency or labor organization:

(i) to require or request a person to undergo physical examination, which may include a medical history, for the purpose of determining the person's capability to perform available employment, provided (a) that an offer of employment has been made on condition that the person meets the physical or mental requirements of the job; (b) that the examination tests only for essential job-related abilities; and (c) that the examination, unless limited to determining whether the person's disability would prevent performance of the job, is required of all persons conditionally offered employment for the same position regardless of disability; or

(ii) with the consent of the employee, to obtain additional medical information for the purposes of establishing an employee health record;

(iii) to administer pre-employment tests, provided that the tests (a) measure only essential job-related abilities, (b) are required of all applicants for the same position regardless of disability unless limited to determining whether the person's disability would prevent performance of the job, and (c) accurately measure the applicant's aptitude, achievement level, or

whatever factors they purport to measure rather than reflecting the applicant's impaired sensory, manual, or speaking skills, except when those skills are the factors that the tests purport to measure; or

(iv) to limit receipt of benefits payable under a fringe benefit plan for disabilities to that period of time which a licensed physician reasonably determines a person is unable to work; or

(v) to provide special safety considerations for pregnant women involved in tasks which are potentially hazardous to the health of the unborn child, as determined by medical criteria."

Renumber all remaining sections and correct all internal cross-references

Further, amend the title as necessary

The motion prevailed and the amendment was adopted.

S. F. No. 1563, A bill for an act relating to labor; extending the statute of limitation on certain actions to recover wages or overtime; clarifying child labor penalties; amending Minnesota Statutes 1982, section 541.07; Minnesota Statutes 1983 Supplement, section 181A.12, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 101 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Levi	Price	Sparby
Anderson, G.	Findlay	Long	Quinn	Sviggum
Beard	Graba	Ludeman	Quist	Swanson
Begich	Greenfield	Marsh	Reif	Tomlinson
Bennett	Gruenes	McDonald	Rice	Tunheim
Bergstrom	Gustafson	McEachern	Riveness	Uphus
Bishop	Gutknecht	Metzen	Rodosovich	Valan
Blatz	Halberg	Minne	Rodriguez, C.	Valento
Boo	Heap	Munger	Rodriguez, F.	Vanasek
Brandl	Heinitz	Murphy	Rose	Vellenga
Brinkman	Hoffman	Nelson, D.	Sarna	Voss
Burger	Hokr	Nelson, K.	Scheid	Waltman
Carlson, D.	Jacobs	Neuenschwander	Schoenfeld	Welch
Carlson, L.	Jensen	Norton	Schreiber	Welle
Clark, J.	Johnson	O'Connor	Seaberg	Wenzel
Clark, K.	Kahn	Omann	Segal	Wynia
Clawson	Kelly	Osthoff	Shaver	Speaker Sieben
Coleman	Knickerbocker	Otis	Sherman	
Dimler	Knuth	Pauly	Simoneau	
Eken	Krueger	Peterson	Skoglund	
Elioff	Larsen	Piper	Solberg	

Those who voted in the negative were:

DenOuden
Erickson
Evans

Fjoslien
Forsythe
Frerichs

Jennings
Kvam
Onnen

Piepho
Schafer
Shea

Thiede
Welker

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

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Eken, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bills as Special Orders to be added to Special Orders pending for today, April 18, 1984:

H. F. Nos. 1577, 1291, 1559, 1568, 1686, 1695, 1735, 1800, 1977, 2017, 2099, 2154, 2192, 1406, 1578, 1982, 1831, 1865 and 2098; S. F. Nos. 1732, 1859, 2076, 1403, 1546, 1589, 1794, 1954, 1973, 751, 1559, 1815, 1913, 1849, 1114, 1336, 1762 and 1349; H. F. No. 2186; S. F. No. 887; H. F. Nos. 2036, 2055, 1766, 2276, 2185, 2218, 1501, 1910, 2161, 1302, 2012 and 2070.

SPECIAL ORDERS, Continued

H. F. No. 1577 was reported to the House.

There being no objection H. F. No. 1577 was temporarily laid over on Special Orders.

H. F. No. 1291 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, McEachern moved that the rule therein be suspended and an urgency be declared so that H. F. No. 1291 be given its third reading and be placed upon its final passage. The motion prevailed.

McEachern moved that the rules of the House be so far suspended that H. F. No. 1291 be given its third reading and be placed upon its final passage. The motion prevailed.

McEachern moved to amend H. F. No. 1291, the second engrossment, as follows:

Page 2, line 24, strike "any public or private stocks or bonds" and insert "investments"

Page 3, delete lines 6 to 9 and insert:

"Shall the Minnesota Constitution be amended to remove constitutional restrictions on the investment of the permanent

school fund and to allow the limits on the investment of the fund and the apportionment of the returns on the investment to school districts to be set by law?" "

The motion prevailed and the amendment was adopted.

H. F. No. 1291, A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 8; removing the constitutional restrictions on permanent school fund investments; establishing statutory restrictions; amending Minnesota Statutes 1982, section 11A.16, subdivision 4.

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

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

Those who voted in the affirmative were:

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

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

H. F. No. 1559 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, McEachern moved that the rule therein be suspended and an urgency be declared so that H. F. No. 1559 be given its third reading and be placed upon its final passage. The motion prevailed.

McEachern moved that the rules of the House be so far suspended that H. F. No. 1559 be given its third reading and be placed upon its final passage. The motion prevailed.

H. F. No. 1559, A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 10; allowing public lands of the state to be exchanged for any other public land; amending Minnesota Statutes 1982, sections 94.343, subdivision 1; and 94.349, subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1258:

Clark, K.; Krueger and Redalen.

The Speaker called Heinitz to the Chair.

H. F. No. 1568, A bill for an act relating to juveniles; providing for enhanced penalties for adults convicted of driving while

under the influence of alcohol or a controlled substance if there are prior similar juvenile adjudications; providing an alternative disposition for juvenile major traffic offenders; amending Minnesota Statutes 1982, section 260.193, subdivision 8; and Minnesota Statutes 1983 Supplement, section 169.121, subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 112 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1686, A bill for an act relating to animals; disposition of stray animals; protecting leader dogs; imposing penalties; amending Minnesota Statutes 1982, section 35.71, subdivision 3; proposing new law coded in Minnesota Statutes 1982, chapter 347.

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

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

Those who voted in the affirmative were:

Anderson, B.	Beard	Bergstrom	Boo	Burger
Anderson, G.	Begich	Bishop	Brandl	Carlson, D.
Battaglia	Bennett	Blatz	Brinkman	Carlson, L.

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

The bill was passed and its title agreed to.

H. F. No. 1695, A bill for an act relating to courts; accelerating the effective date of judicial reorganization in the third and seventh judicial districts; amending Minnesota Statutes 1982, section 487.191.

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

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

Those who voted in the affirmative were:

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

Valento
Vanasek
Vellenga

Voss
Waltman
Welch

Welker
Welle

Wenzel
Wynia

Zaffke
Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 1735, A bill for an act relating to crimes; requiring the court to impose a stay of execution of sentence with a 90-day period of incarceration as a condition of probation for certain offenders convicted of a first offense of burglary of a dwelling; amending Minnesota Statutes 1983 Supplement, section 609.583.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1800 was reported to the House.

Heap moved to amend H. F. No. 1800, as follows:

Page 1, line 7, delete "harrassment" insert "harassment"

The motion prevailed and the amendment was adopted.

H. F. No. 1800, A resolution memorializing Congress and the President to continue their efforts to halt the persecution of the Baha'i minority in Iran.

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

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

Those who voted in the affirmative were:

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

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

H. F. No. 1977 was reported to the House.

There being no objection H. F. No. 1977 was temporarily laid over on Special Orders.

H. F. No. 2017, A bill for an act relating to commitment; defining provisional discharge; prohibiting the provisional release of a mentally ill and dangerous patient from secure confinement; amending Minnesota Statutes 1982, sections 253B.02, by adding subdivisions; and 253B.18, by adding subdivisions.

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

The question was taken on the passage of the bill and the roll was called. There were 111 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2099 was reported to the House.

There being no objection H. F. No. 2099 was temporarily laid over on Special Orders.

H. F. No. 2154 was reported to the House.

Clawson moved that H. F. No. 2154 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 2192 was reported to the House.

Wenzel moved that H. F. No. 2192 be continued on Special Orders for one day. The motion prevailed.

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

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1578 was reported to the House.

Solberg moved that H. F. No. 1578 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 1982, A bill for an act relating to towns; authorizing contributions to certain organizations; amending Minnesota Statutes 1982, section 365.10.

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

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

Those who voted in the affirmative were:

Anderson, B.	Carlson, D.	Ellingson	Haukoos	Knickerbocker
Anderson, G.	Carlson, L.	Erickson	Heap	Knuth
Beard	Clark, J.	Evans	Himle	Kostohryz
Begich	Clark, K.	Findlay	Hoffman	Krueger
Bennett	Clawson	Fjoslien	Hokr	Kvam
Bergstrom	Cohen	Forsythe	Jacobs	Levi
Bishop	Coleman	Graba	Jennings	Long
Blatz	Dempsey	Greenfield	Jensen	Ludeman
Boo	DenOuden	Gruenes	Johnson	Mann
Brandl	Dimler	Gustafson	Kahn	Marsh
Brinkman	Eken	Gutknecht	Kalis	McDonald
Burger	Elioff	Halberg	Kelly	McKasy

Metzen	Onnen	Rodosovich	Shaver	Valento
Minne	Osthoff	Rodriguez, C.	Shea	Vanasek
Munger	Otis	Rodriguez, F.	Sherman	Vellenga
Murphy	Pauly	Rose	Simoneau	Voss
Nelson, D.	Peterson	St. Onge	Skoglund	Waltman
Nelson, K.	Piepho	Sarna	Solberg	Welch
Neuenschwander	Piper	Schafer	Sparby	Welker
Norton	Price	Scheid	Swiggum	Welle
O'Connor	Quinn	Schoenfeld	Swanson	Wenzel
Ogren	Quist	Schreiber	Thiede	Wynia
Olsen	Redalen	Seaberg	Tunheim	Zaffke
Omann	Rice	Segal	Uphus	Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 1831, A bill for an act relating to transportation; increasing special permit fees for vehicles exceeding weight limitations; amending Minnesota Statutes 1983 Supplement, section 169.86, subdivision 5.

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

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1977 which was temporarily laid over earlier today was again reported to the House.

Brandl moved to amend H. F. No. 1977, the first engrossment, as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 256.871, subdivision 7, is amended to read:

Subd. 7. [AUTHORITY OF THE COMMISSIONER.] The commissioner is *hereby* authorized, subject to the provisions of chapter 14, to promulgate *permanent* rules and *may promulgate temporary rules* not inconsistent with this section as necessary to qualify for maximum federal funds to implement sections 256.72 to 256.871."

Renumber the sections

Page 2, after line 3, insert:

"Sec. 4. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 6, before the period insert "; Minnesota Statutes 1983 Supplement, section 256.871, subdivision 7"

The motion prevailed and the amendment was adopted.

Knickerbocker moved to amend H. F. No. 1977, the first engrossment, as amended, as follows:

Page 1, after line 19, insert:

"Sec. 3. Minnesota Statutes 1983 Supplement, section 256.967, is amended to read:

256.967 [MEDICAL CARE PAYMENTS; LIMITATIONS ON FEES.]

(FOR THE BIENNIUM ENDING JUNE 30, 1985,) All payments for vendors of medical care under general assistance medical care (SHALL BE BASED UPON THIS STANDARD: THE 50TH PERCENTILE OF USUAL AND CUSTOMARY FEES BASED UPON MEDICAL ASSISTANCE BILLINGS DURING CALENDAR YEAR 1978.), and all payments for vendors of medical care under medical assistance shall be (LIMITED TO THE 50TH PERCENTILE OF USUAL AND CUSTOMARY FEES BASED UPON BILLINGS DURING CALENDAR YEAR 1979 FOR PHYSICIAN SERVICES, DENTAL CARE, VISION CARE, PODIATRIC SERVICES, CHIROPRACTIC CARE, PHYSICAL THERAPY, OCCUPATIONAL THERAPY, SPEECH PATHOLOGISTS, AUDIOLOGISTS, MENTAL

HEALTH CENTERS, PSYCHOLOGISTS, PUBLIC HEALTH CLINICS, AND INDEPENDENT LABORATORY AND XRAY SERVICES) the lowest of the following:

- (1) the actual charge billed for the service;
- (2) the median of the charges billed by that practitioner for a given service derived from claims processed during the calendar year preceding the fiscal year in which the determination is made of the amount to be paid the individual practitioner for the billing; or
- (3) as to a provider for whom a median charge has not been established under clause (2), the median charge under clause (2) for all practitioners performing that service."

Page 2, after line 3, insert:

"Sec. 5. [EFFECTIVE DATE.]

Section 2 is effective July 1, 1985."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon insert "limiting certain medical care payments;"

Page 1, line 6, after the semicolon insert "256.967;"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 53 yeas and 64 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Beard	Brandl	Clark, J.	Coleman
Anderson, G.	Begich	Brinkman	Clark, K.	Eken
Battaglia	Bergstrom	Carlson, L.	Clawson	Elioff

Ellingson	Long	Ogren	Sarna	Tomlinson
Graba	Metzen	Osthoff	Schoenfeld	Tunheim
Greenfield	Minne	Otis	Segal	Vanasek
Gustafson	Munger	Peterson	Shea	Vellenga
Hoffman	Murphy	Piper	Simoneau	Voss
Jacobs	Nelson, D.	Price	Skoglund	Welch
Jensen	Nelson, K.	Quinn	Solberg	Welle
Kelly	Neuenschwander	Rice	Sparby	Wenzel
Kostohryz	Norton	Rodriguez, F.	Staten	Wynia
Larsen	O'Connor	St. Onge	Swanson	

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

Johnson moved to amend H. F. No. 1977, the first engrossment, as amended, as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1982, section 256.871, subdivision 4, is amended to read:

Subd. 4. [EMERGENCY DEFINED.]

Until the commissioner otherwise defines the term "emergency by rule," an emergency shall be a sudden or unexpected occurrence which could not have been foreseen by the applicant and is not in the applicant's control. Emergencies which create the need for such assistance include natural disasters such as floods, fires, or storm; civil disorders, strikes, illness, accident, death, eviction from shelter, migrant families in necessitous circumstances, or other crises, as defined by the commissioner, in accordance with directives of the United States secretary of health, education, and welfare."

Page 2, after line 3, insert:

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

Renumber the sections accordingly

Amend the title accordingly

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

H. F. No. 1977, A bill for an act relating to public welfare; clarifying the calculation of rates paid to health maintenance organizations; requiring the use of certain presentation materials; amending Minnesota Statutes 1982, sections 256.966, subdivision 2; and 256B.05, by adding a subdivision; Minnesota Statutes 1983 Supplement, section 256.871, subdivision 7.

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

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

Those who voted in the affirmative were:

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

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

H. F. No. 1865 was reported to the House.

Battaglia moved that H. F. No. 1865 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 2098, A bill for an act relating to public welfare; requiring financial statements by providers of continuing care facilities; allowing residents to form associations; revising procedures for determining operating cost payment rates for nursing homes; appropriating money; amending Minnesota Statutes 1982, sections 144.072; 256B.25; and 256D.06, by adding a subdivision; Minnesota Statutes 1983 Supplement, sections 45.16, subdivision 2; 144A.071, subdivision 2; 144A.31, subdivision 4; 256B.421, subdivisions 2, 5, and 8; 256B.431, subdivisions 1, 2, 4, 5, and by adding a subdivision; 256B.48, subdivision 1; 256B.50; proposing new law coded in Minnesota Statutes, chapters 80D; 144; and 256B.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1732, A bill for an act relating to financial institutions; authorizing industrial loan and thrift companies to act as trustees or custodians of certain retirement accounts; authorizing the removal of the bond requirement on the advertisement and sale of certain evidences of indebtedness; allowing special powers without inclusion in articles of incorporation; providing certain conventional loans on the same terms as other lenders; authorizing open-end loans; providing an alternative to filing fee charges; authorizing the deposit of real estate broker and salesperson trust funds in industrial loan and thrifts; amending Minnesota Statutes 1982, sections 47.75, subdivision 1; 53.04, subdivision 1, and by adding a subdivision; 56.131, subdivision 2; 82.24, subdivisions 1, 2, and 6; Minnesota Statutes 1983 Supplement, sections 53.04, subdivision 3a; and 53.05; proposing new law coded in Minnesota Statutes, chapter 56.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 112 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Carlson, L.	Greenfield	Kalis	Metzen
Anderson, G.	Clark, J.	Gruenes	Kelly	Minne
Anderson, R.	Clark, K.	Gustafson	Knickerbocker	Munger
Battaglia	Clawson	Gutknecht	Knuth	Murphy
Beard	Cohen	Halberg	Kostohryz	Nelson, D.
Begich	Coleman	Haukoos	Krueger	Nelson, K.
Bennett	Dempsey	Heap	Kvam	Neuenschwander
Bergstrom	Eken	Heinitz	Larsen	Norton
Bishop	Elioff	Hokr	Levi	O'Connor
Blatz	Ellingson	Jacobs	Long	Ogren
Boo	Evans	Jennings	Mann	Olsen
Brandl	Findlay	Jensen	Marsh	Onnen
Brinkman	Fjoslien	Johnson	McEachern	Osthoff
Burger	Forsythe	Kahn	McKasy	Pauly

Peterson	Rodosovich	Segal	Swanson	Waltman
Piepho	Rodriguez, C.	Shaver	Tomlinson	Welch
Piper	Rodriguez, F.	Shea	Tunheim	Welle
Price	Rose	Sherman	Uphus	Wenzel
Quinn	St. Onge	Simoneau	Valan	Wigley
Redalen	Sarna	Skoglund	Valento	Speaker Sieben
Reif	Scheid	Solberg	Vanasek	
Rice	Schoenfeld	Sparby	Vellenga	
Riveness	Seaberg	Staten	Voss	

Those who voted in the negative were:

DenOuden	Frerichs	McDonald	Schafer	Welker
Dimler	Himle	Omann	Swiggum	Zaffke
Erickson	Ludeman	Quist	Thiede	

The bill was passed and its title agreed to.

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 sub-division.

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

The question was taken on the passage of the bill and the roll was called. There were 113 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dempsey	Ellingson	Forsythe	Sherman	Welker
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The bill was passed and its title agreed to.

S. F. No. 1403 was reported to the House.

St. Onge moved to amend S. F. No. 1403, as follows:

Page 1, after line 17, insert:

"Sec. 2. Minnesota Statutes 1982, section 114B.03, subdivision 1, is amended to read:

Subdivision 1. [EXISTING PLAN CONFIRMED; MINIMUM STANDARDS.] The comprehensive land use plan prepared by the board and approved by resolution adopted on February 12, 1981, shall be the comprehensive land use plan authorized by section 114B.02, subdivision 2, and shall be implemented by the board as provided in this section and section 114B.04. The counties shall adopt land use ordinances consistent with the comprehensive land use plan of the board. The standards set forth in the plan are the minimum standards which may be adopted by the board and by the counties for the protection and enhancement of the natural, scientific, historical, recreational and cultural values of the Mississippi River and related shoreland areas subject to the plan. Except for forest management, fish and wildlife habitat improvement, and open space recreational uses as defined in the plan, no state or county lands within the boundaries established by the plan shall be offered for public sale or lease. The board *with the agreement, expressed by resolution adopted after public hearing, of the county boards of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing, and Morrison counties* may amend the plan in any way that does not reduce the minimum standards set forth in the plan approved on February 12, 1981."

Amend the title as follows:

Page 1, line 4, after "board;" insert "amending Minnesota Statutes 1982, section 114B.03, subdivision 1;"

The motion prevailed and the amendment was adopted.

S. F. No. 1403, A bill for an act relating to Mississippi River headwaters area; requiring other governmental units to follow the land use plan adopted by the board; proposing new law coded in Minnesota Statutes, chapter 114B.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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 third time and placed upon its final passage.

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

Those who voted in the affirmative were:

Anderson, B.	Boo	Dempsey	Fjoslien	Heap
Anderson, G.	Brandl	DenOuden	Forsythe	Heinitz
Battaglia	Brinkman	Dimler	Graba	Hoffman
Beard	Burger	Eken	Greenfield	Hokr
Begich	Carlson, L.	Elioff	Gruenes	Jacobs
Bennett	Clark, J.	Ellingson	Gustafson	Jensen
Bergstrom	Clawson	Erickson	Gutknecht	Johnson
Bishop	Cohen	Evans	Halberg	Kahn
Blatz	Coleman	Findlay	Haukoos	Kalis

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

The bill was passed and its title agreed to.

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 third time and placed upon its final passage.

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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 third time and placed upon its final passage.

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1954 was reported to the House.

Welle moved to amend S. F. No. 1954, as follows:

Page 10, after line 20, insert:

"Sec. 19. Minnesota Statutes 1983 Supplement, section 205.-175, subdivision 1, is amended to read:

Subdivision 1. [CITIES.] In all statutory and home rule charter city elections the governing body of the city, by resolution adopted prior to giving notice of the election, may designate the time, in no event less than three hours, during which the polling places will remain open for voting at the next succeeding and all subsequent municipal elections, until the resolution is revoked. *Cities covered by this subdivision shall certify their*

election hours to the county auditor upon adoption of the resolution giving notice of the election.

Sec. 20. Minnesota Statutes 1983 Supplement, section 205.-175, subdivision 3, is amended to read:

Subd. 3. [OTHER TOWNS.] In any election of town officers in a town other than a town described in subdivision 2, the town board, by resolution adopted prior to giving notice of the election, may designate the time, in no event less than three hours, during which the polling places will remain open for voting at the next succeeding and all subsequent town elections. The resolution shall remain in force until it is revoked by the town board. *Towns covered by this subdivision shall certify their election hours to the county auditor in January of each year.*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, after the semi-colon insert "205.175, subdivisions 1 and 3;"

The motion prevailed and the amendment was adopted.

Welle moved to amend S. F. No. 1954, as amended, as follows:

Page 3, line 13, strike "remove the ballot"

Page 3, line 14, strike everything before "mark" and strike "ballot" and insert "return"

Page 3, line 15, strike "ballot" and insert "return"

Page 4, after line 2, insert:

"Sec. 7. Minnesota Statutes 1982, section 203B.12, subdivision 3, is amended to read:

Subd. 3. [NOTATION ON DUPLICATE REGISTRATION CARD OR (ELECTION REGISTER) FILE.] If the (BALLOT) *return* envelope is marked with the word "Accepted", the election judges shall record the fact that the voter has voted by absentee ballot on the *duplicate* voter registration card or (IN THE ELECTION REGISTER IN PRECINCTS WITH NO PERMANENT VOTER REGISTRATION) *file*. This shall be done by placing the letters "A.B." in the appropriate space on the *duplicate* card or (REGISTER) *file*. After a registration card or (ELECTION REGISTER) *file* has been marked to record that an individual has voted by absentee ballot, the individual shall not be allowed to vote in person at that election.

Sec. 8. Minnesota Statutes 1982, section 203B.12, subdivision 4, is amended to read:

Subd. 4. [PLACEMENT IN CONTAINER; OPENING AND COUNTING OF BALLOTS.] The ballot envelopes *from return envelopes* marked "Accepted" shall be placed by the election judges in a separate absentee ballot container. The container and each ballot envelope may be opened only after the last regular mail delivery by the United States postal service on election day. The ballots shall then be initialled by the election judges in the same manner as ballots delivered by them to voters in person and shall be deposited in the appropriate ballot box.

If more than one ballot of any kind is enclosed in the ballot envelope, none of the ballots of that kind shall be counted but all ballots of that kind shall be returned in the manner provided by section 204C.25 for return of spoiled ballots.

Sec. 9. Minnesota Statutes 1982, section 203B.12, subdivision 6, is amended to read:

Subd. 6. [EXCEPTION FOR MUNICIPALITIES WITH ABSENTEE BALLOT COUNTING BOARDS.] In municipalities with an absentee ballot counting board, the election judges in each precinct shall receive and process return envelopes and ballot envelopes as provided in this section except that the ballot envelopes *from return envelopes* marked "Accepted" shall be delivered in an absentee ballot container to the absentee ballot counting board for the counting of ballots as soon as possible after processing. Other law to the contrary notwithstanding, the governing body of a municipality with an absentee ballot precinct may authorize the judges of the absentee ballot precinct to validate ballots in the manner provided in this section. The vote totals provided by the absentee ballot counting board shall be included in the vote totals on the summary statements of the returns for the precinct in which they were received."

Renumber the remaining sections in sequence

Amend the title as follows:

Page 1, line 6, before "204B.27" insert "203B.12, subdivisions 3, 4, and 6;"

The motion prevailed and the amendment was adopted.

Jennings and Halberg moved to amend S. F. No. 1954, as amended, as follows:

Page 12, after line 5, insert:

"Sec. 21. [ELIMINATION OF PARTY DESIGNATION.]

Other law to the contrary notwithstanding, beginning with the elections in 1986, all primary, general, municipal, special, and other elections in Minnesota must be conducted without any designation on ballots or campaign materials of the party affiliation of any candidate except those offices of Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer and Attorney General."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 1, after the semicolon insert "eliminating designation of candidates' parties in conduct of all elections;"

A roll call was requested and properly seconded.

Osthoff moved to amend the Jennings and Halberg amendment to S. F. No. 1954, as follows:

Line 6 of the Jennings amendment delete "*without any*" and insert "*with*"

Line 7 of the Jennings amendment delete "*or*" and insert "*and*".

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

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

Simoneau	Staten	Uphus	Voss	Welle
Skoglund	Sviggum	Valan	Waltman	Wenzel
Solberg	Thiede	Valento	Welch	Wigley
Sparby	Tunheim	Vanasek	Welker	Zaffke

Vanasek 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 Osthoff amendment to the Jennings and Halberg amendment to S. F. No. 1954, and the roll was called.

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

There were 58 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Battaglia	Ellingson	Metzen	Piper	Sparby
Beard	Greenfield	Minne	Price	Staten
Begich	Gustafson	Munger	Quinn	Swanson
Bergstrom	Jacobs	Murphy	Riveness	Tunheim
Brandl	Jensen	Nelson, D.	Rodriguez, F.	Vanasek
Brinkman	Kalis	Nelson, K.	St. Onge	Voss
Carlson, L.	Kelly	Norton	Sarna	Welch
Clark, J.	Knuth	O'Connor	Scheid	Welle
Clark, K.	Kostohryz	Ogren	Segal	Wenzel
Coleman	Larsen	Osthoff	Simoneau	Speaker Sieben
Eken	Mann	Otis	Skoglund	
Elioff	McEachern	Peterson	Solberg	

Those who voted in the negative were:

Anderson, G.	Findlay	Jennings	Pauly	Sherman
Bennett	Fjoslien	Knickerbocker	Piepho	Sviggum
Bishop	Frerichs	Krueger	Quist	Thiede
Blatz	Graba	Kvam	Redalen	Uphus
Boo	Gruenes	Levi	Reif	Valan
Burger	Gutknecht	Ludeman	Rodosovich	Valento
Carlson, D.	Halberg	Marsh	Rose	Waltman
Cohen	Haukoos	McDonald	Schafer	Welker
Dempeey	Heap	McKasy	Schoenfeld	Wigley
DenOuden	Heinitz	Neuenschwander	Schreiber	Zaffke
Dimler	Himle	Olsen	Seaberg	
Erickson	Hoffman	Omann	Shaver	
Evans	Hokr	Onnen	Shea	

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

Price moved to lay the Jennings amendment to S. F. No. 1954, on the table.

A roll call was requested and properly seconded.

The question was taken on the Price motion and the roll was called.

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

There were 73 yeas and 53 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, R.	Fjoslien	Jennings	Onnen	Sviggum
Bennett	Forsythe	Johnson	Pauly	Thiede
Blatz	Frerichs	Knickerbocker	Piepho	Uphus
Boo	Gruenes	Kvam	Quist	Valan
Burger	Gutknecht	Levi	Reif	Valento
Dempsey	Halberg	Ludeman	Rose	Waltman
DenOuden	Haukoos	Marsh	Schafer	Welker
Dimler	Heap	McDonald	Schreiber	Wigley
Erickson	Heinitz	McKasy	Shayer	Zaffke
Evans	Himle	Olsen	Shea	
Findlay	Hokr	Omann	Sherman	

The motion prevailed and the Jennings and Halberg amendment to S. F. No. 1954, was laid on the table.

The Speaker resumed the Chair.

S. F. No. 1954, A bill for an act relating to elections; making procedural changes; correcting erroneous and obsolete provisions; 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 third time, as amended, and placed upon its final passage.

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

Those who voted in the affirmative were:

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

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

MOTIONS FOR RECONSIDERATION

Osthoff and Rose moved that the vote whereby H. F. No. 1686 was passed earlier today be now reconsidered. The motion prevailed.

Osthoff and Rose moved that the third reading of H. F. No. 1686 be now reconsidered. The motion prevailed.

H. F. No. 1686 was reported to the House.

There being no objection H. F. No. 1686 was temporarily laid over.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2314

A bill for an act relating to capital improvements; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain condi-

tions; reducing and canceling certain appropriations; authorizing issuance of state bonds; appropriating money; amending Minnesota Statutes 1982, sections 16.72, subdivision 7; 85A.04, subdivision 3; 475A.03, subdivision 1; 475A.05, subdivision 1, and by adding a subdivision; 475A.06, subdivision 7; and Laws 1983, chapter 344, section 6, subdivision 8; repealing Laws 1981, chapter 275; and chapter 334, section 11, subdivision 4; and Laws 1982, chapter 639, section 5.

April 18, 1984

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 2314, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 2314 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [CAPITAL IMPROVEMENTS; APPROPRIATIONS.]

The sums set forth in the column designated "APPROPRIATIONS" are appropriated from the state building fund, or any other fund designated, to the state agencies indicated, to be expended to acquire and to better public land and buildings and other public improvements of a capital nature, as more specifically described in the following sections of this act.

SUMMARY

SUPREME COURT	\$ 400,000
ADMINISTRATION	12,959,500
CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD	1,700,000
NATURAL RESOURCES	3,966,700
IRON RANGE RESOURCES AND REHABILITATION BOARD	1,120,000
ZOOLOGICAL BOARD	225,000

POLLUTION CONTROL AGENCY	12,000,000
ENERGY AND ECONOMIC DEVELOPMENT	1,400,000
MILITARY AFFAIRS	1,183,500
VETERANS AFFAIRS	103,100
TRANSPORTATION	23,207,700
MINNESOTA HISTORICAL SOCIETY	3,600,000
VOCATIONAL TECHNICAL EDUCATION	10,057,600
COMMUNITY COLLEGES	25,038,400
STATE UNIVERSITIES	19,505,000
UNIVERSITY OF MINNESOTA	57,981,000
CORRECTIONS	2,598,900
PUBLIC WELFARE	4,730,400
BOND SALE EXPENSES	153,000
INTEREST RATE REDUCTION EXPENSE	7,230,000
TOTAL	\$189,159,800
General Fund	24,437,300
Game and Fish Fund	31,400
Special Revenue Fund	100,000
Trunk Highway Fund	9,052,700
Transportation Fund	16,000,000
Building Fund	139,538,400
APPROPRIATION REDUCTIONS	(\$280,408,000)

APPROPRIATIONS

Sec. 2. SUPREME COURT

Judicial Building Design Competition	\$400,000
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This appropriation is to the commissioner of administration, in consultation with the supreme court and the capitol area architectural and planning board, for preliminary planning and design competition for a judicial building that will utilize the existing historical society building and the site currently occupied by the mechanic arts high school gymnasium.

\$200,000 of this appropriation is from the general fund. The design competition must include a challenge to the competitors for maximum use of the existing historical society building. The design for reuse of that building, new construction, landscaping, and improving this site must not produce a total project cost that exceeds \$36,000,000.

The plans shall not involve the demolition of the existing mechanic arts high school main building.

Sec. 3. ADMINISTRATION

Subdivision 1. To the commissioner of administration for the purposes more specifically described in the following subdivisions of this section

12,959,500

Subd. 2. Supplemental or prior commitments

2,133,400

The appropriations in this subdivision are from the general fund.

(a) Remodel central motor pool building for life safety

40,200

(b) Remove and replace PCB equipment statewide, phase I

1,086,100

This appropriation, combined with the balance remaining from the appropriation in Laws 1983, chapter 344, section 2, clause (a), shall be used to replace or retrofit PCB contaminated equipment in the priority order established in the remedial action plan.

(c) Remove or contain asbestos in state buildings, phase I 1,007,100

This appropriation shall be used to remove or encapsulate asbestos-containing materials which have been identified as constituting risk factor 5 in the evaluation study dated January, 1984, and its supplement, and risk factor 4 to the extent funds permit.

Subd. 3. Facility integrity and life safety 2,302,500

The appropriations in this subdivision are from the general fund, except that items (a) (b) are from the trunk highway fund and item (h) is from the special revenue fund.

(a) Renovate mechanical and electrical systems in the transportation building and laboratory 1,500,000

None of this appropriation shall be expended on the mechanical and electrical system in the transportation building until a study of the system is completed and the findings reported to the chairmen of the house appropriations and senate finance committees. Expenditures on the laboratory may proceed without the study.

(b) Provide fire code required venting, enclosed lobbies, and electric generator for transportation building 254,000

(c) Renovate laboratory ventilation system in health building 141,900

(d) Construct hazardous material storage facility and outside receiving facility at health building 110,500

(e) General purpose remodeling contingency

This contingency totaling \$550,000 is established from unexpended balances remaining in building fund accounts as itemized in committee workpapers.

This appropriation is available for individual project expenditure after consultation with the chairmen of the house appropriations and senate finance committees.

(f) Reset west entrance to Centennial building 136,500

(g) Install fire, smoke, and emergency warning system in Veterans Service building 59,600

(h) Seal coat Centennial parking ramp floors 100,000

This appropriation is from the account established in section 16.72, subdivision 7. Future sealcoating and routine maintenance projects shall be financed from the parking fees established pursuant to section 16.72.

Subd. 4. Energy conservation 1,992,600

(a) Energy conservation projects that have an estimated payback in energy savings in five years or less 1,897,400

Of this appropriation, \$1,775,000 is from the state building fund, \$31,400 is from the game and fish fund, and \$91,000 is from the trunk highway fund.

The construction paid for from this appropriation shall meet or exceed the interim and final energy conservation performance standards and guidelines for new commercial buildings promulgated by the United States secretary of energy under the Energy Conservation Standards for New Buildings Act of 1976, as amended, United States Code, title 33, section 6833.

(b) Modify and connect the Ford building heating system for district heating 95,200

Subd. 5. Program improvement and expansion 6,531,000

(a) Provide access for the handicapped to state buildings statewide 2,000,000

- (b) Prepare a program and feasibility study of a combined services facility 100,000

This study shall assess the feasibility of and including the information services bureau in the new facility.

- (c) Remodel third floor of Centennial building 1,500,000

This appropriation may not be expended unless a report is submitted to the chairmen of the house appropriations and senate finance committees by October 1, 1984; a preliminary report is requested August 1, 1984. The report shall include a plan for improvements in the handling and flow of tax documents within the department of revenue, including improved coordination and automation of the mailroom, data entry, and cashier functions. The report shall also include the proposed layout for the remodeled space.

- (d) Construct Brainerd services center 2,831,000

This appropriation shall establish a consolidated government services center at the community college site in Brainerd. The center is intended to include at least the local activities of the state departments of agriculture, labor and industry and corrections; the pollution control agency; and the consolidated programs of the department of natural resources.

- (e) Prepare plans for renovation of mechanic arts high school building 100,000

This appropriation is to plan for the renovation of the mechanic arts high school building, excluding the gymnasium, to provide state agency office space. The preliminary plans for renovation must be reviewed by the capitol area architectural and planning board pursuant to Minnesota Statutes, section 15.50, subdivision 2.

- (f) Land acquisition

By January 15, 1985, the commissioner shall present to the chairmen of the house

appropriations and senate finance committees a report proposing criteria by which land located in or near the Capitol complex would be assessed as favorable for acquisition. In proposing these criteria, the commissioner shall consider including such factors as effects on property taxes, proposed programmatic uses, and specific geographical boundaries.

(g) Building project balances

The commissioner is directed to report to the chairmen of the house appropriations and senate finance committees by January 15 of each fiscal year. The report shall list each building project balance which was authorized more than four years earlier, its current status, whether any activity occurred during the year, and the commissioner's recommendation and rationale for continuance. The report shall also include those balances, and associated projects, which were canceled administratively during the previous 12 month period.

Sec. 4. CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD

To the commissioner of administration for the purposes specified in this section

1,700,000

(a) Landscape capitol mall 1,200,000

(b) Landscape John Ireland Boulevard 350,000

(c) Preliminary engineering and design for parking facilities in the Capitol complex 150,000

This appropriation is from the general fund. The general fund shall be reimbursed from the account established in Minnesota Statutes, section 16.72 as funds become available.

The commissioner of administration shall study and report to the legislature by January 1, 1985, recommendations

for increasing state employee participation in the van pool program, so that the need for new state parking facilities in the capitol area may be reduced.

The board shall seek the cooperation of the school of architecture and landscape architecture at the University of Minnesota for (a) and (b) above.

The board shall emphasize the use of plant species native to Minnesota in (a) and (b) above.

The board shall seek private contributions for the landscaping projects in (a) and (b) above. Any contributions received shall be used to reduce the cost to the state.

Sec. 5. NATURAL RESOURCES

Subdivision 1. To the commissioner of administration or the commissioner of natural resources for the purposes more specifically described in the following subdivisions of this section

3,966,700

Subd. 2. To the commissioner of administration for the purposes specified in this subdivision

680,000

(a) Complete office and storage space at Grand Rapids regional headquarters 139,000

(b) Construct seedling storage at General Andrews nursery 74,000

(c) Expand storage building at Baudette area headquarters 50,000

(d) Construct New Ulm Shop and Warehouse 317,000

(e) Plan for consolidation at the Bemidji regional office of all natural resources employees in Bemidji, Cass Lake, and Guthrie 100,000

Subd. 3. To the commissioner of natural resources to reconstruct the state-owned dam at New London

126,700

Subd. 4. To the commissioner of natural resources for the purposes specified in this subdivision

3,160,000

(a) Construct convention center and dormitory facility at Deep Portage Conservation Reserve

800,000

This appropriation is for payment to Cass County. This appropriation is available only upon a determination by the commissioner of natural resources that the additional financing necessary to complete the project has been committed by nonstate sources. Cass County shall repay \$320,000 to the state over a period of not more than ten years from the date this appropriation is paid to the county. Repayments shall be made in equal installments deposited in the state treasury and credited to the state bond fund before November 1 each year.

(b) Develop River Bend Nature Center

200,000

This appropriation is for payment to the city of Faribault. This appropriation is available only upon a determination by the commissioner of natural resources that the additional financing necessary to complete the project has been committed by nonstate sources. The city of Faribault shall repay \$80,000 to the state over a period of not more than ten years from the date this appropriation is paid to the city. Repayments shall be made in equal installments deposited in the state treasury and credited to the state bond fund before November 1 each year.

(c) Develop facilities at Long Lake Conservation Center

160,000

This appropriation is for payment to Aitkin County. This appropriation is available only upon determination by the commissioner of natural resources that the additional financing necessary to complete the project has been committed by nonstate sources. Aitkin County shall repay \$64,000 to the state over a period of not more than ten years from the date this ap-

appropriation is paid to the county. Repayments shall be made in equal installments deposited in the state treasury and credited to the state bond fund before November 1 each year.

(d) Construct Winger Dam 2,000,000

This appropriation is for payment to the Lower Red River Watershed Management Board to construct the Winger dam on the Sand Hill River, Winger township, Polk County. This appropriation is available only upon a determination by the commissioner of natural resources that the additional financing necessary to complete the project has been committed by other sources. The Lower Red River Watershed Management Board shall repay \$800,000 from its property tax receipts to the state over a period of not more than ten years from the date this appropriation is paid to the board. Repayments shall be made in equal installments deposited in the state treasury and credited to the state bond fund before November 1 each year.

Notwithstanding sections 16A.41, 16.02, or any other law to the contrary, the commissioner of natural resources may pay to the city of Lanesboro up to \$60,000 of unexpended funds that were appropriated to the commissioner under Laws 1977, chapter 421, section 12, subdivision 3, for the acquisition of trails, upon receipt of a 30 year lease from the city of Lanesboro approved by the attorney general for use of an interpretive trail center on the Root River trail.

Notwithstanding any other law to the contrary the commissioner of natural resources may use for the betterment of state trails, without a public hearing, up to \$24,081 of unexpended funds that were appropriated to the commissioner under Laws 1979, chapter 301, section 3, subdivision 1, for acquisition of state trails.

Sec. 6. IRON RANGE RESOURCES
AND REHABILITATION BOARD

1,120,000

This appropriation is for construction of an outdoor amphitheater at the Iron Range Interpretative Center at Chisholm.

The board shall repay \$448,000 to the state bond fund over a period of not more than ten years from the date this appropriation is paid to the board. Repayments shall be made in equal installments deposited in the state treasury and credited to the state bond fund before November 1 each year.

Sec. 7. ZOOLOGICAL BOARD

To the commissioner of administration for a wolf and caribou exhibit

225,000

The appropriation in this section is from the general fund.

This appropriation is available only to match contributions received from non-state sources in the amount of \$225,000. No money may be expended until the entire match has been received.

Sec. 8. ENERGY AND ECONOMIC DEVELOPMENT

Regional Solid Waste Disposal

1,400,000

This appropriation is for payment of a grant to the city of Bagley to develop a solid waste disposal, incineration, and district heating pilot project involving seven counties. The purpose of the project must be to deal with solid waste disposal as a rural problem and provide more reliable energy to the incinerator site through a district heating system. The grant may not be paid until the commissioner of energy and economic development has determined that additional financing in the amount of \$10,000,000 has been committed by other sources.

This appropriation is from the general fund.

Sec. 9. MILITARY AFFAIRS

To the adjutant general for the purposes specified in this section

1,183,500

The construction paid for from this appropriation shall meet or exceed the interim and final energy conservation performance standards and guidelines for new commercial buildings promulgated by the United States secretary of energy under the Energy Conservation Standards for New Buildings Act of 1976, as amended, United States Code, title 33, section 6833.

(a) Replace roofs statewide 362,500

(b) Replace windows or close up openings in facilities 40 years of age or older 478,000

This appropriation is from the general fund.

(c) Rehabilitate and improve armory at Austin 77,800

This appropriation is from the general fund.

(d) Rehabilitate and improve armory at 600 Cedar Street, St. Paul 265,200

This appropriation is from the general fund.

(e) \$13,000 of the appropriation made in Laws 1983, chapter 344, section 5, clause (a), for installing a heating plant at Worthington may be used to install two heating boilers at Camp Ripley.

(f) Armory Studies

Prior to expenditure of the funds contained in this section, the department shall submit to the chairmen of the house appropriations and senate finance committees an analysis of the current energy usage at the armories which are funded for improvements and the anticipated savings to be realized from these improvements.

The department of military affairs, with the assistance of the management analysis

division of administration, will provide an analysis by February 1, 1985, of the options for multiple use or time-sharing of armories. This analysis will address space and support requirements, utilization strength, maintenance, and cost of the alternatives. The engineering and architectural component of this analysis will be provided by the building code division of the department of administration.

Sec. 10. VETERANS AFFAIRS

To the commissioner of administration for the purposes specified in this section

103,100

The appropriations in this section are from the general fund.

(a) Replace roof on three buildings at veterans home—Hastings

40,100

The construction paid for from this appropriation shall meet or exceed the interim and final energy conservation performance standards and guidelines for new commercial buildings promulgated by the United States secretary of energy under the Energy Conservation Standards for New Buildings Act of 1976, as amended, United States Code, title 33, section 6833.

(b) Repair cooling system and upgrade linen room in building 16 at veterans home—Minneapolis

63,000

The commissioner shall prepare a report which presents and analyzes alternative uses, including residential use, of buildings 1 through 5 on the Minneapolis campus which are compatible with the functions and programs of the veterans home. The report shall be submitted to the chairmen of the house appropriations and senate finance committees by January 15, 1985.

Sec. 11. TRANSPORTATION

Subdivision 1. To the commissioner of transportation for the purposes more spe-

cifically described in the following subdivisions of this section

23,207,700

Subd. 2. Operating Facilities

7,207,700

The appropriations in this subdivision are from the trunk highway fund.

(a) Construct interstate rest area near Pine City

207,900

The commissioner of transportation shall not expend this appropriation until contracts have been awarded for the construction of a highway interchange at the junction of interstate highway 35 and county state aid highway 11 at Pine City.

(b) Construct addition to Oakdale district headquarters

986,000

The addition shall include office space for the state patrol, which shall relocate from rental space in Eagan; and shop and storage space for electronic communications, which shall relocate from rental space in St. Paul.

(c) Construct equipment storage building at New Ulm truck station

263,000

(d) Construct equipment storage building at Dresbach truck station

270,000

(e) Construct equipment storage building at Buffalo truck station

325,000

(f) Construct equipment storage building at Morris maintenance headquarters

900,000

This appropriation is available upon determination by the commissioner of administration that the commissioner of transportation has entered into a contract for the sale of the existing Morris maintenance equipment storage building. The contract for purchase of the existing Morris equipment storage building shall not be less than \$235,000. Funds received from the sale shall be deposited in the trunk highway fund.

(g) Construct St. Croix interstate rest area and travel information center 292,500

(h) Construct St. Croix weigh station 1,052,000

The commissioner of transportation shall conduct an evaluation of the feasibility of utilizing weigh in motion facilities in conjunction with the construction and operation of the St. Croix weigh station.

The commissioner of public safety shall submit a report to the legislature regarding the utilization of the weigh stations located on trunk highway 61 near Winona and on trunk highway 3 near Farmington. The commissioner shall submit the report to the chairman of house appropriations and the chairman of senate finance by January 15, 1985.

(i) Construct interstate rest area near Mahtowa 207,900

(j) Construct equipment storage building at Pine River truck station 238,000

(k) Construct cold storage sheds statewide 65,000

(l) Construct highway information center at Chisholm 200,000

None of the costs of maintaining, staffing, and operating the highway information center at the Iron Range Interpretative Center shall be paid from the trunk highway fund.

(m) Construct rest area and travel information center near International Falls 654,400

(n) Construct rest area and travel information center at Pigeon River 956,000

(o) Construct equipment storage building for Chaska truck station 590,000

This appropriation is available upon determination by the commissioner of ad-

ministration that the commissioner of transportation has entered into contract for the sale of the existing Chaska equipment storage building. Funds received from the sale shall be deposited in the trunk highway fund.

Subd. 3. Interstate Substitution

4,000,000

This appropriation is from the state transportation fund to provide not to exceed one-half of the nonfederal share of right-of-way, preliminary and construction engineering, and construction costs of local projects that are paid for with interstate substitution money.

The balance of the appropriation in Laws 1981, chapter 361, section 4, subdivision 5, item (b) for interstate substitution projects may only be expended to provide not to exceed one-half of the nonfederal share of right-of-way, preliminary and construction engineering, and construction costs of local projects that are paid for with interstate substitution money.

Notwithstanding any other law to the contrary, the commissioner of transportation shall not provide funds from this appropriation for the purpose of preliminary planning, design, or construction of an intercampus bus expressway between Minneapolis and Saint Paul.

Subd. 4. Railroad Assistance

12,000,000

This appropriation is from the state transportation fund for the purposes specified in Minnesota Statutes, sections 222.49 to 222.63.

Sec. 12. MINNESOTA
HISTORICAL SOCIETY

To the Minnesota historical society for the purposes specified in this section

3,600,000

(a) Plan for construction of State History Center

400,000

This appropriation is to the capitol area architectural and planning board, for expenditure in consultation with the Minnesota Historical Society, for a design competition for a new state history center.

This appropriation is available for expenditure only after a site study has been presented to the chairmen of the house appropriations and senate finance committees and they have made their advisory recommendations on it.

The study shall be paid for by \$150,000 of the appropriation made in Laws 1983, chapter 344, section 2, clause (f), which remains from the appropriation to the capitol area architectural and planning board for the history center's design competition. The study shall be submitted no later than November 1, 1984. The capitol area architectural and planning board, acting with three members to be designated by the director of the Minnesota historical society, must make a final siting recommendation to the chairman of the house appropriation committee and the chairman of the senate finance committee and include their rationale.

The historical society, capitol area architectural and planning board, and the commissioner of administration shall cooperate with this study and provide staff assistance as requested.

This appropriation authorizes and continues the design competition now in progress for the state history center.

The design competition for a new history center, landscaping, and site improvements shall not produce a total projected cost that exceeds \$41,000,000.

The historical society shall evaluate and report to the legislature on the potential for private sector support for program enhancements for the state history center, including but not limited to facility furnishings and equipment.

(b) Develop Split Rock Lighthouse
historic site 1,550,000

(c) Develop Red River Valley Cen-
ter 1,000,000

This appropriation shall be expended in
accordance with Minnesota Statutes, sec-
tions 138.92 and 138.93.

(d) Lake Superior Museum of Trans-
portation and Industry 50,000

This appropriation shall be expended in
accordance with Minnesota Statutes, sec-
tions 138.92 and 138.93.

The appropriations in items (e) to (i)
are from the general fund.

(e) Develop historic interpretive fa-
cilities statewide 150,000

(f) Stabilize Grand Mound 75,000

(g) Historic site restoration and pre-
ventive maintenance 100,000

(h) Restore and preserve historical
objects in Capitol building 250,000

(i) Repair state monuments, markers,
and waysides 25,000

Sec. 13. VOCATIONAL-TECHNICAL EDUCATION

Subdivision 1. To the state board of
vocational-technical education for post-
secondary vocational-technical construc-
tion in the school districts listed in this
section

10,057,600

Independent School District No. 11,
Anoka 1,046,400

This appropriation is to remodel ware-
house and other space for other purposes.
The total cost of the project shall not ex-
ceed \$1,231,000, whether paid from state,
local, or federal money.

Independent School District No. 492,
Austin 195,300

This appropriation is to remodel connecting links. The total cost of the project shall not exceed \$229,800, whether paid from state, local, or federal money.

Independent School District No. 31,
Bemidji 138,400

(1) \$96,200 is to replace a roof.

The total cost of the project shall not exceed \$113,200, whether paid from state, local, or federal money. This appropriation is from the general fund.

(2) \$42,200 is to construct a vestibule.

The total cost of the project shall not exceed \$49,700, whether paid from state, local, or federal money. This appropriation is from the general fund.

Independent School District No. 181,
Brainerd 124,000

This appropriation is for an addition to the auto body shop. The total cost of the project shall not exceed \$145,900, whether paid from state, local, or federal money.

Independent School District No. 891,
Canby 22,700

This appropriation is to complete the replacement of a roof. The total cost of the project shall not exceed \$26,800, whether paid from state, local, or federal money. This appropriation is from the general fund.

Special Intermediate School District No.
917, Dakota County 34,100

This appropriation is to modify boilers. The total cost of the project shall not exceed \$40,200, whether paid from state, local, or federal money. This appropriation is from the general fund.

Independent School District No. 709,
Duluth 2,388,500

(1) \$2,125,000 is to construct additional space for electronics, health, data processing, and business.

The total cost of the project shall not exceed \$2,500,000, whether paid from state, local, or federal money.

(2) \$212,500 is to resurface a parking lot.

The total cost of the project shall not exceed \$250,000, whether paid from state, local, or federal money. This appropriation is from the general fund.

(3) \$51,000 is to install electronic heat and ventilation controls.

The total cost of the project shall not exceed \$60,000, whether paid from state, local, or federal money. This appropriation is from the general fund.

Independent School District No. 697,
Eveleth 439,500

This appropriation is to construct a commons area, kitchen and receiving area, and instrumentation laboratory. The total cost of the project shall not exceed \$517,000, whether paid from state, local, or federal money.

Independent School District No. 423,
Hutchinson 638,700

(1) \$500,000 or so much thereof as is necessary is for the costs to acquire the Crow River Vocational Cooperative Center Building.

The total cost of this acquisition shall not exceed \$588,200, whether paid from state, local, or federal money.

(2) \$138,700 is to connect utility units to natural gas.

The total cost of the project shall not exceed \$163,200, whether paid from state, local, or federal money. This appropriation is from the general fund.

Independent School District No. 77,
Mankato 102,000

This appropriation is to construct a graphic arts classroom and laboratory. The total cost of the project shall not exceed \$120,000, whether paid from state, local, or federal money.

Special School District No. 1, Minne-
apolis 1,700,000

This appropriation is to acquire and to better the Aviation Center facility. The total cost of this project shall not exceed \$2,000,000, whether paid from state, local, or federal money.

Special School District No. 1, Minneap-
olis, may purchase the facility presently
used by the Minneapolis Technical Insti-
tute for the Aviation Training Center.
Renovation or expansion of this facility
shall not proceed until such time as the
purchase is complete and title has been
transferred.

Enrollment in aviation mechanics pro-
grams at Minneapolis Technical Institute
shall not be increased beyond the current
level without submission of documenta-
tion that placement rates have improved.
Requests to increase enrollment shall be
reviewed by the chairmen of the House
Appropriations and Senate Finance Com-
mittees and the chairmen shall make rec-
ommendations on the requests. Failure or
refusal to make a recommendation prompt-
ly is deemed a negative recommendation.

Independent School District No. 152,
Moorhead 495,600

(1) \$303,900 is for a project for the
air conditioning and refrigeration pro-
gram.

Total costs of this project shall not exceed \$357,500, whether paid from state, local, or federal money.

(2) \$191,700 to reroof the 1971 addition.

The total cost of the project shall not exceed \$225,500, whether paid from state, local, or federal money. This appropriation is from the general fund.

Special Intermediate School District
No. 916

998,100

(1) \$369,900 is for decking the refrigeration and heating, graphic arts, and mobile home repair shops. The total cost of the project shall not exceed \$435,100, whether paid from state, local, or federal money.

(2) \$120,000 is to construct a warehouse.

The total cost of the project shall not exceed \$141,200, whether paid from state, local, or federal money.

(3) \$303,400 is to encapsulate asbestos.

The total cost of the project shall not exceed \$356,900, whether paid from state, local, or federal money. This appropriation is from the general fund.

(4) \$35,500 is to add an air lock to the east entrance.

The total cost of the project shall not exceed \$41,800, whether paid from state, local, or federal money. This appropriation is from the general fund.

(5) \$169,300 is to insulate shop ceilings.

The total cost of the project shall not exceed \$199,200, whether paid from state, local, or federal money. This appropriation is from the general fund.

Independent School District No. 625,
St. Paul 731,300

- (1) \$270,600 is to remove asbestos.

The total cost of the project shall not exceed \$318,200, whether paid from state, local, or federal money. This appropriation is from the general fund.

- (2) \$460,700 is to reroof the building and repair interior and exterior walls.

The total cost of the project shall not exceed \$542,000, whether paid from state, local, or federal money. This appropriation is from the general fund.

Independent School District No. 793,
Staples 76,500

This appropriation is to replace overhead doors. The total cost of the project shall not exceed \$90,000, whether paid from state, local, or federal money. This appropriation is from the general fund.

Independent School District No. 347,
Willmar 773,500

- (1) \$680,000 is for additional agriculture program classrooms and labs.

The total cost of the project shall not exceed \$800,000, whether paid from state, local, or federal money.

- (2) \$93,500 is for various energy conservation measures.

The total cost of the project shall not exceed \$110,000, whether paid from state, local, or federal money. This appropriation is from the general fund.

Independent School District No. 861,
Winona 153,000

This appropriation is to resurface a parking lot. The total cost of the project shall not exceed \$180,000, whether paid

from state, local, or federal money. This appropriation is from the general fund.

Sec. 14. COMMUNITY COLLEGES

Subdivision 1. To the commissioner of administration for the purposes more specifically described in the following subdivisions of this section

25,038,400

Subd. 2. Anoka - Ramsey Community College

4,300,000

This building fund appropriation is for the following:

(a) \$2,800,000 for improvements or expansion of the library, classrooms, college center, and physical education facilities.

(b) \$1,000,000 for the Cambridge Community College Center. Of this amount, \$185,000 or so much thereof as is necessary, is for the costs to acquire by direct purchase the present facility owned by the Cambridge Business Development Company. The remaining \$815,000 is for the costs to construct an additional building on the present site, additional parking, and equipment.

(c) \$500,000 to acquire by direct purchase the Advent Lutheran Church building and land which is adjacent to the Anoka-Ramsey Community College campus.

Subd. 3. Itasca Community College

Planning for library, college center, classroom buildings and physical education building addition

175,000

Subd. 4. Minneapolis Community College

Construct classroom, library, college center, and plan for a fine arts building

8,600,000

Subd. 5. North Hennepin Community College 2,713,000

Construct a business technology building and improvements and plan for additions to the physical education facility.

Subd. 6. Rainy River Community College

Construct college center and physical education building addition 1,200,000

Subd. 7. Rochester Community College 2,850,000

This appropriation is to plan, construct, equip, and furnish a 30,000 gross square foot addition to Rochester Community College. This appropriation shall not be spent until a portion of the former Rochester state hospital is sold and all of the net proceeds are deposited in the state treasury and credited to the general fund.

"Net proceeds" means the gross proceeds less: (1) the accumulated operating costs associated with the heating, maintenance, and improvements for the property sold and provision for security for the period beginning December 29, 1982, and ending on the date of sale of the real property; (2) costs incurred by Olmsted County for roof repairs previously made to hospital buildings and road improvements made necessary because of the sale of the property; and (3) consultant fees and advertising costs related to the sale of the property.

The purpose of this addition is to house the Winona State University Center. This appropriation is from the state building fund.

It is intended that the Winona State University Center at Rochester shall be used jointly by Winona State University for upper division and graduate instruction and by Rochester Community College.

The chancellor of the community college system and the chancellor of the state uni-

versity system or their designees shall participate jointly in the design and oversight of the building construction. Winona State University, in consultation with Rochester Community College, shall be responsible for scheduling instructional facilities. Rochester Community College shall be assured reasonable access to and use of the building.

Rochester Community College shall be responsible for the operation and maintenance of the physical plant. Winona State University will reimburse Rochester Community College on a prorated basis for fuel, utilities, maintenance, and other attributable expenses consistent with the procedure agreed upon by the state university and community college system chancellors.

Subd. 8. Vermillion Community College

Construct college center and physical education building addition	1,900,000
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Subd. 9. Systemwide repairs and betterments	3,300,400
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The appropriations in this subdivision are from the general fund to the community college board.

Notwithstanding Minnesota Statutes, section 16.02, the community college board shall supervise and control the making of necessary repairs to all community college buildings and structures.

(a) Replace leaking roofs and repair leaking membranes	225,000
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(b) Construct or remodel hazardous chemical storage areas	336,000
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(c) Install emergency lighting	159,000
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(d) Repair roads and parking lots	450,000
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(e) Repair brick-paved sidewalks at Inver Hills Community College	132,400
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(f) Automate building energy systems	700,000
(g) Systemwide removal of asbestos	1,100,000
(h) Replace transformers	198,000

Sec. 15. STATE UNIVERSITIES

Subdivision 1. To the State University Board for the purposes more specifically described in the following subdivisions of this section

19,505,000

Notwithstanding Minnesota Statutes, section 16.02, the state university board shall supervise and control the preparation of plans and specifications for the construction, alteration, or enlargement of the state university buildings, structures, and improvements provided for in this section. The state university board shall advertise for bids and award contracts in connection with the improvements, supervise and inspect the work, approve necessary changes in the plans and specifications, approve estimates for payment, and accept the improvements when completed according to the plans and specifications.

Subd. 2. Bemidji Campus	1,280,000
(a) Plan to remodel or replace education and art building	230,000
(b) Renovate the exterior and plan for the rehabilitation of Sattgast Hall	1,050,000
Subd. 3. Mankato Campus	5,480,000
(a) Plan, construct, equip, and furnish classroom/laboratory building	5,400,000
(b) Correct fire code deficiencies	80,000

This appropriation is from the general fund.

Subd. 4. Moorhead Campus	695,000
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(a) Plan, construct, equip, and furnish addition to Nemzek Hall 490,000

(b) Planning for construction of a library addition 205,000

Subd. 5. St. Cloud Campus 4,305,000

(a) Preliminary planning for Stewart Hall 60,000

(b) Plan and renovate Gray Campus Laboratory School 3,500,000

(c) Install air conditioning system chiller loop 745,000

Subd. 6. Southwest Campus 115,000

Grade and plant trees to form a wind-break

This appropriation is from the general fund.

Subd. 7. Winona Campus

(a) Plan, renovate, equip, and furnish Somsen Hall 4,000,000

This appropriation includes \$360,000 for planning and working drawings for the renovation of Somsen Hall.

(b) The State University System may seek nonstate funds from friends of Winona State University and others in the Winona area for the campus landscaping and site-work project. Once nonstate funds are obtained, the State University System may proceed with planning and construction of the project.

Subd. 8. Systemwide planning and coordination—building projects 100,000

Subd. 9. Systemwide 3,530,000

The appropriations in this subdivision are from the general fund.

(a) Install automatic emergency lighting	300,000
(b) Replace transformers and capacitors	1,054,000
(c) Remove asbestos systemwide	576,000
(d) Replace roofs	1,300,000
(e) Prepare systemwide study of need for new construction, major remodeling, library facilities, sports and physical education facilities, and industrial arts facilities	300,000

Sec. 16. UNIVERSITY OF MINNESOTA

Subdivision 1. To the regents of the University of Minnesota for the purposes more specifically described in the following subdivisions of this section

57,981,000

Subd. 2. Twin Cities Campus

46,803,000

(a) Appleby Hall

420,000

This appropriation is for working drawings to remodel and/or add on to Appleby Hall. The total cost of the project may not exceed \$7,000,000.

(b) Electrical engineering and computer science building

2,700,000

This appropriation is for two purposes. The first purpose is for working drawings to build and equip a facility not to exceed a total cost of \$40,000,000. The second purpose is for the preparation of a master building plan for physical facilities for the Institute of Technology.

(c) Prepare working drawings and construct animal facilities on the St. Paul campus or at the Rosemount Experiment Station

4,000,000

Notwithstanding the provisions of Minnesota Statutes, sections 16.821 to 16.827,

the Regents of the University of Minnesota are not required to abide by the state designer selection board act for the remodeling and renovation portions of the animal housing facilities.

(d) Green Hall Planning	656,000
(e) Remodel Smith Hall	21,000,000
(f) Repair roof and install energy conservation measures of Folwell Hall	855,000
(g) Remodel Amundson Hall and Mines and Metallurgy building	1,200,000

Of this appropriation \$60,000 is for preliminary planning for phase II construction.

(h) Remodel parts of Mayo building for department of microbiology and school of public health	8,160,000
(i) Music Library	1,275,000
(j) Music performance laboratory	1,638,000

This amount must be matched by no less than an equal amount from nonstate sources.

(k) Teaching Greenhouse and Headhouse	800,000
(l) Prepare preliminary plans for Minneapolis Campus recreational sports facilities and St. Paul Campus gymnasium improvements	210,000

This appropriation is for preliminary plans to build and equip a facility not to exceed a total cost to the state of \$10,000,000. The plans are to include an assessment of the availability of recreational sports facilities in parks and schools which are physically close to the Minneapolis and St. Paul campuses.

The regents of the University of Minnesota may use nonstate funds for the con-

struction of new facilities for intercollegiate football and to install an artificial playing surface in the Field House.

(m) Modify Williams Arena to correct life safety deficiencies 621,000

This appropriation is from the general fund.

(n) Repay bank loan for modifying Minneapolis Campus heating plant 1,000,000

This appropriation is from the general fund.

(o) Convert primary electrical system on the Minneapolis Campus 978,000

(p) Convert primary electrical system on the St. Paul Campus and air condition Goldstein Gallery 1,290,000

Subd. 3. Duluth Campus 6,570,000

(a) Recreational sports/physical education facilities 4,400,000

This amount is to be matched by at least \$487,000 from nonstate sources.

(b) Natural Resources Research Institute—Remodel and equip sage building 1,800,000

(c) Planning for remodeling and construction of engineering facilities 270,000

(d) Study heating plant and steam distribution 100,000

This appropriation is from the general fund.

Subd. 4. Morris Campus

Construct Greenhouse 200,000

Subd. 5. Crookston Campus 1,584,000

(a) Remodel Owen Hall 1,500,000

Of this amount, \$25,000 is to plan a partial replacement of the Dairy Facility at the Northwest Experiment Station, with 15 animal stations for use by the Technical College.

(b) Construct addition to coal storage facilities 34,000

This appropriation is from the general fund.

(c) Food service building air conditioning 50,000

Subd. 6. Waseca Campus

Construct mechanized agriculture shops addition and east portion of ring road ... 1,200,000

Subd. 7. Hormel Institute, Austin

Complete, equip, and furnish the Animal Research Annex 237,000

Subd. 8. Northwest Experiment Station, Crookston

Remodel existing agricultural research center auditorium 150,000

Subd. 9. Rosemount Experiment Station

Construct addition to hazardous waste storage facilities 75,000

This appropriation is from the general fund.

Subd. 10. Southern Experiment Station, Waseca

Construct farm implement storage facility 114,000

Subd. 11. Southwest Experiment Station, Lamberton

Acquire land 98,000

Subd. 12. Systemwide	950,000
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(a) Remodel facilities to accommodate the physically handicapped	750,000
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(b) Remodel facilities to meet life and fire safety standards	200,000
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This appropriation is from the general fund.

Sec. 17. CORRECTIONS

Subdivision 1. To the commissioner of administration for the purposes more spe- cifically described in the following subdivi- sions of this section	2,598,900
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The appropriations in this section are from the general fund, unless otherwise indicated.

Subd. 2. Minnesota Correctional Facility—Lino Lakes	148,000
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(a) Fire control system— “B” Building	119,000
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(b) Upgrade security surveillance	29,000
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Subd. 3. Minnesota Correctional Facility—Red Wing	240,000
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(a) Roof replacement, Harvard and Stanford cottages	90,000
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(b) Repair roof, replace eaves and gutters, and tuckpoint chapel	50,000
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(c) Install sprinkler system in three maintenance buildings	100,000
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Subd. 4. Minnesota Correctional Facility—St. Cloud	554,900
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(a) Roof replacement, power plant and administration building	41,300
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(b) Replace plumbing in cell houses A and B	184,000
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(c) Replace light fixtures in cells	47,000
(d) Replace windows in two shops and administration building	43,000
(e) Tuckpointing	137,600
(f) Demolish farm buildings	2,000
(g) Replace doors and locks in school building	100,000

Item (g) is appropriated from the state building fund.

Subd. 5. Minnesota Correctional Facility—Sauk Centre 186,000

(a) Repair roofs on four buildings	29,000
(b) Install fire exit stairways from three residential cottages	30,000
(c) Install carpet and ceiling tile in Mary Lyon School	21,000
(d) Resurface recreation area and parking lot	10,000
(e) Remodel Sullivan Cottage	96,000

Subd. 6. Minnesota Correctional Facility—Stillwater 1,373,000

(a) OSHA, fire and life safety projects	120,000
(b) Ventilation and heating in cell halls A and B	52,000
(c) Replace plumbing in cell halls A and B	210,000
(d) Enlarge and remodel communication room	68,000
(e) Tuckpointing	553,000
(f) Lock replacement in cell hall B	180,000

(g) Renovate steam and return lines . . . 190,000

Subd. 7. Willow River Camp 97,000

(a) Pave camp road 50,000

(b) Addition to administration
building 47,000

Sec. 18. PUBLIC WELFARE

Subdivision 1. To the commissioner of
administration for the purposes more spe-
cifically described in the following subdivi-
sions of this section 4,730,400

The appropriations in this section are
from the general fund, unless otherwise
indicated.

Subd. 2. Faribault State Hospital 344,400

(a) Reconstruct roads and parking
areas 303,400

Of the amount appropriated \$6,000 shall
be for sealcoating.

(b) Renovate power plant and laundry
condensation system 41,000

Subd. 3. Fergus Falls State Hospital 502,000

(a) For air conditioning in buildings
27 and 28 222,000

(b) Replace boiler emission control
unit with electrostatic precipitator 280,000

Item (b) is appropriated from the state
building fund.

Subd. 4. Moose Lake State Hospital 810,000

(a) For purchase and installment of a
new ventilation system in buildings 1, 2,
3, and 4 578,000

(b) Renovate and replace plumbing
and shower fixtures in buildings 51 and
52 53,000

(c) Boiler conversion 179,000

Subd. 5. St. Peter State Hospital

Demolish the old Minnesota Security
Hospital building 300,000

Subd. 6. Roof Repair and Replacement 408,000

This appropriation shall be limited to
projects at state hospitals in Anoka, Cam-
bridge, Faribault, Fergus Falls, Moose
Lake, and St. Peter.

Subd. 7. Floor Covering 650,000

This appropriation shall be limited to
projects for carpeting or alternative floor
coverings at state hospitals in Brainerd,
Cambridge, Faribault, Fergus Falls, Moose
Lake, St. Peter, and Willmar.

Subd. 8. Systemwide furniture
replacement 400,000

Subd. 9. Road and parking lot repair 184,000

This appropriation shall be limited to
projects for patching, resurfacing, and
sealcoating at Ah Gwah Ching State Nurs-
ing Home and state hospitals in Anoka,
Brainerd, Cambridge, Fergus Falls, Moose
Lake, St. Peter, and Willmar.

Subd. 10. Mechanical system
renovation 450,000

This appropriation shall be used for
various boiler heating and hot water proj-
ects at Oak Terrace State Nursing Home
and state hospitals in Anoka, Brainerd,
Faribault, Moose Lake, and Willmar.

Subd. 11. Special Building
Contingent 682,000

(a) Building renovation and structural
corrections at Ah Gwah Ching State Nurs-
ing Home and state hospitals in Anoka,
Brainerd, Cambridge, Faribault, Moose
Lake, and Willmar 500,000

(b) Remodeling bathrooms at Fari-
bault and Moose Lake State Hospitals and
Ah Gwah Ching State Nursing Home 182,000

The appropriations for the projects in this subdivision shall be available only after a plan for the future use of state hospitals has been submitted by the state planning agency to the 1985 legislature and subsequent consideration of these projects with the chairmen of the senate finance committee and the house appropriations committee.

Sec. 19. BOND SALE EXPENSES

To the commissioner of finance for bond sale expenses under Minnesota Statutes, section 16A.641, subdivision 8 153,000

Sec. 20. INTEREST RATE REDUCTION EXPENSES

To the commissioner of finance for payments made under contracts for interest rate reduction measures as authorized by this act. 7,230,000

Sec. 21. [BOND SALE; DEBT SERVICE.]

To provide the money appropriated in this act from the state building fund the commissioner of finance upon request of the governor shall sell and issue bonds of the state in an amount up to \$139,540,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.63 to 16A.672, and by the Constitution, article XI, sections 4 to 7.

Sec. 22. [TRANSPORTATION BONDS.]

To provide the money appropriated in this act from the state transportation fund the commissioner of finance upon request of the governor shall sell and issue bonds of the state in an amount up to \$16,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 174.50, 174.51, and by the Constitution, article XI, sections 4 to 7.

Sec. 23. [CONSULTATION REQUIRED.]

No land shall be purchased and no buildings shall be purchased, constructed, or erected on lands of the University of Minnesota until the regents have first consulted with the chair-

man of the senate finance committee and the chairman of the house appropriations committee and obtained their recommendations, which are advisory only.

Sec. 24. [REVIEW OF PLANS.]

The commissioner of administration, the commissioner of transportation, the state university board, and the board of regents of the University of Minnesota shall not prepare final plans and specifications for any construction or major remodeling authorized by this act until the using agency or department has presented the program and schematic plans and cost estimates for all elements necessary to complete the project to the chairman of the house appropriations committee and the chairman of the senate finance committee and the chairmen have made their recommendations thereon. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation.

Sec. 25. [APPROPRIATIONS FOR CONSTRUCTION; TRANSFER.]

Upon the awarding of final contracts for the completion of a project for construction or other permanent improvement authorized by this act, the commissioners of administration and transportation, the state university board, and the board of regents of the University of Minnesota as to appropriations made to them may transfer any unencumbered balance in the project account to any other project enumerated in the same section of the appropriation act as the project about to be completed. The money transferred pursuant to this section is appropriated for the purposes for which transferred. The commissioners of administration and transportation and the board of regents of the University of Minnesota shall report to the chairman of the house appropriations committee and the chairman of the senate finance committee on any transfer made pursuant to this section.

Sec. 26. [APPROPRIATIONS FOR CONSTRUCTION; FEDERAL MONEY; EXCEEDING AUTHORIZED COST.]

The commissioner of administration, the commissioner of transportation, the state university board, and the board of regents of the University of Minnesota shall apply for the maximum federal share for each capital improvement project for which money is appropriated by this act. Encumbrance or expenditure of money in excess of the project authorization shall be made only after the commissioner of administration, the commissioner of transportation, and the board of regents, as appropriate, have consulted with the chairman of the house appropriations committee and the chairman of the senate finance committee and the chairmen have made their recommen-

dations thereon. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation.

Sec. 27. [METHODS OF ACQUISITION.]

Where money has been appropriated by this act to the commissioner of administration to acquire lands or sites for public buildings or real estate, acquisition may be by gift, purchase, or condemnation proceedings. Condemnation proceedings shall be under Minnesota Statutes, chapter 117.

Sec. 28. [APPROPRIATION REDUCTIONS; CANCELLATIONS.]

The appropriation in Laws 1981, chapter 4, section 9, subdivision 9, item (a), to remodel building 8 at Rochester state hospital, is reduced by \$68,000. The appropriation in Laws 1981, chapter 334, section 11, subdivision 3, for district heating at Moorhead state university, is reduced by \$2,485,000. The appropriation in Laws 1981, chapter 361, section 2, item (e), to construct a tunnel from the Historical Society building to the Mechanic Arts School building, is reduced by \$412,000. The appropriation in Laws 1981, chapter 361, section 2, item (g), for Fergus Falls State Hospital Power Plant Conversion, is reduced by \$2,550,000. The appropriation in Laws 1981, chapter 361, section 4, subdivision 5, for transportation projects, is reduced by \$58,900,000. The appropriation in Laws 1981, chapter 362, section 5, subdivision 3, to construct an agronomy and plant genetics, plant pathology, and soil science building, is reduced by \$1,400,000. The appropriation in Laws 1983, chapter 344, section 2, item (h), to acquire the MEA building, and in item (i), to renovate the MEA building, are canceled. The appropriation in Laws 1983, chapter 344, section 10, subdivision 2, item (b), to construct a music facility on the West Bank campus, is reduced by \$4,525,000.

Sec. 29. [BOND SALE REDUCTIONS.]

The bond sale authorization in Laws 1981, chapter 4, section 13, is reduced by \$68,000. The bond sale authorization in Laws 1981, chapter 334, section 12, is reduced by \$3,685,000. The bond sale authorization in Laws 1981, chapter 361, section 9, is reduced by \$2,962,000. The bond sale authorization in Laws 1981, chapter 361, section 10, is reduced by \$58,900,000. The bond sale authorization in Laws 1981, chapter 362, section 7, is reduced by \$1,400,000. The bond sale authorization in Laws 1982, chapter 639, section 13, is reduced by \$63,000. The bond sale authorization in Laws 1983, chapter 344, section 15, is reduced by \$7,660,000.

Sec. 30. Minnesota Statutes 1982, section 16.72, subdivision 7, is amended to read:

Subd. 7. [SURCHARGE FOR VEHICLES OCCUPIED BY ONE PERSON.] The commissioner of administration shall impose a surcharge of 25 percent for vehicles occupied by only one person parking in a state parking facility in the capitol area, as described by section 15.50, subdivision 2. The revenue from this additional charge shall be placed by the commissioner in a special account. For the benefit of employees employed in the capitol area, the money in the account is appropriated to the commissioner and shall be used by the commissioner *in the following order of priority: (1) to acquire or lease commuter vans pursuant to section 16.756 (AND.); (2) within such limits and upon such conditions as the commissioner determines to be necessary, to reimburse state departments or agencies for costs resulting from agreements with the metropolitan transit commission or other operators pursuant to section 473.409; and (3) to be used for maintaining and improving parking lots or facilities owned or operated by the state.* The commissioner may adopt rules necessary to administer the provisions of this subdivision, subdivision 5, and section 473.409. The rules may exempt from the surcharge vehicles operated by persons who the commissioner determines have job requirements that make car pooling impractical.

Sec. 31. [16A.011] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] *The definitions in this section apply to chapter 16A.*

Subd. 2. [ALLOTMENT.] *"Allotment" means a limit placed by the commissioner on the amount to be spent or encumbered during a period of time pursuant to an appropriation.*

Subd. 3. [APPROPRIATION.] *"Appropriation" means an authorization by law to expend or encumber an amount in the treasury.*

Subd. 4. [COMMISSIONER.] *"Commissioner" means the commissioner of finance.*

Subd. 5. [ENCUMBRANCE.] *"Encumbrance" means the commitment of a portion or all of an allotment in order to meet an obligation that is expected to be incurred to pay for goods or services received by the state or to pay a grant.*

Subd. 6. [TREASURER.] *"Treasurer" means the state treasurer.*

Subd. 7. [TREASURY.] *"Treasury" means the state treasury.*

Sec. 32. Minnesota Statutes 1982, section 16A.54, is amended to read:

16A.54 [GENERAL FUND DEFINED.]

Except as provided in section 16A.671, subdivision 3, the term "general fund" appearing in any existing or hereafter enacted law relating to revenues deposited in or expenditures appropriated from the state treasury means such moneys as have been deposited in the state treasury for the usual, ordinary, running, and incidental expenses of the state government and does not include moneys deposited in the state treasury for a special or dedicated purpose.

Sec. 33. [16A.631] [STATE BUILDING FUND.]

The state building fund is established to receive state bond proceeds appropriated to agencies to acquire and to better public lands and buildings and other public improvements of a capital nature, as authorized by the Constitution, article XI, section 5, clause (a).

Sec. 34. [16A.641] [STATE BONDS; APPROPRIATIONS.]

Subdivision 1. [AUTHORITY.] When authorized by a law enacted in accordance with the Constitution, article XI, sections 5 and 7, the commissioner of finance may sell and issue general obligation bonds of the state evidencing public debt incurred for any purpose stated in those sections. The full faith, credit, and taxing powers of the state are irrevocably pledged for the prompt and full payment of the bonds and interest.

Subd. 2. [REPORT.] Before a sale of general obligation bonds, the commissioner shall report the amount of bonds to be issued and a detailed list of the projects or a statement of the program to be financed to the chairmen of the house appropriations and tax committees and of the senate finance and tax committees, and the minority leaders of the house and senate, for their advisory recommendation. The recommendation is positive if not received within ten days.

Subd. 3. [SERIES OF BONDS.] Bonds authorized by a law may be issued in more than one series, and bonds authorized by more than one law may be combined in a single series, as determined by order of the commissioner. The order must state the principal amount of the bonds to be issued under each law, and the aggregate principal amount and the maturity dates and amounts of the bonds included in the series that are to be issued for the purpose of each special fund.

Subd. 4. [SALE AND ISSUANCE.] State bonds must be sold and issued upon sealed bids in the manner and on the terms and conditions determined by the commissioner in accordance with the laws authorizing them and subject to the approval of

the attorney general, but not subject to chapter 14. For each series, in addition to provisions required by subdivision 3, the commissioner may determine:

(1) the time, place, and notice of sale and method of comparing bids;

(2) the price, not less than par for highway bonds;

(3) the principal amount and date of issue;

(4) the interest rates and payment dates;

(5) the maturity amounts and dates, not more than 20 years from the date of issue, subject to subdivision 5;

(6) the terms, if any, on which the bonds may or must be redeemed before maturity, including notice, times, and redemption prices; and

(7) the form of the bonds and the method of execution, delivery, payment, registration, conversion, and exchange, in accordance with section 16A.672.

Subd. 5. [PLANNING MATURITIES.] In issuing each series of state bonds the commissioner shall try to establish the maturities and other terms so that transfers to the state bond fund required in each year of the then current biennium under subdivision 10 may be made with the least practical effect on orderly spending plans for other appropriations from the general fund.

Subd. 6. [CERTIFICATION.] The commissioner of finance shall ascertain from state records and certify to the holders of each series of state bonds, subject to the approval of the attorney general, that all conditions exist and all actions have been taken that are needed to make the bonds valid and binding general obligations of the state in accordance with their terms. The commissioner shall also certify for the state the facts, estimates, and circumstances on the date of issue that lead the commissioner reasonably to expect that the proceeds will not be used in a way that would make the bonds arbitrage bonds under section 103(c) of the Internal Revenue Code and related federal regulations.

Subd. 7. [CREDIT OF PROCEEDS.] (a) Proceeds of bonds issued under each law must be credited by the commissioner to a special fund, as provided in this subdivision.

(b) Accrued interest and any premium received on sale of the bonds must be credited to the state bond fund created by the Constitution, article XI, section 7.

(c) *Proceeds of state building bonds must be credited to the state building fund under section 16A.631.*

(d) *Proceeds of state highway bonds must be credited to the trunk highway fund under the Constitution, article XIV, section 6.*

(e) *Proceeds of bonds issued for programs of grants or loans to political subdivisions must be credited to special funds established by laws stating the purposes of the grants or loans, and the standards and criteria under which an executive agency is authorized to make them.*

(f) *Proceeds of refunding bonds must be credited to the state bond fund as provided in section 16A.66, subdivision 1.*

Subd. 8. [APPROPRIATION OF PROCEEDS.] (a) *The proceeds of bonds issued under each law are appropriated for the purposes described in the law and in this subdivision. This appropriation may never be canceled.*

(b) *Before the proceeds are received in the proper special fund, the commissioner may transfer to that fund from the general fund amounts not exceeding the expected proceeds. The commissioner shall return these amounts to the general fund by transferring proceeds when received. The amounts of these transfers are appropriated from the general fund and from the bond proceeds.*

(c) *Actual and necessary travel and subsistence expenses of employees and all other expenses incidental to the sale, printing, execution, and delivery of bonds must be paid from the proceeds. The proceeds are appropriated for this purpose.*

(d) *Bond proceeds remaining in a special fund after the purposes for which the bonds were issued are accomplished or abandoned, as certified by the head of the agency administering the special fund, or as determined by the commissioner, unless devoted under the appropriation act to another purpose designated in the act, shall be transferred to the state bond fund.*

Subd. 9. [SPECIAL ACCOUNTS; APPROPRIATION.]

(a) *The commissioner of finance shall establish separate accounts in the state bond fund for:*

(1) *state building bonds, and for other state bonds issued for each program of grants to political subdivisions for a particular class of capital expenditures, to record debt service payments and receipts of amounts appropriated from the general fund under subdivision 10;*

(2) state highway bonds, to record debt service payments, receipts of amounts appropriated for debt service from the trunk highway fund pursuant to the Constitution, article XIV, section 6, and additional receipts, if any, of amounts appropriated from the general fund under subdivision 10;

(3) state bonds issued for each capital loan and for each program of capital loans to agencies or political subdivisions, to record debt service payments, receipts of loan repayments appropriated for debt service or reimbursement of debt service by the law authorizing the loan or program, and any additional receipts of amounts appropriated from the general fund under subdivision 10; and

(4) refunding bonds, as provided in section 16A.66, subdivision 1.

(b) All money credited, transferred, or appropriated to the state bond fund and all income from the investment of that money is appropriated to the commissioner for the payment of principal and interest on state bonds.

Subd. 10. [APPROPRIATION FROM GENERAL FUND.] There is annually appropriated to the state bond fund from the general fund the amount that, added to the amount in the state bond fund on November 1 each year, is needed to pay the principal of and interest on all state bonds due and to become due through July 1 in the second ensuing year. The money appropriated must be available in the state bond fund each year before the tax otherwise required by the Constitution, article XI, section 7, is levied.

Subd. 11. [CONSTITUTIONAL TAX LEVY.] Under the Constitution, article XI, section 7, the state auditor must levy each year on all taxable property within the state a tax sufficient, with the amount then on hand in the state bond fund, to pay all principal and interest on state bonds due and to become due to and including July 1 in the second ensuing year. If levied, this tax must be assessed and extended against real property used for the purposes of a homestead, as well as other taxable property, notwithstanding section 273.13, subdivisions 6 and 7. The tax is not subject to limitation of rate or amount. However, the amount of money appropriated from other sources as provided in subdivision 10, and actually received and on hand prior to the levy in any year, reduces the amount of the tax otherwise required to be levied. The proceeds of the tax must be credited to the state bond fund.

Subd. 12. [SUPPLEMENTAL APPROPRIATION FROM GENERAL FUND.] If the proceeds of the tax levied under subdivision 11 are ever insufficient to make the principal and interest payments on state bonds when due, the balance must be

paid out of the general fund. The amount needed to pay the balance is appropriated from the general fund to the commissioner.

Sec. 35. [16A.651] [INTEREST RATE REDUCTION.]

The commissioner may enter into contracts providing for the issuance of letters of credit, put options, or other contractual rights deemed necessary or desirable to reduce the interest rate on state general obligation bonds to be issued by the commissioner, and may pay the cost of the contracts from bond proceeds, including premiums and accrued interest, received from purchasers. The amount of bonds authorized to be issued by the commissioner under any other law adopted before the effective date of this section is increased by up to five percent in order to provide all or a portion of the money required to be paid under the contracts. The expenditure of bond proceeds for this purpose is deemed to be an expenditure for the primary purpose for which the bonds covered by the contract are authorized to be issued by the Constitution and applicable law. So much of the proceeds of bonds issued by the commissioner as is necessary to pay the costs of the letters of credit, put options, or other contractual rights is appropriated for this purpose.

Sec. 36. Minnesota Statutes 1982, section 16A.66, as amended by Laws 1983, chapter 301, sections 96, 97, and 98, is amended to read:

16A.66 [(MINNESOTA STATE) REFUNDING BONDS.]

Subdivision 1. [AUTHORITY; REDUCTION OF TAX AND APPROPRIATION FOR REFUNDED BONDS.] (FOR THE PURPOSE OF REFUNDING STATE BONDS OF ANY SERIES HERETOFORE OR HEREAFTER AUTHORIZED, INCLUDING INTEREST ON THEM,) The commissioner (OF FINANCE) may, with approval by resolution of the executive council, issue state bonds (OF THE STATE OF MINNESOTA IN THE MANNER AND UPON THE TERMS AND CONDITIONS PRESCRIBED IN THIS) in accordance with section (AND IN THE CONSTITUTION, ARTICLE XI, SECTION 7. FOR THE PROMPT AND FULL PAYMENT OF ALL SUCH REFUNDING BONDS AND THE INTEREST THEREON THE FULL FAITH AND CREDIT AND TAXING POWERS OF THE STATE ARE IRREVOCABLY PLEDGED) 16A.641 to refund any outstanding state bonds and interest on them. The proceeds of (SUCH) refunding bonds shall be credited to the account established within the state bond fund (CREATED BY THE CONSTITUTION, AND WITHIN THAT FUND TO SUCH SEPARATE BOOKKEEPING ACCOUNT AS SHALL HAVE BEEN CREATED) for the (PAYMENT OF THE) bonds to be refunded (AND THE INTEREST THEREON), and shall be credited only against the appropriations in section 16A.641, subdivisions 9 and 10 and the tax (OTHERWISE) re-

quired by the constitution (TO BE LEVIED) with respect to the refunded bonds *and interest*.

Subd. 2. [SPECIAL PROVISIONS FOR SALE AND ISSUANCE.] (UNLESS OTHERWISE EXPRESSLY PROVIDED IN THE LAW AUTHORIZING THE ISSUANCE OF ANY SERIES OF BONDS, SUCH AUTHORIZATION SHALL INCLUDE AUTHORIZATION TO THE COMMISSIONER TO ISSUE REFUNDING BONDS FOR THE PURPOSE OF REFUNDING THE SAME IN THE MANNER AND UPON THE TERMS AND CONDITIONS PRESCRIBED IN THIS SECTION. ANY ACT DIRECTING THE ISSUANCE OF BONDS FOR ANY PURPOSE SHALL, TOGETHER WITH THIS SECTION, CONSTITUTE COMPLETE AUTHORITY FOR THE ISSUANCE OF BONDS TO REFUND THE SAME, AND SUCH REFUNDING BONDS SHALL NOT BE SUBJECT TO THE RESTRICTIONS OR LIMITATIONS CONTAINED IN ANY OTHER LAW.)

(SUBD. 3. SUCH) Refunding bonds (SHALL BE ISSUED AND SOLD UPON SEALED BIDS, OR) may be sold *publicly*, or directly to the state board of investment without bids, or may be exchanged for bonds refunded by agreement with (THE) *their* holders (THEREOF), and shall be prepared, executed, (AND) delivered, and (WHEN ISSUED SHALL BE) secured (,) in the same (MANNER IN ALL RESPECTS) *way* as (PROVIDED BY LAW AND THE CONSTITUTION FOR) the *refunded* bonds (REFUNDED THEREBY). The proceeds of (THE) *refunding* bonds may be deposited, invested, and applied to accomplish the refunding (IN THE MANNER AND UPON THE CONDITIONS) *as* provided in section 475.67, subdivisions 5 to 10. The interest rate on refunding bonds may exceed that on the *refunded* bonds (REFUNDED WHEN IN THE JUDGMENT OF) *if* the (COMMISSIONER AND COUNCIL) *purpose* of refunding is (NEVERTHELESS NECESSARY OR DESIRABLE FOR THE PURPOSE OF EXTENDING) *to extend* the maturities and (REDUCING) *to reduce* the (ANNUAL) amount (OF THE PROPERTY TAX OR OTHER FUNDS) needed *annually* to pay and to secure the (BONDS AND INTEREST) *debt*.

Subd. (4) 3. [APPROPRIATION.] (SUCH MONEYS AS ARE REQUIRED) *The money needed* to carry out (THE PURPOSES OF) this section (ARE) *is* appropriated annually (THEREFOR).

(SUBD. 5. PRIOR TO EACH SALE OF GENERAL OBLIGATION BONDS, THE COMMISSIONER OF FINANCE SHALL REPORT TO THE CHAIRMEN OF THE HOUSE APPROPRIATIONS AND SENATE FINANCE COMMITTEES, HOUSE AND SENATE TAX COMMITTEES, AND THE MINORITY LEADERS OF THE HOUSE AND SENATE, THE AMOUNT OF BONDING TO BE ISSUED AND A DETAILED

LIST OF THE PROJECTS WHICH ARE TO BE FINANCED AND SHALL RECEIVE THEIR RECOMMENDATIONS. THESE RECOMMENDATIONS ARE ADVISORY ONLY; FAILURE TO REPLY WITHIN TEN DAYS IS DEEMED A POSITIVE RESPONSE.)

Sec. 37. Minnesota Statutes 1982, section 16A.671, is amended to read:

16A.671 [CERTIFICATES OF INDEBTEDNESS.]

Subdivision 1. [AUTHORIZATION.] (FOR THE PURPOSE OF ASSURING) *To ensure* that cash (OR CASH EQUIVALENT ASSETS WILL BE) *is* available (AT ALL TIMES DURING EACH BIENNIUM) *when needed* to pay (ALL) warrants drawn on the general fund (PURSUANT TO) *under* appropriations and allotments (FOR EXPENDITURE FOR ANY PURPOSE DURING THAT BIENNIUM), the governor may authorize the commissioner of finance (1) to issue certificates of indebtedness in anticipation of the collection of taxes levied for and other revenues appropriated to the general fund (,) *for expenditure during each biennium*; and (2) to issue additional certificates to refund outstanding certificates (OR) *and interest* (THEREON, UNDER THE PROVISIONS OF) *on them, under the constitution, article XI, section 6.*

Subd. 2. [ADVISORY RECOMMENDATION.] Before certificates (OF INDEBTEDNESS) are *initially* sold (AND ISSUED PURSUANT TO ANY AUTHORIZATION, EXCEPT FOR THE PURPOSE OF REFUNDING) *by any of the methods authorized in subdivision 6,* the governor shall (SECURE) *seek the advisory recommendation of the legislative advisory commission (AS TO) or, if there is no commission, the executive council, on* (1) the necessity (THEREOF) of *issuing them,* (2) the terms and conditions of the sale (AND ISSUANCE), and (3) the maximum amount to be issued and outstanding under the authorization. (WHEN CERTIFICATES OF INDEBTEDNESS ARE TO BE SOLD AND ISSUED PURSUANT TO SUBDIVISION 5, CLAUSE (B) OR (C), THE GOVERNOR SHALL SECURE A RECOMMENDATION BEFORE THE LINE OF CREDIT IS ESTABLISHED OR THE UNDERWRITING OR PLACEMENT AGREEMENT IS ENTERED INTO, BUT NEED NOT SECURE) *if the commission or council does not make a recommendation promptly, the recommendation is negative.* An additional recommendation is not required for refunding outstanding certificates or for each issuance of certificates (OF INDEBTEDNESS PURSUANT TO THAT) *in accordance with an approved line of credit, underwriting, or placement agreement.* (THE RECOMMENDATION OF THE COMMISSION SHALL BE ADVISORY ONLY. THE FAILURE OF THE COMMISSION TO MAKE A RECOMMENDATION PROMPTLY IS A NEGATIVE RECOMMENDATION. IF THERE IS NO LEGISLATIVE ADVISORY

COMMISSION, THE GOVERNOR SHALL REQUEST AN ADVISORY RECOMMENDATION FROM THE EXECUTIVE COUNCIL.)

Subd. (2) 3. [DEFINITIONS.] As used in this section, the following terms have the meanings given them:

((A) "ALLOTMENT" MEANS A LIMITATION PLACED BY THE COMMISSIONER OF FINANCE PURSUANT TO LAW, UPON THE AMOUNT TO BE EXPENDED OR ENCUMBERED DURING ANY PERIOD DURING A BIENNIUM PURSUANT TO AN APPROPRIATION.)

((B) "APPROPRIATION" MEANS AN AUTHORIZATION BY LAW TO EXPEND OR ENCUMBER AN AMOUNT IN THE GENERAL FUND DURING A BIENNIUM, INCLUDING BUT NOT LIMITED TO:)

((1) DIRECT APPROPRIATIONS;)

((2) OPEN AND STANDING APPROPRIATIONS;)

((3) APPROPRIATIONS OF SUMS SUFFICIENT FOR STATED PURPOSES, THE AMOUNTS OF WHICH SHALL BE DEEMED TO BE AS ESTIMATED BY THE COMMISSIONER OF FINANCE FROM TIME TO TIME; AND)

((4) APPROPRIATIONS OF AMOUNTS TO BE PAID OR TRANSFERRED IN FINANCIAL RECORDS FROM THE GENERAL FUND TO ANY SPECIAL OR DEDICATED FUND.)

((C)) (a) "General fund" means all cash and investments from time to time received and held in the state treasury, except proceeds of state bonds and amounts received and held in special or dedicated funds created by the state constitution, or by or pursuant to federal laws or regulations (THEREUNDER), or by bond or trust instruments, pension contracts, or other agreements of the state or its agencies with private persons, entered into pursuant to state law.

((D)) (b) "Maximum current cash flow requirement" means (A) *the commissioner's* written estimate (BY THE COMMISSIONER OF FINANCE) of the largest of the amounts by which, on a particular designated date in each month of the term for which certificates are to be issued, the sum of (1) the warrants then outstanding against the general fund plus (2) those that must be drawn (THEREON) *on the fund* before the same date in the following month, in payment of claims due for expenditure (PURSUANT TO) *under* all appropriations and allotments, will exceed the amount of cash or cash equivalent assets held in the general fund on the first of these dates, excluding the proceeds of the certificates to be issued.

Subd. (3) 4. [LIMITATIONS OF AMOUNT.] The principal amount of certificates (OF INDEBTEDNESS) to be issued at any time (SHALL) *must* not exceed the (SMALLEST) *smaller* of the following:

((A)) (1) An amount which, with interest thereon to maturity, added to the then outstanding amount of certificates (, LESS THE AMOUNT THEREOF, IF ANY, WHICH WILL BE) *not simultaneously* paid (FROM THE PROCEEDS, AND INTEREST THEREON TO MATURITY) *and retired*, will equal the then unexpended balance of all money which will be credited to the general fund during the current biennium under existing laws, as estimated by the commissioner (OF FINANCE); or

((B)) (2) The maximum current cash flow requirement.

Subd. (4) 5. [TERMS.] The commissioner (OF FINANCE) may establish by order (IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, AND) *with the approval of the attorney general, but* not subject to (THE PROVISIONS OF SECTIONS 14.02, 14.04 TO 14.36, 14.38, 14.44 TO 14.45, AND 14.57 TO 14.62, THE PRINCIPAL AMOUNT OF EACH SERIES OF CERTIFICATES OF INDEBTEDNESS, THE TIME OR TIMES AND TERMS OF SALE, THE DENOMINATIONS AND FORM, WHETHER REGISTERED OR PAYABLE TO BEARER, WITH OR WITHOUT INTEREST COUPONS, THE INTEREST RATE OR RATES, OR THE BASIS OF COMPUTATION OF A VARIABLE RATE, THE MATURITY DATE OR DATES AND AMOUNTS, THE PROVISIONS, IF ANY, FOR REDEMPTION AT TIMES AND PRICES AND UPON NOTICE SPECIFIED, A PLACE OR PLACES OF PAYMENT WHICH MAY BE SUITABLE FINANCIAL INSTITUTIONS WITHIN OR OUTSIDE THE STATE, ANY PROVISIONS FOR REGISTRATION OF OWNERSHIP OF PRINCIPAL, OR BOTH PRINCIPAL AND INTEREST, AND FOR TRANSFER AND EXCHANGE, AND ANY OTHER TERMS THE COMMISSIONER MAY DETERMINE WITH THE APPROVAL OF THE ATTORNEY GENERAL. ALL CERTIFICATES SHALL MATURE NOT LATER THAN THE END OF THE BIENNIUM IN WHICH THEY ARE ISSUED) *chapter 14, the terms of each series of certificates of indebtedness including:*

(1) *the manner of sale under subdivision 6;*

(2) *the price, principal amount, and date of issue;*

(3) *the interest rate or rates and payment dates, or the basis of computation of a variable rate;*

(4) *the maturity date or dates, within the current biennium except as provided in subdivision 10;*

- (5) *the terms, if any, of redemption before maturity;*
- (6) *the form and method of execution, delivery, payment, registration, conversion, and exchange, under section 16A.672.*

Subd. (5) 6. [SALE.] Certificates of indebtedness may be sold (BY THE COMMISSIONER OF FINANCE UPON PUBLIC ADVERTISEMENT FOR COMPETITIVE BIDS, OR:) *in any of the ways listed in paragraphs (a) to (e).*

(a) (THEY MAY BE SOLD TO THE STATE BOARD OF INVESTMENT WITHOUT ADVERTISEMENT FOR BIDS, UPON TERMS AT LEAST AS FAVORABLE AS THOSE ON WHICH, IN THE JUDGMENT OF THE BOARD, DIRECT OBLIGATIONS OF THE UNITED STATES GOVERNMENT OF COMPARABLE MATURITIES CAN AT THE TIME BE PURCHASED FROM FUNDS UNDER ITS CONTROL, INCLUDING THE SPECIAL OR DEDICATED FUNDS DESCRIBED IN CLAUSE (C) OF SUBDIVISION 2, OTHER THAN PENSION FUNDS;) *The commissioner may advertise for competitive bids.*

(b) The commissioner may negotiate *contracts* with (A) suitable (BANK OR) banks (WITHIN OR OUTSIDE THE STATE FOR A LINE) *in or out of state to establish lines of credit (WHEREBY), for an agreed compensation(,) . The contracts must provide that the commissioner may issue certificates of indebtedness (MAY BE ISSUED FROM TIME TO TIME) up to a maximum outstanding amount within an agreed period, bearing interest at a fixed or variable (INTEREST) rate (AND) . The certificates must be subject to redemption at par plus accrued interest at any time at the commissioner's option (OF THE COMMISSIONER; OR).*

(c) The commissioner may negotiate *contracts* with (A FIRM OR) firms of underwriters (FOR THE) *that will purchase (OF CERTIFICATES OF INDEBTEDNESS) or (TO) act as (AN AGENT) agents in the placement of certificates of indebtedness (, WHICH) issued within an agreed period, up to a maximum amount outstanding. The certificates may be sold to the underwriters or investors (1) at (A SPECIFIED) an agreed discount (REPRESENTING) with the interest included in the face amount payable at maturity; or (2) bearing interest at a stated interest rate on (A STATED PRINCIPAL) the face amount, payable on one or more dates. For the further security of (THE) these certificates (OF INDEBTEDNESS) the commissioner may negotiate (A) agreements for lines of credit (AGREEMENT PURSUANT TO) under paragraph (b) (, PROVIDING FOR THE PAYMENT THEREOF) to pay the certificates with interest to maturity, if necessary, by the issuance of new certificates (OF INDEBTEDNESS TO THE BANK OR BANKS EXTENDING THE) under the lines of credit.*

(SUBD. 6. [EXECUTION.] CERTIFICATES OF INDEBTEDNESS SHALL BE EXECUTED BY THE SIGNATURES OF THE COMMISSIONER OF FINANCE AND THE STATE TREASURER UNDER THEIR OFFICIAL SEALS, AND ANY ATTACHED INTEREST COUPONS BY THE SIGNATURE OF THE COMMISSIONER. THE SIGNATURES AND SEALS MAY BE PRINTED, LITHOGRAPHED, PHOTOCOPIED, OR STAMPED, EXCEPT THAT AT LEAST ONE OFFICER SHALL SIGN MANUALLY ON THE FACE OF EACH CERTIFICATE, UNLESS THE COMMISSIONER DESIGNATES AND THE CERTIFICATE ON ITS FACE REQUIRES A SUITABLE FINANCIAL INSTITUTION TO AUTHENTICATE THE CERTIFICATE BY THE MANUAL SIGNATURE OF ITS AUTHORIZED REPRESENTATIVE.)

(SUBD. 6A. [FISCAL AGENT BANK.]) (d) The commissioner may (ENTER INTO AN AGREEMENT) *make contracts for agreed fees with (A) suitable (BANK OR) banks (LOCATED WITHIN OR OUTSIDE THE) in or out of state to authenticate, issue, pay principal and interest on, cancel (OR), and otherwise deal as fiscal agents of the state with certificates of indebtedness issued (PURSUANT TO THIS SECTION, FOR AN AGREED COMPENSATION) under paragraphs (a), (b), or (c).*

(e) *The commissioner may sell certificates of indebtedness to the state board of investment without advertising for bids. The board must determine that the terms are not less favorable than those available at the time for the purchase of direct obligations of the federal government or its agencies, of comparable maturities. The board may purchase the certificates with any money under its control except money in a pension fund.*

Subd. 7. [APPROPRIATION OF PROCEEDS.] The proceeds of all certificates of indebtedness (ISSUED PURSUANT TO THIS SECTION ARE APPROPRIATED TO) *must be deposited in the general fund, and shall be available for (EXPENDITURE PURSUANT TO) spending under any appropriation from that fund for any purpose, (INCLUDING THOSE REFERRED) subject to (IN) subdivision (8) 9.*

Subd. 8. [APPROPRIATION AND ACCOUNTING FOR PAYMENT OF CERTIFICATES AND (COSTS) EXPENSES FROM THE GENERAL FUND.] (THE PRINCIPAL OF AND INTEREST AND PREMIUM, IF ANY, ON ALL CERTIFICATES OF INDEBTEDNESS ISSUED HEREUNDER, AND ALL EXPENSES INCIDENTAL TO THE SALE, GUARANTY OF SALE, PLACEMENT, PRINTING, EXECUTION, AUTHORIZATION, REGISTRATION, AND DELIVERY THEREOF, INCLUDING BUT NOT LIMITED TO ACTUAL AND NECESSARY TRAVEL AND SUBSISTENCE EXPENSES OF STATE OFFICERS AND EMPLOYEES, AND COSTS ARISING FROM LINES OF CREDIT OBTAINED

WITH RESPECT TO OUTSTANDING DEBT SHALL BE PAID FROM THE GENERAL FUND AND SHALL BE INCLUDED IN THE COMPUTATION OF CURRENT CASH FLOW REQUIREMENTS AND OF AMOUNTS AVAILABLE FOR ALLOTMENT PURSUANT TO APPROPRIATIONS, AND) The amounts (NECESSARY) needed for (THESE) the purposes in this subdivision are appropriated and must be paid from the general fund. These appropriations are irrevocable and shall not be canceled. They must be included in the computation of current cash flow requirements and of amounts available for allotment. The purposes of the appropriations are:

(1) *payment of the principal of and interest and premium, if any, on all certificates when due;*

(2) *actual and necessary travel and subsistence expenses of state officers and employees and other expenses incidental to the sale or placement, printing, execution, and delivery of certificates; and*

(3) *costs of lines of credit.*

Subd. 9. [PRIORITY OF CERTIFICATE PAYMENTS; COVENANTS.] (a) *The proceeds of certificates of indebtedness issued in whole or in part to refund outstanding certificates and interest as authorized in the constitution are available only for that purpose until the refunded certificates and interest are paid.*

(b) *The commissioner (OF FINANCE) may (ENTER INTO A) covenant by order, on behalf of the state, for the security of the holders of any certificates (OF INDEBTEDNESS, FOR THE SEGREGATION OF), to segregate cash and cash equivalent assets in a special account within the general fund (FOR THE PAYMENT OF INTEREST, PRINCIPAL, AND PREMIUM, IF ANY,) in the amounts and at the times in advance of the due dates that the commissioner determines to be advisable for (THE STATE IN) marketing the certificates (OF INDEBTEDNESS), and to (TAKE ACTION REQUIRED) act under section 16A.15, subdivision 1, to (ENABLE THE PERFORMANCE OF) perform the covenant. The amount in the account is available only to pay the principal of and interest and premium, if any, on the certificates referred to in the order.*

Subd. (9) 10. [(BIENNIAL CASH DEFICIENCY) COVENANT TO REFUND.] *If cash and cash equivalent (AMOUNTS HELD) assets in the general fund (ON THE DATE ON WHICH ANY CERTIFICATES OF INDEBTEDNESS COME DUE,) in excess of the amount of outstanding warrants (THEN OUTSTANDING, ARE) is not sufficient to pay (ALL SUCH) any certificates of indebtedness (AND ANY) or interest when due (THEREON, THE DEFICIENCY MAY BE PAID BY THE*

ISSUANCE OF), *the commissioner may issue refunding certificates (OF INDEBTEDNESS) maturing not later than December 1 in the (ENSUING) next calendar year to pay the deficiency. (THE COMMISSIONER,) With the approval of the governor, the commissioner may (ENTER INTO A) covenant on behalf of the state (THAT SUCH), in the order issuing any certificates, to offer refunding certificates (OF INDEBTEDNESS WILL BE OFFERED) for sale (IN THE EVENT) if a deficiency is (ANTICIPATED) expected.*

Subd. 11. [CONSTITUTIONAL TAX LEVY.] If cash and cash equivalent (AMOUNTS HELD) assets in the general fund in excess of the amount of outstanding warrants, on December 1 immediately following the close of (THE) a biennium, (IN EXCESS OF WARRANTS THEN OUTSTANDING, ARE) is not sufficient to pay:

(1) all (SUCH) refunding certificates of indebtedness (AND ANY);

(2) all other certificates (OF INDEBTEDNESS) outstanding at the end of the biennium and not refunded (, WITH); and

(3) all interest (THEN) accrued (THEREON,) on the certificates referred to in clauses (1) and (2);

the state auditor shall levy upon all taxable property in the state (A) the tax required by the constitution, article XI, section 6, collectible in the (ENSUING) next calendar year and sufficient to pay (THE SAME) all amounts described in clauses (1), (2), and (3) on or before December 1 in the (ENSUING) collection year with interest to the date or dates of payment.

Sec. 38. Minnesota Statutes 1983 Supplement, section 16A.672, is amended to read:

16A.672 [BONDS AND CERTIFICATES OF INDEBTEDNESS.]

Subdivision 1. [(GENERAL) AUTHORITY.] (NOTWITHSTANDING ANY CONTRARY PROVISION OF OTHER LAW.) The commissioner (OF FINANCE) and (THE STATE) treasurer (SHALL HAVE THE POWERS SPECIFIED IN THIS SECTION WITH RESPECT TO THE ISSUANCE, FORM, EXECUTION, DELIVERY, REGISTRATION OF TRANSFER AND EXCHANGE, AND PAYMENT OF) *may issue, execute, deliver, register, and pay bonds and certificates of indebtedness (HERETOFORE OR HEREAFTER) in the form and manner provided in this section, when authorized (TO BE ISSUED OR ISSUED BY THE STATE) under section 16A.641 or 16A.671.*

Subd. 2. [(FORM OF OBLIGATIONS) APPLICATION OF COMMERCIAL CODE.] (THE BONDS OR CERTIFICATES OF INDEBTEDNESS MAY BE ISSUED IN BEARER FORM WITH INTEREST COUPONS ATTACHED, WITH OR WITHOUT PROVISION FOR REGISTRATION AS TO PRINCIPAL ONLY, OR IN FULLY REGISTERED FORM, IN ONE OR MORE DENOMINATIONS, AND WITH PROVISIONS FOR CONVERSION OF FORM, EXCHANGE OF DENOMINATIONS, AND TRANSFER OF OWNERSHIP AS PRESCRIBED BY THE COMMISSIONER OF FINANCE.) All bonds and certificates (OF INDEBTEDNESS, WHEN ISSUED ACCORDING TO ORDERS OF THE COMMISSIONER OF FINANCE, SHALL BE) *are securities (WITHIN THE MEANING OF) under sections 336.8-101 to 336.8-408 (, AND). The commissioner (OF FINANCE) and (THE STATE) treasurer may do (ON BEHALF OF) for the state (ALL ACTS AND THINGS WHICH ARE PERMITTED OR REQUIRED OF ISSUERS OF SECURITIES) whatever may or must be done under those sections (336.8-101 TO 336.8-408 AND ARE CONSISTENT) to comply with the orders authorizing them. The bonds or certificates may be issued:*

- (1) *in one or more denominations;*
- (2) *in bearer form, with interest coupons attached; and*
- (3) *with provision for registration as to principal only; or*
- (4) *in fully registered form; and*
- (5) *with provision for registration of conversion and exchange of forms and denominations, transfer of ownership, and replacement of lost or damaged bonds.*

Subd. 3. [PREPARATION AND EXECUTION.] (THE) (a) Bonds (OR) and certificates of indebtedness may be printed (, LITHOGRAPHED,) or otherwise reproduced in the style and form the commissioner prescribes (, BUT THE FORM SHALL). They may state in a general way the purpose for which they are issued and the security provided for their payment or may incorporate the authorizing order by reference.

(SUBD 3. [EXECUTION OF OBLIGATIONS.] THE BONDS AND CERTIFICATES OF INDEBTEDNESS SHALL) (b) They must be executed by the commissioner (OF FINANCE) and (ATTESTED BY) the (STATE) treasurer under their official seals. (FACSIMILE) The signatures and seals (OF EITHER OR BOTH OF THESE OFFICERS) may (, AS THE COMMISSIONER OF FINANCE DEEMS APPROPRIATE.) be (PRINTED, LITHOGRAPHED, STAMPED, ENGRAVED, OR OTHERWISE) reproduced (, EVERY) facsimiles; but no bond (AND) or certificate (ISSUED,

WHETHER INITIALLY OR UPON TRANSFER, EXCHANGE, OR REPLACEMENT, SHALL BE) *is valid for any purpose unless it is manually signed on its face by (ONE OF THESE OFFICERS,) the commissioner or treasurer or by a duly authorized representative of a bank or trust company (DESIGNATED) named by (ORDER OF) the commissioner (OF FINANCE, WHETHER AT OR AFTER THE TIME OF INITIAL ISSUE, AS REGISTRAR OR OTHERWISE) as an agent of the state to authenticate it.*

Subd. 4. [DELIVERY (OF OBLIGATIONS).] The commissioner (OF FINANCE) may (APPOINT) *name a bank or trust company (WITHIN OR OUTSIDE) in or out of the state to act as (DELIVERY) the state's agent (ON BEHALF OF THE STATE, AND) to deliver (THE) bonds or certificates (OF INDEBTEDNESS) to the initial purchaser upon payment (THEREFOR) of the purchase price.*

Subd. 5. [REGISTRAR.] The commissioner (OF FINANCE), in (THE) order (FOR THE ISSUANCE OF) *to issue any bonds or certificates (OF INDEBTEDNESS), may (DESIGNATE) name a (CORPORATE) registrar to (PERFORM ON BEHALF OF) act for the state (THE DUTIES OF A REGISTRAR AS SET FORTH IN) under sections 336.8-101 to 336.8-408, (INCLUDING BUT NOT LIMITED TO AUTHENTICATION AND DELIVERY) and to authenticate and deliver obligations upon initial issuance and (UPON) registration of transfer, exchange, or conversion (INTO ANOTHER FORM). (ANY) The registrar (SHALL) must be an incorporated bank or trust company, (WITHIN OR OUTSIDE) in or out of the state, authorized by the laws of the United States or (OF) the state in which it is located to perform these duties.*

Subd. 6. [PAYMENT (OF OBLIGATIONS).] The order authorizing (THE ISSUANCE OF ANY) bonds or certificates (OF INDEBTEDNESS) *to be issued may (PROVIDE FOR THE PAYMENT OF PRINCIPAL AND INTEREST IN THE MANNER AND BY THE MEANS) contain provisions that the commissioner (DEEMS) considers necessary to ensure full and prompt payment of principal and interest when due (, AND). The order may provide for (THE) payment at the office of a bank or trust company (WITHIN OR OUTSIDE) in or out of the state. (IN THE CASE OF FULLY REGISTERED BONDS OR CERTIFICATES OF INDEBTEDNESS,) The order may provide that (THE) interest (COMING) due on any interest payment date (SHALL BE) is payable to the person or entity (WHO IS) shown as the (REGISTERED) owner (ON) of the bond or certificate in the register on a specified date preceding the interest payment date, by check, draft, or other transfer to the order of (THE REGISTERED) that owner.*

Subd. 7. [AGREEMENTS.] The commissioner (OF FINANCE) may (ENTER INTO) *make agreements (CONTAIN-*

ING TERMS WHICH ARE NECESSARY OR DESIRABLE) to carry out (THE AUTHORITY GIVEN HIM IN THIS SECTION, PURSUANT TO APPLICABLE) orders (OF THE COMMISSIONER) *issued under this section*. The agreements may provide for the (PAYMENT OF COMPENSATION) *paying* for services (TO BE) performed and expenses (TO BE) incurred on behalf of the state, (AND MAY PROVIDE FOR THEIR PAYMENT) from (THE):

(1) proceeds of the bonds or certificates (OF INDEBTEDNESS, OR FROM);

(2) other money appropriated to the commissioner (OF FINANCE, OR FROM);

(3) charges to (BE IMPOSED ON THE) holders of the bonds or certificates (OF INDEBTEDNESS.); or (FROM)

(4) a combination of (THESE) sources *in clauses (1), (2), and (3)*.

Subd. 8. [APPROPRIATIONS.] (AS MUCH OF) The proceeds of the bonds or certificates (AS NECESSARY IS) *under subdivision 7* are appropriated (FOR THIS PURPOSE) *as necessary to pay expenses incurred under that subdivision*.

Subd. (8) 9. [APPROPRIATION.] (THERE IS APPROPRIATED ANNUALLY TO THE COMMISSIONER OF FINANCE FROM THE GENERAL FUND IN THE STATE TREASURY AN AMOUNT OF) *The money (SUFFICIENT) needed to pay when due (ALL) the compensation and expenses (DUE TO) of registrars, delivery agents, and paying agents (FOR STATE BONDS AND CERTIFICATES OF INDEBTEDNESS) under (THE TERMS OF AGREEMENTS ENTERED INTO ACCORDING TO) subdivision 7 is appropriated annually to the commissioner from the general fund.*

Subd. (9) 10. [APPROVAL BY ATTORNEY GENERAL.] (NO) An agreement (DESCRIBED IN) *under subdivision 7 (SHALL BECOME) is not effective until (IT HAS BEEN) approved as to form and execution by the (STATE) attorney general or his designee.*

Subd. (10) 11. [REGISTRATION (DATA PRIVATE) NOT PUBLIC INFORMATION.] (ALL) Information (CONTAINED) in any register (MAINTAINED BY THE STATE TREASURER OR A CORPORATE REGISTRAR WITH RESPECT TO THE) of ownership of (STATE) bonds or certificates (OF INDEBTEDNESS CONSTITUTES) *is nonpublic data (AS DEFINED IN) under section 13.02, subdivision 9, or private data on individuals (AS DEFINED IN) under section 13.02, subdivision 12. The information is (NOT PUBLIC*

AND IS ACCESSIBLE) *open* only to the (INDIVIDUAL, CORPORATION, OR OTHER ENTITY WHICH IS THE) subject of it, except as disclosure:

((A)) (1) is necessary for (THE PERFORMANCE OF THE DUTIES OF) the registrar, the (STATE) commissioner (OF FINANCE), the (STATE) treasurer, or the (STATE) legislative auditor (,) *to perform a duty*; or

((B)) (2) is requested by an authorized representative of the state commissioner of revenue (OR), *the state attorney general*, or (OF) the *United States* commissioner of internal revenue (OF THE UNITED STATES FOR THE PURPOSE OF ASCERTAINING) *to determine* the application of (ANY ESTATE, INHERITANCE, OR OTHER) *a tax* (,); or

((C)) (3) is required under section 13.03, subdivision 4.

Sec. 39. Minnesota Statutes 1982, section 16A.675, is amended to read:

16A.675 [(BONDS AND NOTES; NONLIABILITY OF INDIVIDUALS) *PERSONS EXECUTING OBLIGATIONS NOT LIABLE.*]

(NEITHER THE COMMISSIONER OF FINANCE NOR ANY) *No officer or other person* executing state bonds or (NOTES SHALL BE) *certificates* is liable personally on (THE BONDS OR NOTES OR BE SUBJECT TO ANY PERSONAL LIABILITY) *them* or (ACCOUNTABILITY) *accountable* by reason of (THE ISSUANCE OF) *issuing* them.

Sec. 40. Minnesota Statutes 1982, section 85A.04, subdivision 3, is amended to read:

Subd. 3. [ZOO (GIFT STORE) CONCESSION ACCOUNT.] A (WORKING CAPITAL) *concession* account is established for (THE GIFT STORE OF) the Minnesota zoological garden. *Concessions are the sale of all goods and services other than admissions, parking, food concessions, and equipment rentals.* All *concession* receipts (FROM THE GIFT STORE OPERATION) shall be deposited in the state treasury and credited to the account and are appropriated for the purposes of (THE GIFT STORE) *concession operations.* (GIFT STORE) *Concession* expenses, including inventory, personnel costs, space rental, and overhead, shall be paid from the account. (THE UNENCUMBERED BALANCE IN THE ACCOUNT ON JUNE 30 OF EACH YEAR IN EXCESS OF THE VALUE OF THE INVENTORY OF THE GIFT STORE ON JUNE 30, 1981 SHALL BE CALCULATED AND DISBURSED AS FOLLOWS:) For the (PERIODS) *years* ending June 30, 1982, and June 30, 1983, the (ENTIRE AMOUNT) *net income from concession operations reported on the income statement in the Minnesota zoological*

garden annual financial report shall be transferred to the general fund (;). For the year ending June 30, 1984, and each year thereafter the (AMOUNT ATTRIBUTABLE TO THE PERIOD JULY 1, 1982, TO JUNE 30, 1983, SHALL BE TRANSFERRED TO THE GENERAL FUND AND THE REMAINDER) net income shall be retained by the zoological garden. (ANY) The amount (SO) retained (SHALL BE DEDICATED TO) is appropriated for capital improvements at the zoological garden (AND ARE APPROPRIATED FOR THAT PURPOSE. IF IMPROVEMENTS OR EXPANSIONS ARE PLANNED FOR THE GIFT STORE OPERATION TO BE PAID WITH GIFT STORE RECEIPTS, THE PLAN MUST BE FIRST APPROVED BY THE GOVERNOR AFTER RECEIVING THE RECOMMENDATION OF THE LEGISLATIVE ADVISORY COMMISSION). The board shall include a report on the capital improvements in the report required by section 85A.02, subdivision 12.

Sec. 41. Minnesota Statutes 1982, section 115.03, subdivision 1, is amended to read:

Subdivision 1. The agency is hereby given and charged with the following powers and duties:

(a) To administer and enforce all laws relating to the pollution of any of the waters of the state;

(b) To investigate the extent, character, and effect of the pollution of the waters of this state and to gather data and information necessary or desirable in the administration or enforcement of pollution laws, and to make such classification of the waters of the state as it may deem advisable;

(c) To establish and alter such reasonable pollution standards for any waters of the state in relation to the public use to which they are or may be put as it shall deem necessary for the purposes of this chapter and, with respect to the pollution of waters of the state, chapter 116;

(d) To encourage waste treatment, including advanced waste treatment, instead of stream low-flow augmentation for dilution purposes to control and prevent pollution;

(e) To adopt, issue, reissue, modify, deny, or revoke, enter into or enforce reasonable orders, permits, variances, standards, regulations, schedules of compliance, and stipulation agreements, under such conditions as it may prescribe, in order to prevent, control or abate water pollution, or for the installation or operation of disposal systems or parts thereof, or for other equipment and facilities;

(1) Requiring the discontinuance of the discharge of sewage, industrial waste or other wastes into any waters of the state re-

sulting in pollution in excess of the applicable pollution standard established under this chapter;

(2) Prohibiting or directing the abatement of any discharge of sewage, industrial waste, or other wastes, into any waters of the state or the deposit thereof or the discharge into any municipal disposal system where the same is likely to get into any waters of the state in violation of this chapter and, with respect to the pollution of waters of the state, chapter 116, or standards or regulations promulgated or permits issued pursuant thereto, and specifying the schedule of compliance within which such prohibition or abatement must be accomplished;

(3) Prohibiting the storage of any liquid or solid substance or other pollutant in a manner which does not reasonably assure proper retention against entry into any waters of the state that would be likely to pollute any waters of the state;

(4) Requiring the construction, installation, maintenance, and operation by any person of any disposal system or any part thereof, or other equipment and facilities, or the reconstruction, alteration, or enlargement of its existing disposal system or any part thereof, or the adoption of other remedial measures to prevent, control or abate any discharge or deposit of sewage, industrial waste or other wastes by any person;

(5) Establishing, and from time to time revising, standards of performance for new sources taking into consideration, among other things, classes, types, sizes, and categories of sources, processes, pollution control technology, cost of achieving such effluent reduction, and any non-water quality environmental impact and energy requirements. Said standards of performance for new sources shall encompass those standards for the control of the discharge of pollutants which reflect the greatest degree of effluent reduction which the agency determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants. New sources shall encompass buildings, structures, facilities, or installations from which there is or may be the discharge of pollutants, the construction of which is commenced after the publication by the agency of proposed regulations prescribing a standard of performance which will be applicable to such source. Notwithstanding any other provision of the law of this state, any point source the construction of which is commenced after May 20, 1973 and which is so constructed as to meet all applicable standards of performance for new sources shall, consistent with and subject to the provisions of section 306(d) of the Amendments of 1972 to the Federal Water Pollution Control Act, not be subject to any more stringent standard of performance for new sources during a

ten-year period beginning on the date of completion of such construction or during the period of depreciation or amortization of such facility for the purposes of section 167 or 169, or both, of the Federal Internal Revenue Code of 1954, whichever period ends first. Construction shall encompass any placement, assembly, or installation of facilities or equipment, including contractual obligations to purchase such facilities or equipment, at the premises where such equipment will be used, including preparation work at such premises;

(6) Establishing and revising pretreatment standards to prevent or abate the discharge of any pollutant into any publicly owned disposal system, which pollutant interferes with, passes through, or otherwise is incompatible with such disposal system;

(7) Requiring the owner or operator of any disposal system or any point source to establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment or methods, including where appropriate biological monitoring methods, sample such effluents in accordance with such methods, at such locations, at such intervals, and in such a manner as the agency shall prescribe, and providing such other information as the agency may reasonably require;

(8) Notwithstanding any other provision of this chapter, and with respect to the pollution of waters of the state, chapter 116, requiring the achievement of more stringent limitations than otherwise imposed by effluent limitations in order to meet any applicable water quality standard by establishing new effluent limitations, based upon section 115.01, subdivision 5, clause (b), including alternative effluent control strategies for any point source or group of point sources to insure the integrity of water quality classifications, whenever the agency determines that discharges of pollutants from such point source or sources, with the application of effluent limitations required to comply with any standard of best available technology, would interfere with the attainment or maintenance of the water quality classification in a specific portion of the waters of the state. Prior to establishment of any such effluent limitation, the agency shall hold a public hearing to determine the relationship of the economic and social costs of achieving such limitation or limitations, including any economic or social dislocation in the affected community or communities, to the social and economic benefits to be obtained and to determine whether or not such effluent limitation can be implemented with available technology or other alternative control strategies. If a person affected by such limitation demonstrates at such hearing that, whether or not such technology or other alternative control strategies are available, there is no reasonable relationship between the economic and social costs and the benefits to be obtained, such limitation shall not become effective and shall be adjusted as it applies to such person;

(9) Modifying, in its discretion, any requirement or limitation based upon best available technology with respect to any point source for which a permit application is filed after July 1, 1977 upon a showing by the owner or operator of such point source satisfactory to the agency that such modified requirements will represent the maximum use of technology within the economic capability of the owner or operator and will result in reasonable further progress toward the elimination of the discharge of pollutants (.) ;

(f) To require to be submitted and to approve plans and specifications for disposal systems or point sources, or any part thereof and to inspect the construction thereof for compliance with the approved plans and specifications thereof ;

(g) To prescribe and alter rules and regulations, not inconsistent with law, for the conduct of the agency and other matters within the scope of the powers granted to and imposed upon it by this chapter and, with respect to pollution of waters of the state, in chapter 116, provided that every rule or regulation affecting any other department or agency of the state or any person other than a member or employee of the agency shall be filed with the secretary of state ;

(h) To conduct such investigations, issue such notices, public and otherwise, and hold such hearings as are necessary or which it may deem advisable for the discharge of its duties under this chapter and, with respect to the pollution of waters of the state, under chapter 116, including, but not limited to, the issuance of permits, and to authorize any member, employee, or agent appointed by it to conduct such investigations or, issue such notices and hold such hearings ;

(i) For the purpose of water pollution control planning by the state and pursuant to the Federal Water Pollution Control Act, as amended, to establish and revise planning areas, adopt plans and programs and continuing planning processes, including, but not limited to, basin plans and areawide waste treatment management plans, and to provide for the implementation of any such plans by means of, including, but not limited to, standards, plan elements, procedures for revision, intergovernmental cooperation, residual treatment process waste controls, and needs inventory and ranking for construction of disposal systems ;

(j) To train water pollution control personnel, and charge such fees therefor as are necessary to cover the agency's costs. All such fees received shall be paid into the state treasury and credited to the water pollution control training fund of the agency, from which the agency shall have the power to make disbursements to pay expenses relating to such training ;

(k) To impose as additional conditions in permits to publicly owned disposal systems appropriate measures to insure

compliance by industrial and other users with any pretreatment standard, including, but not limited to, those related to toxic pollutants, and any system of user charges ratably as is hereby required under state law or said Federal Water Pollution Control Act, as amended, or any regulations or guidelines promulgated thereunder; (AND)

(l) To set a period not to exceed five years for the duration of any National Pollutant Discharge Elimination System permit; and

(m) *To require a governmental subdivision that owns or operates a wastewater disposal system to have a plan to address its ability to pay the costs of making major repairs to the existing system and planning and constructing an adequate replacement system at the end of the existing system's expected useful life.*

Sec. 42. Minnesota Statutes 1982, section 116.16, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] In this section and (SECTION) sections 116.17 and 116.18:

(1) Agency means the Minnesota pollution control agency created by this chapter;

(2) Municipality means any county, city, and town, the metropolitan waste control commission established in chapter 473 and the metropolitan council when acting under the provisions of that chapter or an Indian tribe or an authorized Indian tribal organization, and any other governmental subdivision of the state responsible by law for the prevention, control, and abatement of water pollution in any area of the state;

(3) Pollution control fund means the Minnesota state water pollution control fund created by subdivision 1;

(4) Bond account means the Minnesota state water pollution control bond account created in the state bond fund by section 116.17, subdivision 4;

(5) Terms defined in section 115.01 have the meanings therein given them;

(6) The eligible cost of any municipal project, except as otherwise provided in (CLAUSE) clauses (7) and (8), includes (a) preliminary planning to determine the economic, engineering, and environmental feasibility of the project; (b) engineering, architectural, legal, fiscal, economic, sociological, project administrative costs of the agency and the municipality, and other investigations and studies; (c) surveys, designs, plans,

working drawings, specifications, procedures, and other actions necessary to the planning, design, and construction of the project; (d) erection, building, acquisition, alteration, remodeling, improvement, and extension of disposal systems; (e) inspection and supervision of construction; and (f) all other expenses of the kinds enumerated in section 475.65.

(7) For state grant purposes hereunder, the eligible cost for grant applicants shall be the eligible cost as determined by the United States environmental protection agency under the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1314, et seq.

(8) Notwithstanding clause (7), for state grants under the state independent grants program, the eligible cost includes the acquisition of land for stabilization ponds and the provision of reserve capacity sufficient to serve the reasonable needs of the municipality for 20 years in the case of treatment works and 40 years in the case of sewer systems. Notwithstanding clause (7), for state grants under the state independent grants program, the eligible cost does not include the provision of collector sewers as defined in agency rules, the provision of service to seasonal homes, or cost increases from contingencies that exceed three percent of as-bid costs or cost increases from unanticipated site conditions that exceed an additional two percent of as-bid costs.

Sec. 43. Minnesota Statutes 1982, section 116.16, subdivision 4, is amended to read:

Subd. 4. [DISBURSEMENTS.] Disbursements from the fund shall be made by the state treasurer upon order of the commissioner of finance at the times and in the amounts requested by the agency in accordance with the *applicable state and federal (LAWS AND REGULATIONS AND THE STATE APPROPRIATION ACTS) law* governing such disbursements; except that no appropriation or loan of state funds for any project shall be disbursed to any municipality until and unless the agency has by resolution determined the total estimated cost of the project, and ascertained that financing of the project is assured by:

(1) A grant to the municipality by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state; or

(2) A grant of funds appropriated by state law; or

(3) A loan authorized by state law; or

(4) The appropriation of proceeds of bonds or other funds of the municipality to a fund for the construction of the project; or

(5) Any or all of the means referred to in paragraphs (1) to (4); and

(6) An irrevocable undertaking, by resolution of the governing body of the municipality, to use all funds so made available exclusively for the construction of the project, and to pay any additional amount by which the cost of the project exceeds the estimate, by the appropriation to the construction fund of additional municipal funds or the proceeds of additional bonds to be issued by the municipality; and

(7) Conformity of the project and of the loan or grant application with the state water pollution control plan as certified to the federal government and with all other conditions under applicable state and federal (LAWS AND REGULATIONS) law for a grant of state or federal funds of the nature and in the amount involved.

Sec. 44. Minnesota Statutes 1982, section 116.16, subdivision 5, is amended to read:

Subd. 5. [RULES.] (a) The agency shall promulgate *permanent rules and may promulgate temporary rules* for the administration of grants and loans authorized to be made from the fund or from federal funds under the *Federal Water Pollution Control Act, as amended*, which rules, however, shall not be applicable to the issuance of bonds by the commissioner of finance as provided in section 116.17. The rules shall contain as a minimum:

(1) procedures for application by municipalities;

(2) conditions for the administration of the grant or loan;

(3) criteria for (ELIGIBILITY) *the ranking of projects in order of priority for grants or loans, (INCLUDING THOSE SPECIFIED IN SUBDIVISION 6) based on factors including the extent and nature of pollution, technological feasibility, assurance of proper operation, maintenance and replacement, and participation in multi-municipal systems; and*

(4) such other matters as the agency and the director find necessary to the proper administration of the grant program.

(b) *Except as otherwise provided in sections 116.16 to 116.18, the rules for the administration of state independent grants must comply, to the extent practicable, with provisions relating directly to protection of the environment contained in the Federal Water Pollution Control Act, as amended, and regulations and guidelines of the United States environmental protection agency promulgated under the act, except provisions regarding allocation contained in section 205 of the act and regulations and guidelines promulgated under section 205 of the act. This provision does not require approval from federal agencies for the issuance of grants or for the construction of projects under the state independent grants program.*

Sec. 45. Minnesota Statutes 1982, section 116.16, subdivision 9, is amended to read:

Subd. 9. [APPLICATIONS.] Applications by municipalities for grants or loans from the fund shall be made to the director of the agency on forms requiring information prescribed by rules of the agency. The director shall certify to the agency those applications which appear to meet the criteria set forth in sections 116.16 to 116.18 and the rules promulgated hereunder, and the agency shall award grants or loans on the basis of the criteria and priorities established in its rules and in sections 116.16 to 116.18. *A municipality that is designated under agency rules to receive state or federal funding for a project and that does not make a timely application for or that refuses the funding is not eligible for either state or federal funding for that project in that fiscal year or the subsequent year.*

Sec. 46. Minnesota Statutes 1982, section 116.16, is amended by adding a subdivision to read:

Subd. 9a. [SUBSEQUENT GRANTS.] *A municipality awarded a final grant of funding for a project under the program established by the 1972 Federal Water Pollution Control Act amendments or the state independent grants program is not eligible for additional funding to replace that project under the federal program or the state program, unless the funding is necessary as a result of subsequent changes in state water quality standards, effluent limits, or technical design requirements, or for a municipality awarded the final grant before October 1, 1984, if the funding is necessary for the provision of increased capacity.*

Sec. 47. Minnesota Statutes 1982, section 116.18, as amended by Laws 1983, chapter 301, section 117, is amended to read:

116.18 [WATER POLLUTION CONTROL FUNDS; APPROPRIATIONS AND BONDS.]

Subdivision 1. [APPROPRIATION FROM THE FUND.] The sum of (\$155,000,000) *\$167,000,000*, or so much thereof as may be necessary, is appropriated from the Minnesota state water pollution control fund in the state treasury to the pollution control agency, for the period commencing on July 23, 1971 and ending June 30, 1985, to be granted and disbursed to municipalities and agencies of the state in aid of the construction of projects conforming to section 116.16, in accordance with the rules, priorities, and criteria therein described. (EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION AND IN SUBDIVISION 2, THESE STATE FUNDS SHALL BE EXPENDED AT 15 PER CENTUM OF THE ELIGIBLE COST OF CONSTRUCTION AND SHALL BE EXPENDED ONLY)

Subd. 2. [STATE MATCHING GRANTS PROGRAM ENDING SEPTEMBER 30, 1984.] (a) For projects tendered, by September 30, 1984, a grant of federal funds under section 201(g), section 202, section 203 or section 206(f) of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1314 ET SEQ.) United States Code, title 33, sections 1251 to 1376, at 75 per centum of the eligible cost for construction of the treatment works, state money appropriated under subdivision 1 must be expended at 15 percent of the eligible cost of construction, except as otherwise provided in this subdivision; provided, that not less than ten percent of the cost shall be paid by the municipality or agency constructing the project. In the event that a municipality is tendered federal and state grants in a percentage cumulatively exceeding 90 per centum of the eligible cost of construction, the state pollution control agency shall reduce the grant to the municipality under this chapter to the extent necessary to assure that not less than ten percent of the cost shall be paid by the municipality. It is the purpose of this appropriation that a grant of state funds for each project approved in each of the fiscal years ending June 30, 1971 through 1985, shall be made in an amount not less than that required in federal law and regulations as a condition for the grant of federal funds for the project and for all other water pollution control projects for which federal grants are allocated in the same year, in the maximum amount permissible under law and regulations.

(NOTWITHSTANDING ANY OTHER PROVISION, THE AGENCY MAY, IN ITS DISCRETION, AND AFTER CONSIDERATION OF THE AMOUNT OF STATE FUNDS REQUIRED TO MATCH FEDERAL FUNDS, MAKE A GRANT OF STATE FUNDS NOT EXCEEDING 15 PER CENTUM TO A MUNICIPALITY THAT WOULD QUALIFY FOR A GRANT OF FEDERAL FUNDS BUT DESIRES TO INITIATE CONSTRUCTION OF A PROJECT WITHOUT A FEDERAL GRANT. THE AGENCY MAY LIMIT THE SCOPE AND ELIGIBLE COST OF THE PROJECT.)

(b) If a municipality is tendered a grant of federal funds under section 201, paragraph (g), section 202, section 203 or section 206, paragraph (f) of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1314 ET SEQ.) *United States Code, title 33, sections 1251 to 1376*, at 85 percent of the eligible cost for construction of treatment works utilizing innovative or alternative wastewater treatment processes and techniques, state funds shall be expended at nine percent of the eligible cost of construction; provided, that not less than six percent of the eligible cost of construction shall be paid by the municipality or agency constructing the project. In the event that a municipality is tendered federal and state grants in a percentage cumulatively exceeding 94 percent of the eligible cost of construction, the state pollution control agency shall reduce the grant to the municipality under this chapter to the extent necessary to assure that the municipality receives no more than 94 percent of the eligible cost of construction.

(SUBD. 2. [ADDITIONAL PURPOSES OF APPROPRIATION.]) (c) If the pollution control agency, acting in accordance with section 116.16, subdivision 4 and rules promulgated by the agency establishing criteria for financial hardship cases, determines that the prevention, control, and abatement of water pollution and the public health of the state requires the construction of a project by a municipality or agency that is unable to provide 10 percent of the eligible cost thereof, the funds appropriated in subdivision 1 may be expended to reduce or eliminate its contribution to the eligible cost.

Subd. 2a. [STATE MATCHING GRANTS PROGRAM BEGINNING OCTOBER 1, 1984.] For projects tendered, on or after October 1, 1984, a grant of federal money under section 201(g), section 202, 203, or 206(f) of the Federal Water Pollution Control Act, as amended, United States Code, title 33, sections 1251 to 1376, at 55 percent or more of the eligible cost for construction of the treatment works, state money appropriated under subdivision 1 must be expended for up to 15 percent of the eligible cost of construction for municipalities for which the construction would otherwise impose significant financial hardship; provided, that not less than 25 percent of the eligible cost must be paid by the municipality or agency constructing the project. If a municipality is tendered federal and state grants in a percentage cumulatively exceeding 75 percent of the eligible cost of construction, the state pollution control agency shall reduce the grant to the municipality under this chapter to the extent necessary to ensure that not less than 25 percent of the eligible cost will be paid by the municipality. The amounts of the matching grants must be based on per connection capital cost, median household income, and per capita adjusted assessed valuation.

Subd. 3a. [STATE INDEPENDENT GRANTS PROGRAM.] (a) The agency may award independent grants for projects for 50 percent or, if the agency requires advanced treatment, 65 percent of the eligible cost of construction. The agency may award independent grants for up to an additional 15 percent or, if the agency requires advanced treatment, up to an additional ten percent of the eligible cost of construction to municipalities for which the construction would otherwise impose significant financial hardship; the amounts of the additional grants shall be based on per connection capital cost, median household income, and per capita adjusted assessed valuation. These grants may be awarded in separate steps for planning and design in addition to actual construction. Not more than 20 percent of the total amount of grants awarded under this subdivision in any single fiscal year may be awarded for projects for the control of combined sewer overflow as defined by federal regulation. Until December 31, 1990, not more than 20 percent of the total amount of grants awarded under this subdivision in any single fiscal year may be awarded to a single grantee.

(b) *Up to ten percent of the money to be awarded as grants under this subdivision in any single fiscal year shall be set aside for municipalities having substantial economic development projects that cannot come to fruition without municipal wastewater treatment improvements. The agency shall forward its municipal needs list to the commissioner of energy and economic development at the beginning of each fiscal year, and the commissioner shall review the list and identify those municipalities having substantial economic development projects. After the first 90 percent of the total available money is allocated to municipalities in accordance with agency priorities, the set-aside shall be used by the agency to award grants to remaining municipalities that have been identified.*

(c) *Grants may also be awarded under this subdivision to reimburse municipalities willing to proceed with projects and apply to be reimbursed in the subsequent year conditioned upon appropriation of sufficient money under subdivision 1 for that year. The maximum amount of the reimbursement the agency may commit in any single fiscal year is equal to the amount newly appropriated under subdivision 1 for that year.*

Subd. 4. [BOND AUTHORIZATION.] For the purpose of providing money appropriated in subdivision 1 for expenditure from the Minnesota state water pollution control fund through grants to municipalities and agencies of the state for the acquisition and betterment of public land, buildings, and improvements of a capital nature needed for the prevention, control, and abatement of water pollution, the commissioner of finance is authorized upon request of the pollution control agency to sell and issue Minnesota state water pollution control bonds in the amount of (\$144,000,000) \$156,000,000, in the manner and upon the conditions prescribed in section 116.17 and in the Constitution, Article XI, Sections 4 to 7. The proceeds of the bonds, except as provided in section 116.17, subdivision 5, are appropriated and shall be credited to the Minnesota state water pollution control fund. The amount of bonds issued pursuant to this authorization shall not exceed at any time the amount needed to produce a balance in the water pollution control fund equal to the aggregate amount of grants then approved and not previously disbursed, plus the amount of grants to be approved in the current and the following fiscal year, as estimated by the pollution control agency.

Subd. 5. [FEDERAL AND OTHER FUNDS.] All federal and other funds made available for any purpose of the water pollution control fund are also appropriated to that fund.

Subd. 6. [CONTINUANCE OF APPROPRIATIONS.] None of the appropriations made in this section shall lapse until the purpose for which it is made has been accomplished or abandoned. The amount of each grant approved for disbursement from the water pollution control fund shall be and remain ap-

propriated for that purpose until the grant is fully disbursed or part or all thereof is revoked by the pollution control agency.

Sec. 48. Minnesota Statutes 1983 Supplement, section 116J.926, subdivision 3, is amended to read:

Subd. 3. [MUNICIPAL OBLIGATION.] A loan shall not be made to a municipality until it has entered into an agreement with the state providing that the municipality shall make payments of principal and interest at least equal in the aggregate to the principal amount of the loan plus interest at the rate payable on the state bonds. The annual amounts of the payments shall be determined by the commissioner of finance, and need not coincide with the principal and interest payments on the bonds. However, the amounts due each year shall be payable prior to the times transfers are required to be made pursuant to section (16A.65) 16A.641. The agreement shall obligate the municipality to levy an ad valorem property tax equal to the amounts necessary to make the payments. The amount required to be levied may be reduced by any other available amounts contained in a special fund dedicated to payment of the loan obligation.

Sec. 49. Minnesota Statutes 1982, section 136.40, subdivision 6, is amended to read:

Subd. 6. [APPROPRIATIONS TO STATE UNIVERSITY BOND ACCOUNT.] All loan payments to be deposited in the state bond fund in accordance with subdivision 2 shall be credited to the state university bond account therein. In order to reduce the amount of taxes otherwise required to be levied, in accordance with section (16A.65) 16A.641, there shall also be transferred to the state university bond account from the general fund in the state treasury, on November 1 in each year, a sum of money sufficient in amount, when added to the balance then on hand therein, to pay all Minnesota state university bonds and interest thereon due and to become due to and including July 1 in the second ensuing year. All money so credited and all income from the investment thereof is annually appropriated for the payment of such bonds and interest thereon, and shall be available in the state university bond account prior to the levy of the tax in any year required by the Constitution, Article 11, Section 7. The legislature may also appropriate to the state university bond account any other moneys in the state treasury not otherwise appropriated, for the security of Minnesota state university bonds in the event that sufficient money should not be available in the account from the sources herein appropriated, prior to the levy of such tax in any year. The commissioner of finance and treasurer are directed to make the appropriate entries in the accounts of the respective funds.

Sec. 50. Minnesota Statutes 1982, section 475A.03, subdivision 1, is amended to read:

Subdivision 1. The governing body of any municipality, upon compliance with the terms of sections 475A.01 to 475A.06 and approval of the commissioner of finance may, after July 1, 1971 and before May 1, 1984, include in general obligation bonds of the municipality issued for the purpose of providing funds (FOR ACQUISITION) to acquire or (BETTERMENT OF) to better public lands and buildings and other public improvements of a capital nature, or bonds issued to refund guaranteed bonds, the following statement or such modification thereof consistent with sections 475A.01 to 475A.06 as the secretary shall prescribe:

The payment of this bond and the interest thereon is secured by the state municipal bond guaranty fund in accordance with the Minnesota municipal debt service aid law.

The bonds may also include the designation "secured by the state municipal bond guaranty fund", and the notice of sale of such bonds may include a reference to such guaranty.

Sec. 51. Minnesota Statutes 1982, section 475A.05, subdivision 1, is amended to read:

Subdivision 1. For the purpose of providing money to be loaned to municipalities (FOR THE ACQUISITION) to acquire and (BETTERMENT OF) to better public lands and buildings and other public improvements of a capital nature, when needed to pay the principal of or interest on bonds issued for this purpose, or bonds issued to refund such guaranteed bonds, the municipal bond guaranty loan fund is created as a separate book-keeping account in the general books of account of the state. All proceeds of state bonds credited to this fund, all amounts transferred from the general fund, all guaranty fees received, and all repayments of principal and interest on loans made from the fund are appropriated for construction and other permanent improvement and shall be available until the purposes for which the appropriation was made have been accomplished, except that at any time when the balance on hand in the state municipal bond guaranty fund exceeds ten percent of the principal amount of all then outstanding bonds secured by the fund, the state may reappropriate to the general fund the balance in excess of this amount.

Sec. 52. Minnesota Statutes 1982, section 475A.05, is amended by adding a subdivision to read:

Subd. 1a. [GENERAL FUND APPROPRIATION.] In order to eliminate the need to sell Minnesota state municipal aid bonds, there is annually appropriated from the general fund to the commissioner of finance for transfer to the municipal bond guaranty loan fund the amounts needed to meet the state's obligations under sections 475A.01 to 475A.06, not to exceed a total of \$4,330,000. This subdivision does not prevent the sale of

state municipal aid bonds to the extent that the amount available for transfer from the general fund is not sufficient to meet all the state's obligations under sections 475A.01 to 475A.06.

Sec. 53. Minnesota Statutes 1982, section 475A.06, subdivision 7, is amended to read:

Subd. 7. The commissioner of finance is authorized to sell and issue Minnesota state municipal aid bonds in an aggregate principal amount not to exceed (\$20,000,000) \$4,330,000, the proceeds of which, except as provided in subdivision 1, are appropriated to the state municipal bond guaranty fund for the purpose of providing funds to be loaned to municipalities for the acquisition and betterment of public lands and buildings and other public improvements of a capital nature, when needed to pay the principal of or interest on bonds issued for this purpose or bonds issued to refund such guaranteed bonds, in accordance with the provisions of sections 475A.01 to 475A.06. The bonds shall be sold, issued, and secured as provided in subdivisions 1 to 6 and in Article XI, Section 7 of the Constitution.

Sec. 54. Laws 1983, chapter 344, section 6, subdivision 8, is amended to read:

Subd. 8. (SPLIT ROCK) *Baptism River*
Rest Area

620,000

Sec. 55. [REPEALER.]

Minnesota Statutes 1982, sections 16A.63; 16A.64, as amended by Laws 1983, chapter 301, sections 94 and 95; 16A.65; and 116.16, subdivisions 6 and 7; and Laws 1981, chapter 275; Laws 1981, chapter 334, section 11, subdivision 4; Laws 1982, chapter 639, section 5, are repealed.

Sec. 56. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to capital improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; reducing and canceling certain appropriations; authorizing issuance of state bonds; appropriating money; amending Minnesota Statutes 1982, sections 16.72, subdivision 7; 16A.54; 16A.66, as amended; 16A.671; 16A.675; 85A.04, subdivision 3; 115.03, subdivision 1; 116.16, subdivisions 2, 4, 5, 9, and by adding a subdivision; 116.18, as amended; 136.40, subdivision 6; 475A.03, subdivision 1; 475A.05, subdivision 1, and by adding a subdivision; 475A.06, subdivision 7; Minnesota

Statutes 1983 Supplement, sections 16A.672; 116J.926, subdivision 3; Laws 1983, chapter 344, section 6, subdivision 8; proposing new law coded in Minnesota Statutes, chapter 16A; and repealing Minnesota Statutes 1982, sections 16A.63; 16A.64, as amended by Laws 1983, chapter 301, sections 94 and 95; 16A.65; and 116.16, subdivisions 6 and 7; and Laws 1981, chapter 275; Laws 1981, chapter 334, section 11, subdivision 4; Laws 1982, chapter 639, section 5."

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

House Conferees: DAVID BATTAGLIA, LYNDON R. CARLSON, DICK WELCH, HENRY J. KALIS and DOUGLAS W. CARLSON.

Senate Conferees: GENE WALDORF, RONALD R. DICKLICH, KEITH LANGSETH, CLARENCE M. PURFEERST and GLEN TAYLOR.

Battaglia moved that the report of the Conference Committee on H. F. No. 2314 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2314, A bill for an act relating to capital improvements; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; reducing and canceling certain appropriations; authorizing issuance of state bonds; appropriating money; amending Minnesota Statutes 1982, sections 16.72, subdivision 7; 85A.04, subdivision 3; 475A.03, subdivision 1; 475A.05, subdivision 1, and by adding a subdivision; 475A.06, subdivision 7; and Laws 1983, chapter 344, section 6, subdivision 8; repealing Laws 1981, chapter 275; and chapter 334, section 11, subdivision 4; and Laws 1982, chapter 639, section 5.

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

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

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

There were 112 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Bishop	Clawson	Erickson	Gruenes
Anderson, R.	Brandl	Cohen	Evans	Gustafson
Battaglia	Brinkman	Coleman	Findlay	Gutknecht
Beard	Carlson, D.	Dempsey	Forsythe	Halberg
Begich	Carlson, L.	Eken	Frerichs	Haukoos
Bennett	Clark, J.	Elioff	Graba	Heap
Bergstrom	Clark, K.	Ellingson	Greenfield	Heinitz

Hoffman	Long	Osthoff	Sarna	Tunheim
Hokr	Mann	Otis	Scheid	Uphus
Jacobs	Marsh	Pauly	Schoenfeld	Valan
Jennings	McEachern	Peterson	Schreiber	Vanasek
Jensen	McKasy	Piepho	Segal	Vellenga
Johnson	Metzen	Piper	Shaver	Voss
Kahn	Minne	Price	Shea	Waltman
Kalis	Munger	Quinn	Sherman	Welch
Kelly	Murphy	Redalen	Simoneau	Welle
Knickerbocker	Nelson, D.	Rice	Skoglund	Wenzel
Knuth	Nelson, K.	Riveness	Solberg	Wigley
Kostohryz	Neuenschwander	Rodosovich	Sparby	Wynia
Krueger	O'Connor	Rodriguez, C.	Staten	Speaker Sieben
Kvam	Ogren	Rodriguez, F.	Sviggum	
Larsen	Olsen	Rose	Swanson	
Levi	Omann	St. Onge	Tomlinson	

Those who voted in the negative were:

Blatz	Fjoslien	Norton	Schafer	Valento
Burger	Himle	Quist	Seaberg	Welker
DenOuden	Ludeman	Reif	Thiede	Zaffke
Dimler	McDonald			

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

CALL OF THE HOUSE LIFTED

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

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1516, A bill for an act relating to local government; authorizing the levy of special assessments or service charges for fire protection systems; amending Minnesota Statutes 1982, sections 429.011, by adding a subdivision; 429.021, subdivision 1; 429.031, subdivision 3; 429.091, subdivisions 2 and 3; and 429.101, subdivision 1.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is returned to the House.

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. 1743, A bill for an act relating to occupations and professions; removing an auctioneer's exemption from real estate brokers and salespersons licensing; amending Minnesota Statutes 1983 Supplement, section 82.18.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sparby moved that the House refuse to concur in the Senate amendments to H. F. No. 1743, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 1279, A bill for an act relating to crimes; clarifying the crime of contributing to the delinquency of a minor; providing for the admissibility of certain statements as evidence; expanding the definitions of sexual contact and coercion; increasing the age limit of minor victims protected under criminal sexual conduct offenses; clarifying certain terms; amending Minnesota Statutes 1982, sections 595.02; 609.341, subdivisions 11 and 14; 609.346; 609.347, subdivision 3; 609.364, subdivision 9; and 626.556, subdivision 8; Minnesota Statutes 1983 Supplement, sections 260.315; 609.342; and 609.343; proposing new law coded in Minnesota Statutes, chapter 260.

PATRICK E. FLAHAVEN, Secretary of the Senate

Levi moved that the House refuse to concur in the Senate amendments to H. F. No. 1279, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in

which amendment the concurrence of the House is respectfully requested:

H. F. No. 1347, A bill for an act relating to crimes; prohibiting the concealing, obtaining, or retaining of a child in violation of the parental, custodial, or visitation rights of another; imposing penalties; providing for notification in custody or visitation orders of the child abduction laws; requiring violations of the child abduction law to be reported under the child abuse reporting law; amending Minnesota Statutes 1982, section 609.26; proposing new law coded in Minnesota Statutes, chapter 518.

PATRICK E. FLAHAVEN, Secretary of the Senate

Segal moved that the House refuse to concur in the Senate amendments to H. F. No. 1347, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1279:

Levi, Vanasek and Clark, J.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1743:

Sparby, Sarna and Heinitz.

MOTION FOR RECONSIDERATION

Eken moved that the vote whereby H. F. No. 1315 was not passed on Monday, April 16, 1984, be now reconsidered. The motion prevailed.

H. F. No. 1315 was reported to the House.

H. F. No. 1315, A bill for an act relating to bicycles; allowing bicycle registrants to donate in excess of the registration fee to pay for costs of administering and publicizing the bicycle registration program and for developing bicycle education programs and recreational facilities and trails; increasing the bicycle registration fee; providing criteria for fund allocation to political subdivisions; providing for reports to the legislature; providing for appointment of deputy registrars of bicycles; continu-

ing the bicycle study review commission as the advisory committee on bicycling; appropriating money; amending Minnesota Statutes 1982, sections 168C.04; 168C.11; Laws 1976, chapter 199, section 14, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 90 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dempsey	Larsen	Piepho	Solberg
Battaglia	Ellingson	Levi	Piper	Sparby
Beard	Evans	Long	Price	Staten
Begich	Forsythe	Mann	Quist	Swanson
Bennett	Greenfield	McKasy	Redalen	Tomlinson
Bergstrom	Gustafson	Metzen	Reif	Tunheim
Bishop	Gutknecht	Munger	Rice	Uphus
Blatz	Halberg	Murphy	Rodosovich	Valan
Boo	Heap	Nelson, D.	Rodriguez, C.	Valento
Brandl	Heinitz	Nelson, K.	Rodriguez, F.	Vanasek
Burger	Himle	Neuenschwander	Rose	Vellenga
Carlson, D.	Hoffman	Norton	Scheid	Voss
Carlson, L.	Jacobs	Ogren	Schoenfeld	Waltman
Clark, J.	Jensen	Olsen	Schreiber	Welch
Clark, K.	Johnson	Omann	Seaberg	Welle
Clawson	Knickerbocker	Otis	Segal	Wenzel
Cohen	Knuth	Pauly	Simoneau	Wynia
Coleman	Kostohryz	Peterson	Skoglund	Speaker Sieben

Those who voted in the negative were:

DenOuden	Graba	Krueger	O'Connor	Sviggum
Dimler	Gruenes	Kvam	Osthoff	Thiede
Elioff	Jennings	Ludeman	Sarna	Welker
Findlay	Kalis	McEachern	Schafer	Wigley
Fjoslien	Kelly	Minne	Sherman	Zaffke
Frerichs				

The bill was passed and its title agreed to.

SPECIAL ORDERS, Continued

H. F. No. 2099 which was temporarily laid over earlier today was again reported to the House.

Schoenfeld moved to amend H. F. No. 2099, the first engrossment, as follows:

Page 2, delete all of line 6 and insert:

"(1) The difference between the limit of underinsured motorist coverage and the amount paid to the insured by or for

any person or organization who may be held legally liable for the bodily injury; or"

The motion prevailed and the amendment was adopted.

H. F. No. 2099, A bill for an act relating to insurance; no-fault auto; providing uninsured and underinsured motorist coverages; defining terms; amending Minnesota Statutes 1982, sections 65B.43, by adding subdivisions; and 65B.49, subdivision 4.

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

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bishop

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

MESSAGES FROM THE SENATE, Continued

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in

which amendment the concurrence of the House is respectfully requested:

H. F. No. 1427, A bill for an act relating to retirement; altering the investment authority for police and firefighter's relief associations; making various changes in the benefits for various retirement funds and plans; making conforming changes in benefit calculations; amending Minnesota Statutes 1982, sections 3.082; 69.775; 352.113, subdivision 3; 352.95, subdivision 1a; 353.34, by adding a subdivision; 354.62, subdivision 2; 422A.18, subdivision 3; 424.24, subdivision 2; and 490.129; Minnesota Statutes 1983 Supplement, sections 69.77, subdivision 2; 352.113, subdivision 2; 352.115, subdivision 8; and 356.61; Laws 1947, chapter 43, section 23, as amended; Laws 1963, chapter 643, section 20; Laws 1973, chapters 359, section 5, subdivision 2; and 432, section 4; Laws 1977, chapter 275, section 1; and Laws 1981, chapter 68, section 43; proposing new law coded in Minnesota Statutes, chapter 423A; repealing Laws 1971, chapter 184; Laws 1973, chapter 283; Laws 1978, chapter 617; Laws 1981, chapter 224, sections 255 and 256; Laws 1982, chapter 578, article II, section 1, subdivision 7, and section 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sarna moved that the House refuse to concur in the Senate amendments to H. F. No. 1427, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 1621, A bill for an act relating to veterans; allowing certain veterans organizations to use space in the Veterans Service Building; amending Minnesota Statutes 1982, section 197.58.

PATRICK E. FLAHAVEN, Secretary of the Senate

Metzen moved that the House refuse to concur in the Senate amendments to H. F. No. 1621, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 432, A bill for an act relating to soil and water conservation; prohibiting in certain counties practices which cause accelerated erosion or sedimentation; prescribing penalties; proposing new law coded in Minnesota Statutes, chapter 40.

PATRICK E. FLAHAVEN, Secretary of the Senate

Redalen moved that the House refuse to concur in the Senate amendments to H. F. No. 432, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 756, A bill for an act relating to notaries public; changing the term of office; increasing the required bond amount; authorizing appointment of out-of-state notaries; requiring designation of the clerk of district court of the county in which appointment is sought as agent for out-of-state notaries; amending Minnesota Statutes 1982, sections 359.01; and 359.02.

PATRICK E. FLAHAVEN, Secretary of the Senate

Norton moved that the House refuse to concur in the Senate amendments to H. F. No. 756, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1427:

Sarna, Metzen and Wigley.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1621:

Metzen, Quinn and Redalen.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 432:

Redalen, Schreiber and Knuth.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 756:

Norton, McKasy and Coleman.

Anderson, B., was excused between the hours of 7:30 p.m. and 10:45 p.m.

SPECIAL ORDERS, Continued

H. F. No. 1577 which was temporarily laid over earlier today was again reported to the House.

The Speaker called Wynia to the Chair.

Reif was excused while in conference committee.

EXCUSED FROM VOTING

Pursuant to rule 2.5, Knuth requested that he be excused from voting on H. F. No. 1577 and all amendments offered to H. F. No. 1577. The request was granted.

Carlson, D., moved to amend H. F. No. 1577, the third engrossment, as follows:

Page 2, after line 25, insert:

"Sec. 3. [115A.075] [LEGISLATIVE POLICY AGAINST DISPOSAL OF HAZARDOUS WASTE.]

The legislature finds that hazardous waste must be managed in a manner that protects the health, safety, and welfare of the citizens of the state and protects and conserves the state's natural resources and environment; that reduction of the amount of waste generated and processing, treatment, separation and resource recovery are the preferred methods to manage hazardous waste; and that disposal of hazardous waste should be used only as a last resort when all other management methods are ineffective, and then only if an environmentally suitable site can be identified in the state.

The board, in its planning, site selection, facility approval, and other activities related to hazardous waste shall give first priority to eliminating the generation of hazardous waste and elimi-

nating or reducing the hazardous character of the waste generated in the state through processing, treatment, separation, and resource recovery.

The board may not select a site or approve any facilities for the disposal of hazardous waste until the board:

(a) completes its estimate of the need for disposal facilities and adjusts that estimate based upon the most current information on the development of processing, treatment, separation, and resource recovery facilities in the state, and the availability of disposal capacity outside of the state;

(b) completes its analysis of whether a disposal facility is economically feasible; and

(c) determines and certifies that a disposal facility is needed and should be developed in the state.

If the board selects a site and approves a facility for the disposal of hazardous waste, the board may not proceed with a permit application for the facility until 180 days after the board submits the reports required by section 29."

Page 17, delete lines 6 to 20

Page 27, after line 22, insert:

"Sec. 29. [115A.281] [HAZARDOUS WASTE; FACILITY DEVELOPMENT.]

Notwithstanding any other law to the contrary, after making the decisions required by section 115A.28 the waste management board shall suspend all activity under sections 115A.18 to 115A.30 relating to the selection and evaluation of locations for hazardous waste disposal and shall not make a decision under section 115A.291, until the report on the status of processing facilities required in this section and a full report on the board's decisions under section 115A.28 have been submitted to the legislature. The reports must be submitted no later than the February 1 following the decisions under section 115A.28. After June 1, 1985, and before December 1, 1985, the waste management board shall prepare a status report on hazardous waste processing facilities indicating the amount and type of hazardous waste treatment residual and untreated material that is expected to require disposal."

Renumber sections in sequence

Correct cross references

Page 27, line 31, delete "*decisions*" and insert "*reports*"

Page 27, line 31, strike "115A.28" and insert "*section 29*"

Amend the title accordingly

A roll call was requested and properly seconded.

Sparby and Tunheim moved to amend the Carlson, D., amendment to H. F. No. 1577, the third engrossment, as follows:

Page 2, line 13, before the period, insert "*and the legislature has acted affirmatively to allow the board to proceed under section 115A.291.*"

Page 2, line 22, delete "*reports*" and insert "*affirmative action by the legislature*"

Further amend H. F. No. 1577, the third engrossment, as follows:

Page 27, line 30, strike "its"

The motion prevailed and the amendment to the amendment was adopted.

CALL OF THE HOUSE

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

Anderson, G.	Dimler	Krueger	Ogren	Shea
Battaglia	Elioff	Kvam	Olsen	Sherman
Beard	Evans	Larsen	Omnn	Skoglund
Begich	Findlay	Levi	Omnn	Solberg
Bennett	Fjoslien	Long	Piepho	Sparby
Bergstrom	Forsythe	Ludeman	Piper	Sviggum
Blatz	Graba	Mann	Price	Swanson
Boo	Gustafson	Marsh	Quist	Thiede
Brandl	Gutknecht	McDonald	Riveness	Tunheim
Brinkman	Halberg	McEachern	Rodosovich	Valan
Burger	Heap	McKasy	Rodriguez, C.	Valento
Carlson, D.	Himle	Metzen	Rodriguez, F.	Vanasek
Carlson, L.	Hoffman	Minne	Rose	Voss
Clark, J.	Jacobs	Munger	Sarna	Waltman
Clark, K.	Jennings	Murphy	Schafer	Welker
Clawson	Jensen	Nelson, D.	Schoenfeld	Welle
Cohen	Johnson	Nelson, K.	Schreiber	Wenzel
Coleman	Kalis	Neuenschwander	Seaberg	Zaffke
Dempsey	Knickerbocker	Norton	Segal	Speaker Sieben
DenOuden	Kostohryz	O'Connor	Shaver	

Carlson, D., 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 Carlson, D., amendment, as amended, and the roll was called.

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

There were 67 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Beard	Evans	Kahn	Onnen	Sherman
Bennett	Findlay	Kalis	Osthoff	Skoglund
Blatz	Forsythe	Knickerbocker	Otis	Sparby
Boo	Frerichs	Kostohryz	Piepho	Staten
Brandl	Greenfield	Larsen	Piper	Sviggum
Burger	Gruenes	Long	Redalen	Swanson
Carlson, D.	Gutknecht	Mann	Rodriguez, C.	Valan
Carlson, L.	Heap	Marsh	Rodriguez, F.	Vellenga
Clark, J.	Heinitz	McKasy	Rose	Waltman
Clark, K.	Himle	Metzen	Sarna	Wynia
Clawson	Hoffman	Murphy	Scheid	Speaker Sieben
Cohen	Hokr	Nelson, D.	Seaberg	
Ellingson	Jensen	Nelson, K.	Segal	
Erickson	Johnson	Olsen	Shaver	

Those who voted in the negative were:

Anderson, G.	Fjoslien	Neuenschwander	Rodosovich	Valento
Battaglia	Halberg	Norton	St. Onge	Vanasek
Begich	Haukoos	O'Connor	Schafer	Voss
Bergstrom	Jennings	Ogren	Schoenfeld	Welch
Bishop	Krueger	Omann	Schreiber	Welker
Brinkman	Kvam	Peterson	Shea	Wenzel
Dempsey	Levi	Price	Solberg	Zaffke
DenOuden	Ludeman	Quinn	Thiede	
Dimler	McDonald	Quist	Tunheim	
Elioff	Minne	Reif	Uphus	

The motion prevailed and the amendment, as amended, was adopted.

McDonald moved to amend H. F. No. 1577, the third engrossment, as amended, as follows:

Page 28, line 21, after "conditions." insert "*No site shall be permitted for land disposal if the proposed facility is to be located within five miles of any commercial processor or producer of food for human or animal consumption, unless that processor or producer draws water from a source other than an aquifer underlying the proposed facility.*"

A roll call was requested and properly seconded.

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

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

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

There were 70 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Johnson	Onnen	Solberg
Battaglia	Erickson	Kalis	Peterson	Sviggum
Beard	Findlay	Knickerbocker	Piepho	Thiede
Begich	Fjoslien	Kostohryz	Price	Uphus
Bennett	Frerichs	Krueger	Quinn	Valan
Bergstrom	Gutknecht	Kvam	Quist	Valento
Bishop	Halberg	Levi	Reif	Vanasek
Blatz	Haukoos	Ludeman	Rodosovich	Voss
Boo	Heap	Marsh	Rodriguez, C.	Waltman
Brinkman	Heinitz	McDonald	Rose	Weich
Clawson	Himle	Neuenschwander	St. Onge	Welker
Dempsey	Hoffman	O'Connor	Schafer	Wenzel
DenOuden	Hokr	Ogren	Schoenfeld	Wigley
Dimler	Jennings	Omann	Sherman	Zaffke

Those who voted in the negative were:

Brandl	Forsythe	Mann	Osthoff	Shaver
Burger	Graba	McKasy	Otis	Skoglund
Carlson, D.	Greenfield	Metzen	Pauly	Sparby
Carlson, L.	Gruenes	Minne	Piper	Swanson
Clark, J.	Gustafson	Munger	Rodriguez, F.	Tunheim
Clark, K.	Jacobs	Murphy	Sarna	Vellenga
Cohen	Jensen	Nelson, D.	Scheid	Welle
Coleman	Kahn	Nelson, K.	Schreiber	Wynia
Elioff	Larsen	Norton	Seaberg	Speaker Sieben
Evans	Long	Olsen	Segal	

The motion prevailed and the amendment was adopted.

McDonald offered an amendment to H. F. No. 1577, the third engrossment, as amended.

POINT OF ORDER

Brandl raised a point of order pursuant to rule 3.10 that the amendment was not in order. The Speaker Pro tem Wynia ruled the point of order well taken and the amendment out of order.

Metzen, Price, Segal, Pauly, Long, Burger, Rose, McKasy, Olsen and Nelson, D., moved to amend H. F. No. 1577, the third engrossment, as amended, as follows:

Page 54, after line 25, insert:

"Subd. 2. [WATER SUPPLY MONITORING.] Up to ten percent of the money in the fund may be appropriated to the

commissioner of health for water supply monitoring. The commissioner shall monitor the quality of water in public water supply wells in the metropolitan area that may be affected by their location in relation to a facility for mixed municipal solid waste. Testing under this subdivision must be for substances not funded under the Federal Safe Drinking Water Act."

Renumber subdivisions and correct internal references

The motion prevailed and the amendment was adopted.

Nelson, D., moved to amend H. F. No. 1577, the third engrossment, as amended, as follows:

Page 8, line 28, after the period insert "To qualify for payments under this section a city must implement a city-wide program for separating and collecting recyclable material that is consistent with the applicable county master plan."

A roll call was requested and properly seconded.

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

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

There were 54 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Battaglia	Coleman	Metzen	Osthoff	Sparby
Beard	Ellingson	Minne	Otis	Staten
Begich	Greenfield	Munger	Peterson	Swanson
Bergstrom	Hoffman	Murphy	Piper	Tomlinson
Brandl	Jacobs	Nelson, D.	Price	Tunheim
Burger	Jensen	Nelson, K.	Quinn	Vellenga
Carlson, L.	Kahn	Neuenschwander	Rodriguez, C.	Welch
Clark, J.	Kostohryz	Norton	Rodriguez, F.	Welle
Clark, K.	Larsen	Olsen	Scheid	Wynia
Clawson	Long	Omänn	Simoneau	Speaker Sieben
Cohen	Marsh	Onnen	Skoglund	

Those who voted in the negative were:

Anderson, G.	Elioff	Gutknecht	Krueger	Quist
Bennett	Erickson	Halberg	Kvam	Reif
Bishop	Evans	Haukoos	Levi	Rodosovich
Blatz	Findlay	Heap	Ludeman	Rose
Brinkman	Fjoslien	Heinitz	Mann	Schafer
Carlson, D.	Forsythe	Himle	McDonald	Schoenfeld
Dempsey	Frerichs	Jennings	McKasy	Schreiber
DenOuden	Graba	Johnson	Pauly	Seaberg
Dimler	Grüenes	Knickerbocker	Piepho	Segal

Shaver
Shea
Sherman

Solberg
Sviggum
Thiede

Uphus
Valan
Valento

Waltman
Welker
Wenzel

Wigley
Zaffke

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

Voss moved to amend H. F. No. 1577, the third engrossment, as amended, as amended by the Carlson, D., amendment, as follows:

Page 2, of the Carlson, D., amendment, line 10, after "115A.-291," insert *"except that the reduction in number of sites provided for in section 115A.21, subdivision 1 may be effected,"*

The motion prevailed and the amendment was adopted.

Forsythe moved to amend H. F. No. 1577, the third engrossment, as amended, as follows:

Page 8, delete lines 19 to 28

Renumber the sections

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

The question was taken on the amendment and the roll was called. There 67 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Knickerbocker	Piepho	Swanson
Bennett	Forsythe	Kostohryz	Quist	Thiede
Bishop	Frerichs	Krueger	Reif	Uphus
Blatz	Graba	Kvam	Rodosovich	Valan
Brinkman	Gutknecht	Levi	Rose	Valento
Burger	Halberg	Ludeman	St. Onge	Vanasek
Carlson, D.	Haukoos	Mann	Schafer	Voss
Clawson	Heap	Marsh	Schoenfeld	Waltman
Dempsey	Heinitz	McKasy	Schreiber	Welker
DenOuden	Himle	Ogren	Seaberg	Wenzel
Dimler	Hokr	Omann	Shaver	Wigley
Elioff	Jennings	Onnen	Shea	
Erickson	Jensen	Pauly	Sherman	
Findlay	Johnson	Peterson	Sviggum	

Those who voted in the negative were:

Battaglia	Brandl	Cohen	Ellingson	Gustafson
Beard	Carlson, L.	Coleman	Greenfield	Hoffman
Begich	Clark, J.	Eken	Gruenes	Jacobs

Kahn	Nelson, D.	Otis	Segal	Tunheim
Kalis	Nelson, K.	Piper	Simoneau	Vellenga
Larsen	Neuenschwander	Price	Skoglund	Wynia
Long	Norton	Rice	Solberg	Speaker Sieben
Minne	O'Connor	Rodriguez, C.	Sparby	
Munger	Olsen	Rodriguez, F.	Staten	
Murphy	Osthoff	Scheid	Tomlinson	

The motion prevailed and the amendment was adopted.

Sparby moved to amend H. F. No. 1577, the third engrossment, as amended, as follows:

Page 25, line 9, after "on" insert *"intrinsic suitability and"*

Page 25, line 12, after "information" insert *"and the inherent and natural attributes, physical features, and location of the site, the likelihood that the proposed facility would result in material harm to the public health, safety, and natural resources"*

The motion prevailed and the amendment was adopted.

Valan moved to amend H. F. No. 1577, the third engrossment, as amended, as follows:

Page 2, after line 2, insert:

"Section 1. Minnesota Statutes 1982, section 115A.03, subdivision 15, is amended to read:

Subd. 15. "Intrinsic suitability" of a land area or site means that, based on existing data on the inherent and natural attributes, physical features, and location of the land area or site, there is no known reason why the waste facility proposed to be located in the area or site cannot reasonably be expected to qualify for permits in accordance with agency rules. Agency certification of intrinsic suitability shall be based on data submitted to the agency by the proposing entity and data included by the hearing examiner in the record of any public hearing on recommended certification, and applied against criteria in agency rules and any additional criteria developed by the agency in effect at the time the proposing entity submits the site for certification.

In the event that all candidate sites selected by the board before the effective date of this section are eliminated from further consideration and a new search for candidate sites is commenced, "intrinsic suitability" of a land area or site shall mean that, because of the inherent and natural attributes, physical features, and location of the land area or site, the waste facility proposed to be located in the area or site would not be likely to result in material harm to the public health and safety and natural re-

sources and that therefore the proposed facility can reasonably be expected to qualify for permits in accordance with agency rules."

Renumber the sections

Correct cross references

Amend the title as follows:

Page 1, line 22, delete "subdivision" and insert "subdivisions 15 and"

The motion prevailed and the amendment was adopted.

Schreiber moved to amend H. F. No. 1577, the third engrossment, as amended, as follows:

Page 48, line 14, after "*committee*" insert "*, not to exceed 15 members,*"

Pages 50 to 57, delete sections 63 to 70

Page 57, delete lines 21 to 33

Renumber the 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.

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

There were 41 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Bennett	Gutknecht	Knickerbocker	Schafer	Waltman
Blatz	Haukoos	Kvam	Schreiber	Welker
Brinkman	Heap	Levi	Sherman	Wenzel
Dempsey	Heinitz	Ludeman	Skoglund	Wigley
DenOuden	Himle	Omann	Thiede	Zaffke
Erickson	Hokr	Pauly	Uphus	
Findlay	Jennings	Piepho	Valan	
Fjoslien	Johnson	Quist	Valento	
Frerichs	Kalis	Reif	Vanasek	

Those who voted in the negative were:

Battaglia	Forsythe	McKasy	Price	Sparby
Beard	Graba	Metzen	Quinn	Staten
Begich	Greenfield	Minne	Riveness	Swanson
Bergstrom	Gruenes	Munger	Rodosovich	Tomlinson
Bishop	Gustafson	Murphy	Rodriguez, C.	Tunheim
Brandl	Halberg	Nelson, D.	Rodriguez, F.	Vellenga
Burger	Hoffman	Neuenschwander	Rose	Voss
Carlson, D.	Jacobs	Norton	St. Onge	Welch
Carlson, L.	Kahn	O'Connor	Sarna	Welle
Clark, J.	Kelly	Ogren	Scheid	Wynia
Clark, K.	Kostohryz	Onnen	Schoenfeld	Speaker Sieben
Coleman	Krueger	Osthoff	Shaver	
Elioff	Larsen	Otis	Shea	
Ellingson	Long	Peterson	Simoneau	
Evans	Marsh	Piper	Solberg	

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

Ogren moved to amend H. F. No. 1577, the third engrossment, as amended, as follows:

Page 17, line 29, after "waste" insert "*provided that none of the selected candidate sites are located over any potable water supply. Candidate sites not meeting that criterion must be eliminated from the inventory within 30 days of the effective date of this act*"

A roll call was requested and properly seconded.

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

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

There were 79 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Kostohryz	Price	Sparby
Battaglia	Findlay	Krueger	Quinn	Staten
Beard	Fjoslien	Kvam	Quist	Sviggum
Begich	Frerichs	Ludeman	Redalen	Thiede
Bennett	Graba	Mann	Reif	Tunheim
Bergstrom	Gutknecht	McDonald	Riveness	Uphus
Bishop	Haukoos	McKasy	Rodosovich	Valan
Brinkman	Heap	Metzen	Rodriguez, C.	Valento
Carlson, D.	Heinitz	Munger	Rose	Vanasek
Clark, K.	Hoffman	Murphy	St. Onge	Voss
Cohen	Hokr	Nelson, K.	Sarna	Waltman
Dempsey	Jacobs	O'Connor	Schafer	Welker
DenOuden	Jennings	Ogren	Schoenfeld	Wenzel
Dimler	Jensen	Omamn	Segal	Wigley
Elioff	Johnson	Peterson	Shea	Zaffke
Ellingson	Kalis	Piepho	Sherman	

Those who voted in the negative were:

Brandl	Himle	Nelson, D.	Scheid	Swanson
Burger	Knickerbocker	Olsen	Schreiber	Tomlinson
Carlson, L.	Larsen	Onnen	Seaberg	Vellenga
Coleman	Levi	Pauly	Shaver	Welle
Gruenes	Long	Piper	Simoneau	Speaker Sieben
Halberg	Marsh	Rodriguez, F.	Skoglund	

The motion prevailed and the amendment was adopted.

Long moved to amend H. F. No. 1577, the third engrossment, as amended, as follows:

Page 37, delete line 23

Page 37, line 24, delete "*retaining a permit to operate the facility.*"

The motion prevailed and the amendment was adopted.

Wenzel and McDonald moved to amend H. F. No. 1577, the third engrossment, as amended, as follows:

Page 17, line 8, after the word "*action.*" insert "*The Minnesota Waste Management Board shall not choose a site for a hazardous waste disposal facility that is below ground.*"

A roll call was requested and properly seconded.

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

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

There were 32 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Findlay	McDonald	St. Onge	Voss
Begich	Fjoslien	Minne	Schoenfeld	Welker
Bergstrom	Gustafson	Ogren	Solberg	Wenzel
DenOuden	Jennings	Omann	Sviggunn	Zaffke
Dimler	Jensen	Peterson	Valan	
Elioff	Johnson	Price	Valento	
Ellingson	Ludeman	Rodosovich	Vanasek	

Those who voted in the negative were:

Beard	Brinkman	Clark, K.	Erickson	Greenfield
Bennett	Burger	Cohen	Evans	Gruenes
Blatz	Carlson, D.	Coleman	Forsythe	Gutknecht
Boo	Carlson, L.	Dempsey	Frerichs	Haukoos
Brandl	Clark, J.	Eken	Graba	Heap

Heinitz	Larsen	Onnen	Rose	Swanson
Himle	Mann	Otis	Schafer	Thiede
Hoffman	Marsh	Pauly	Scheid	Tomlinson
Hokr	McKasy	Piepho	Schreiber	Tunheim
Jacobs	Metzen	Piper	Seaberg	Uphus
Kahn	Munger	Quinn	Segal	Vellenga
Kalis	Murphy	Quist	Shaver	Waltman
Kelly	Nelson, D.	Redalen	Shea	Welch
Knickerbocker	Nelson, K.	Reif	Simoneau	Welle
Kostohryz	Norton	Riveness	Skoglund	Wigley
Krueger	O'Connor	Rodriguez, C.	Sparby	Wynia
Kvam	Olsen	Rodriguez, F.	Staten	Speaker Sieben

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

Fjoslien moved to amend H. F. No. 1577, the third engrossment, as amended, as follows:

Page 39, lines 28 to 36, delete section 47 from the bill

Renumber subsequent sections

Amend the title as follows:

Page 1, line 28, delete “, and by adding a subdivision”

The motion prevailed and the amendment was adopted.

Thiede and Sviggum offered an amendment to H. F. No. 1577, the third engrossment, as amended.

POINT OF ORDER

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

Welker moved to amend H. F. No. 1577, the third engrossment, as amended, as follows:

Page 2, after line 25, insert a section to read:

“Sec. 3. Notwithstanding the provisions of Minnesota Statutes 1982, section 115A.06, subdivision 4, the Minnesota Waste Management Board may not direct the commissioner of Administration to acquire, by condemnation or eminent domain, any interest in real estate for the purpose of establishing a land disposal site for hazardous waste, unless the legislature shall first ratify the commissioner’s use of condemnation proceedings for the acquisition of specified property.”

A roll call was requested and properly seconded.

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

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

There were 26 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Bishop	Findlay	Jensen	Quist	Valento
Boo	Fjoslien	Johnson	Schafer	Vanasek
Dempsey	Frerichs	Ludeman	Sviggum	Voss
DenOuden	Gutknecht	Marsh	Thiede	Waltman
Dimler	Jennings	McDonald	Uphus	Welker
Erickson				

Those who voted in the negative were:

Anderson, B.	Ellingson	Larsen	Otis	Sherman
Battaglia	Forsythe	Long	Pauly	Skoglund
Beard	Graba	Mann	Peterson	Solberg
Begich	Greenfield	McEachern	Piper	Sparby
Bennett	Gruenes	Metzen	Price	Swanson
Bergstrom	Gustafson	Minne	Quinn	Tomlinson
Blatz	Haukoos	Munger	Riveness	Tunheim
Brandl	Heap	Murphy	Rodosovich	Vellenga
Brinkman	Himle	Nelson, D.	Rodriguez, C.	Welch
Burger	Hoffman	Nelson, K.	Rodriguez, F.	Welle
Carlson, D.	Hokr	Neuenschwander	St. Onge	Wenzel
Carlson, L.	Jacobs	Norton	Scheid	Wynia
Clark, J.	Kahn	O'Connor	Schoenfeld	Zaffke
Clark, K.	Kalis	Ogren	Schreiber	Speaker Sieben
Cohen	Kelly	Olsen	Seaberg	
Coleman	Knickerbocker	Omann	Segal	
Eken	Kostohryz	Onnen	Shaver	
Elioff	Krueger	Osthoff	Shea	

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

MOTION FOR RECONSIDERATION

Kalis moved that the vote whereby the Carlson, D., amendment to H. F. No. 1577, the third engrossment, as amended, was adopted earlier today be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the Kalis motion and the roll was called.

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

There were 50 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Fjoslien	McEachern	Price	Solberg
Anderson, G.	Graba	Metzen	Quinn	Thiede
Battaglia	Jennings	Minne	Quist	Tunheim
Begich	Jensen	Munger	Riveness	Valento
Bergstrom	Kalis	Neuenschwander	Rodosovich	Vanasek
Bishop	Kostohryz	Norton	Rose	Voss
Brinkman	Krueger	O'Connor	St.onge	Welch
Clawson	Ludeman	Ogren	Schoenfeld	Welker
DenOuden	Mann	Peterson	Schreiber	Wenzel
Dimler	McDonald	Piper	Shea	Zaffke

Those who voted in the negative were:

Beard	Ellingson	Jacobs	Onnen	Skoglund
Bennett	Erickson	Johnson	Osthoff	Sparby
Blatz	Findlay	Kahn	Otis	Staten
Boo	Frerichs	Kelly	Pauly	Sviggum
Brandl	Greenfield	Knickerbocker	Piepho	Swanson
Burger	Gruenes	Larsen	Redalen	Tomlinson
Carlson, D.	Gustafson	Levi	Reif	Uphus
Carlson, L.	Gutknecht	Long	Rodriguez, C.	Valan
Clark, J.	Halberg	Marsh	Rodriguez, F.	Vellenga
Clark, K.	Haukoos	McKasy	Schafer	Waltman
Cohen	Heap	Murphy	Scheid	Welle
Coleman	Heinitz	Nelson, D.	Seaberg	Wigley
Dempsey	Himle	Nelson, K.	Segal	Wynia
Eken	Hoffman	Olsen	Shaver	
Elioff	Hokr	Omann	Sherman	

The motion did not prevail.

H. F. No. 1577, A bill for an act relating to solid and hazardous waste management; amending various provisions of the waste management act; prescribing various powers and duties of the waste management board and the pollution control agency relating to hazardous waste management planning and the development of hazardous waste facilities; establishing programs for public education, technical and research assistance to generators, and grants for hazardous waste reduction and processing and collection facilities; requiring requests for proposals for hazardous waste processing and collection facilities; authorizing hazardous waste processing facility loans; prescribing procedures for the designation of solid waste facilities by counties and waste management districts; reducing the number of proposed sites in certain metropolitan counties for mixed municipal solid waste disposal facilities; amending various provisions relating to county and metropolitan solid waste management; appropriating money; amending Minnesota Statutes 1982, sections 115A.03, subdivisions 15 and 28; 115A.06, by adding a subdivision; 115A.08, by adding a subdivision; 115A.09, by adding a subdivision; 115A.11; 115A.18; 115A.24; 115A.241; 115A.46, subdivisions 1 and 2; 115A.70, by adding a subdivision; 116.07, by adding subdivisions; 116J.88, by adding a subdivision; 400.04, subdivision 3; 400.162; 473.181, subdivision 4; 473.801, subdivisions 1 and 4; 473.803, subdivisions 2, 3, and by adding a subdivision; 473.811, subdivision 10; 473.833, subdivision 4; Minnesota Stat-

utes 1983 Supplement, sections 115A.08, subdivision 5; 115A.21, subdivision 1, and by adding a subdivision; 115A.22, subdivisions 1 and 4; 115A.241; 115A.25, subdivisions 1, 1a, and 1b; 115A.26; 115A.27, subdivision 2; 115A.28, subdivision 1; 115A.291; 115B.-22, subdivision 1; 116J.90, by adding a subdivision; 473.149, subdivisions 2d and 2e; 473.803, subdivisions 1a and 1b; and 473.823, subdivision 6; proposing new law coded in Minnesota Statutes, chapters 115A and 473; repealing Minnesota Statutes 1982, sections 115A.071; 115A.46, subdivision 3; 115A.70, subdivisions 1, 2, 4, 5, and 6; 473.827; and Minnesota Statutes 1983 Supplement, section 115A.70, subdivisions 3 and 7.

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

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

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

There were 125 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Knickerbocker Skoglund

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

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1393

A bill for an act relating to education; providing for aids to education, tax levies, and the distribution of tax revenues; modifying the foundation aid formula; granting certain powers and duties to school boards, school districts, the state board of education, the commissioner of education, the department of education, the state board of vocational-technical education, the state director of vocational-technical education, the higher education coordinating board, and others; providing for an equalized summer school aid and levy; increasing the community education aid and levy; modifying the vocational instructional aid payment formula; establishing a schools of excellence program; requiring an arts education study; expanding in-service and instructional effectiveness training programs; improving the planning, evaluation, and reporting process; establishing assessment programs; establishing a research and development grant program; appropriating money; amending Minnesota Statutes 1982, sections 121.908, by adding a subdivision; 121.935, subdivisions 2 and 6; 121.936, subdivision 1; 122.532, by adding a subdivision; 123.36, subdivision 10; 123.74; 123.741, as amended; 123.742, as amended; 124.19, by adding a subdivision; 124.20; 124.201, subdivision 1; 124.214, subdivision 1; 124.565, subdivision 7; 136A.02, subdivision 6; 275.125, by adding subdivisions; 465.721; 471.61, subdivisions 1 and 2a; Minnesota Statutes 1983 Supplement, sections 120.17, subdivision 3b; 121.601; 121.608; 121.609; 121.904, subdivision 4a; 123.36, subdivision 13; 123.743; 124.155, subdivision 1; 124.195, subdivisions 1, 9, and 10; 124.201, subdivisions 2, 4, and 5; 124.2122; 124.2126, subdivision 3; 124.2138; 124.271, subdivision 2b; 124.5615, subdivision 5; 124.5629; 124A.06, subdivision 1; 124A.12, subdivision 1; 124A.14, subdivision 1; 124A.16, subdivision 4; 125.032, subdivision 2; 129B.32, subdivision 3; 129B.36, by adding a subdivision; 136C.04, by adding a subdivision; 275.125, subdivisions 2e, 2k, 8, 8a, 9b, 11a, and 11c; 298.28, subdivision 1; 466.06; 475.61, subdivision 3; Laws 1976, chapter 20, section 5, subdivision 1; Laws 1983, chapter 314, article 6, section 34, subdivision 12; article 7, section 45; article 8, section 23; and article 9, section 14, subdivision 3; proposing new law coded in Minnesota Statutes, chapters 121, 123, 124, and 136C; repealing Minnesota Statutes 1982, sections 124.201, as amended; 124.32, subdivisions 1a, 1e, and 2a; 125.60, subdivision 2a; and 275.125, subdivision 2g; and Minnesota Statutes 1983 Supplement, sections 124.32, subdivision 5a; and 275.125, subdivisions 2i and 2j.

April 18, 1984

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1393, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1393 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

FOUNDATION AID

Section 1. [124.175] [AFDC PUPIL COUNT.]

Each year by March 1, the department of public welfare shall certify to the department of education, for each school district, the number of pupils from families receiving aid to families with dependent children who were enrolled in a public school on October 1 of the preceding year.

Sec. 2. Minnesota Statutes 1982, section 124.19, is amended by adding a subdivision to read:

Subd. 6. [INSTRUCTIONAL HOURS.] To be eligible for full entitlement of foundation aid, a district must provide to students the minimum number of instructional hours per day prescribed in the rules of the state board, except as provided for in subdivision 5 of this section. Part of the school day may be provided in employment-related or community-based instruction, but only within a program which receives annual approval by the local district board, is in compliance with state board rules, and is on file with the commissioner of education. The information on the employment-related or community-based instruction submitted to the commissioner shall contain at least an estimate of the number of students involved, a description of the alternative instruction, and the percentage of the students' instructional year involved.

Sec. 3. Minnesota Statutes 1983 Supplement, section 124.2122, subdivision 1, is amended to read:

Subdivision 1. [FORMULA ALLOWANCE.] "Foundation aid formula allowance" or "formula allowance" means the amount of revenue per pupil unit used in the computation of foundation aid for a particular school year and in the computation of permissible levies for use in that school year. (THE FORMULA ALLOWANCE SHALL BE \$1,346 FOR 1981 PAYABLE 1982 LEVIES AND FOR FOUNDATION AID FOR THE 1982-1983 SCHOOL YEAR.) The formula allowance shall be \$1,475 for the 1982 payable 1983 levies and for foundation aid

for the 1983-1984 school year. The formula allowance shall be \$1,475 for the 1983 payable 1984 levies and for foundation aid for the 1984-1985 school year. *The formula allowance shall be \$1,585 for the 1984 payable 1985 levies and for foundation aid for the 1985-1986 school year.*

Sec. 4. Minnesota Statutes 1983 Supplement, section 124.2122, subdivision 2, is amended to read:

Subd. 2. [BASIC MAINTENANCE MILL RATE.] "Basic maintenance mill rate" means the mill rate applicable to the adjusted assessed valuation of a district, used in the computation of basic foundation aid for a particular school year and of the basic maintenance levy for use in that school year. (THE BASIC MAINTENANCE MILL RATE SHALL BE .024 FOR 1981 PAYABLE 1982 LEVIES MINIMUM AID. AND FOR FOUNDATION AID FOR THE 1982-1983 SCHOOL YEAR.) The basic maintenance mill rate shall be .024 for the 1982 payable 1983 levies and for foundation aid for the 1983-1984 school year. The basic maintenance mill rate shall be .024 for the 1983 payable 1984 levies and for foundation aid for the 1984-1985 school year. *The basic maintenance mill rate shall be .0235 for the 1984 payable 1985 levies and for foundation aid for the 1985-1986 school year.*

Sec. 5. Minnesota Statutes 1983 Supplement, section 124.2126, subdivision 3, is amended to read:

Subd. 3. [MINIMUM AID.] A qualifying district's minimum aid for each school year shall equal its minimum guarantee for that school year, minus the sum of:

(1) The amount of the district's state school agricultural tax credit aid for that school year;

(2) The amount by which property taxes of the district for use in that school year are reduced by the homestead credit provisions in section 273.13, subdivisions 6, 7, and 14a;

(3) The amount by which property taxes of the district for use in that school year are reduced by the taconite homestead credit provisions in section 273.135;

(4) The amount by which property taxes of the district for use in that school year are reduced by the attached machinery provisions in section 273.138, subdivision 6;

(5) The amount by which property taxes of the district for use in that school year are reduced by the state paid wetlands credit provisions in section 273.115;

(6) The amount by which property taxes of the district for use in that school year are reduced by the state paid native prairie credit provisions in section 273.116;

(7) (THE AMOUNT BY WHICH PROPERTY TAXES OF THE DISTRICT FOR USE IN THAT SCHOOL YEAR ARE REDUCED BY THE CREDIT FOR REDUCED ASSESSMENT PROVISIONS IN SECTION 273.139;)

((8)) The amount by which property taxes of the district for use in that school year are reduced by the state reimbursed disaster or emergency reassessment provisions in section 273.123; and

((9)) (8) The amount by which property taxes of the district for use in that school year are reduced by the metropolitan agricultural preserve provisions in section 473H.10.

Sec. 6. Minnesota Statutes 1983 Supplement, section 124.2138, is amended to read:

124.2138 [REVENUE EQUITY AID SUBTRACTION.]

Subdivision 1. [BASIC MAINTENANCE LEVY EQUITY.]

(1) (IN ANY YEAR WHEN) *If the amount of the maximum levy limitation under section 275.125, subdivision 2a, for fiscal year 1985 for any district, or for fiscal year 1986 or after for a nonagricultural district (UNDER SECTION 275.125, SUBDIVISION 2a,) exceeds the district's basic foundation revenue for the corresponding fiscal year, an amount shall be deducted as provided in this subdivision from special state aids of chapter 124 receivable for the same fiscal year, and from state payments on behalf of the district for the same fiscal year authorized in sections 354.43, subdivision 1; 354A.12, subdivision 2; and 355.46, subdivision 3, clause (b). However, the aid authorized in sections 124.2137 and 124.646 shall not be reduced.*

(2) The amount of the deduction shall equal the difference between:

(a) the sum of the amount of the district's maximum levy limitation under section 275.125, subdivision 2a, plus the amount of any reductions to that levy limitation pursuant to section 275.125, subdivisions 2e, *clause (1)(b)*, and 9, and

(b) the district's basic foundation revenue.

However, for fiscal year 1985, the amount of the deduction shall be one-sixth of the difference between clauses (a) and (b); for fiscal year 1986, the amount of the deduction shall be one-third of the difference between clauses (a) and (b); for fiscal year 1987, the amount of the deduction shall be one-half of the

difference between clauses (a) and (b); for fiscal year 1988, the amount shall be two-thirds of the difference between clauses (a) and (b); and for fiscal year 1989, the amount of the deduction shall be five-sixths of the difference between clauses (a) and (b).

Subd. 2. [TRANSPORTATION LEVY EQUITY.] (1) (IN ANY FISCAL YEAR IN WHICH) *If the transportation levy for fiscal year 1985 in any district, or for fiscal year 1986 and thereafter in a nonagricultural district (ATTRIBUTABLE TO THAT FISCAL YEAR), of 1.75 mills times the adjusted assessed valuation of the district exceeds the transportation aid computation under section 124.225, subdivisions 8b, 8i, 8j, and 8k, an amount shall be deducted as provided in this subdivision from special state aids of chapter 124 receivable for the same fiscal year, and from state payments on behalf of the district for the same fiscal year authorized in sections 354.43, subdivision 1; 354A.12, subdivision 2; and 355.46, subdivision 3, clause (b), to the extent that those special state aids and state payments have not been reduced pursuant to subdivision 1 of this section. However, aid authorized in sections 124.2137 and 124.646 shall not be reduced.*

(2) The amount of the deduction shall equal the difference between:

(a) 1.75 mills times the adjusted assessed valuation of the district for the levy attributable to that fiscal year, and

(b) the sum of the district's transportation aid computation pursuant to section 124.225, subdivisions 8b, 8i, 8j, and 8k, less the amount of any aid reduction due to an insufficient appropriation as provided in section 124.225, subdivision 8a.

However, for fiscal year 1985, the amount of the deduction shall be one-sixth of the difference between clauses (a) and (b); for fiscal year 1986, the amount of the deduction shall be one-third of the difference between clauses (a) and (b); for fiscal year 1987, the amount of the deduction shall be one-half of the difference between clause (a) and (b); for fiscal year 1988, the amount of the deduction shall be two-thirds of the difference between clauses (a) and (b); and for fiscal year 1989, the amount of the deduction shall be five-sixths of the difference between clauses (a) and (b).

Subd. 3. In any fiscal year in which the state payments on behalf of a district authorized in sections 354.43, subdivision 1; 354A.12, subdivision 2; and 355.46, subdivision 3, clause (b), are reduced under this section, the commissioner of education shall certify the amounts of the required reductions to the district. The district shall pay employer contributions in the amount of the reduction of these payments to the commissioner, which amount shall be placed in the general fund.

Subd. 4. [NONAGRICULTURAL DISTRICT DEFINED.] For the purposes of this section, nonagricultural district means a district where the assessed valuation of agricultural land identified in section 273.13, subdivisions 4, 6, and 6a, comprises less than 60 percent of the assessed valuation of the district.

Sec. 7. Minnesota Statutes 1983 Supplement, section 124A.06, subdivision 1, is amended to read:

Subdivision 1. [COST DIFFERENTIAL TIER ALLOWANCE.] "Cost differential tier allowance" means the amount of revenue per actual pupil unit used to compute the cost differential tier aid for a school year and levy for use in the same school year. A district's cost differential tier allowance shall be the result of the following computation:

(a) Divide the amount of aid the district would have received for the 1980-1981 school year if Minnesota Statutes, 1979 Supplement, section 124.224, as amended by section 124.2124, subdivision 1, had been effective for the 1980-1981 school year by the actual pupil units in the district in the 1980-1981 school year.

(b) *For the 1984-1985 school year, multiply the result in clause (a) by one. For the 1985-1986 school year and school years thereafter, multiply the result in clause (a) by two.*

(c) Divide the formula allowance for the school year by \$1265.

((C)) (d) Multiply the result in clause ((A)) (b) by the result in clause ((B)) (c).

((D)) (e) Subtract 1.25 from the training and experience index, and multiply the difference by \$300 for the 1984-1985 school year, or \$400 for the 1985-1986 school year and thereafter.

((E)) (f) Select the greater of the result in clause ((D)) (e) or zero.

((F)) (g) Add the results of clauses ((C)) (d) and ((E)) (f).

Sec. 8. Minnesota Statutes 1983 Supplement, section 124A.12, subdivision 1, is amended to read:

Subdivision 1. [FOURTH TIER ALLOWANCE.] "Fourth tier allowance" means the amount of revenue per actual pupil unit used to compute the fourth tier aid for a particular school year and the corresponding levy for that school year. The fourth tier allowance is \$100 for the 1984-1985 school year. For the 1985-1986 school year and thereafter, the fourth tier allowance is the result of the following computation:

(a) Subtract 1.25 from the training and experience index, and multiply the difference by \$150.

(b) Select the greater of the result in clause (a) or zero.

(c) Add \$100 to the result of clause (b).

Sec. 9. Minnesota Statutes 1983 Supplement, section 124A.14 is amended to read:

124A.14 [FIFTH TIER AID WITH 50 PERCENT EQUALIZING FACTOR.]

Subdivision 1. [TOTAL TIER ALLOWANCE.] *"Total tier allowance" shall mean the sum of the cost differential tier allowance, second tier allowance, third tier allowance, and fourth tier allowance, as defined in this chapter.*

Subd. 2. [PREVIOUS FORMULA AMOUNT.] *"Previous formula amount" shall mean:*

(a) *the sum of the grandfather revenue, replacement revenue, discretionary revenue, and low fund balance revenue the district would have received for the 1984-1985 school year if the provisions of Minnesota Statutes 1982, sections 124.2123, 124.2124, 124.2125, and 124.2128 had been effective for the 1984-1985 school year, divided by*

(b) *the 1984-1985 actual pupil units.*

(c) *The computations in this subdivision shall be made assuming that the district would have been entitled to and would have levied the maximum allowable under Minnesota Statutes 1982, section 275.125, subdivision 7a, and that no levy or aid reduction would have been made according to Minnesota Statutes 1982, section 275.125, subdivision 7c.*

Subd. 3. [MINIMUM INCREASE.] *"Minimum increase" shall mean the amount equal to \$25 times the 1984-1985 total pupil units, divided by the 1984-1985 actual pupil units.*

Subd. 4. [FIFTH TIER ALLOWANCE.] *"Fifth tier allowance" means the amount of revenue per actual pupil unit used to compute the fifth tier aid for a particular school year and the corresponding levy for that school year. The fifth tier allowance shall equal the (RESULT OF THE FOLLOWING COMPUTATION:)*

((A) DETERMINE THE REVENUE THE DISTRICT WOULD HAVE RECEIVED FOR THE 1984-1985 SCHOOL YEAR FROM GRANDFATHER REVENUE, REPLACE-

MENT REVENUE, AND LOW FUND BALANCE REVENUE, IF THE PROVISIONS OF MINNESOTA STATUTES 1982, SECTIONS 124.2123, 124.2124, AND 124.2128 HAD BEEN EFFECTIVE FOR THE 1984-1985 SCHOOL YEAR.)

((B) DETERMINE THE DISCRETIONARY REVENUE THE DISTRICT WOULD HAVE RECEIVED FOR THE 1984-1985 SCHOOL YEAR IF THE PROVISIONS OF MINNESOTA STATUTES 1982, SECTION 124.2125 HAD BEEN EFFECTIVE FOR THE 1984-1985 SCHOOL YEAR. ASSUME THE DISTRICT HAD BEEN ENTITLED TO AND HAD LEVIED THE MAXIMUM ALLOWABLE UNDER SECTION 275.125, SUBDIVISIONS 7A, AND NO AID OR LEVY REDUCTIONS WERE MADE ACCORDING TO SECTION 275.125, SUBDIVISION 7C.)

((C) DETERMINE THE AMOUNT OF REVENUE EQUAL TO \$25 TIMES THE TOTAL PUPIL UNITS IN THE 1984-1985 SCHOOL YEAR.)

((D) ADD THE RESULTS IN CLAUSES (A), (B), AND (C).)

((E) DETERMINE THE ESTIMATED REVENUE THE DISTRICT WOULD RECEIVE FOR THE 1984-1985 SCHOOL YEAR FROM THE FIRST TO FOURTH TIER REVENUE FOR THE 1984-1985 SCHOOL YEAR.)

((F) SUBTRACT THE RESULT OF CLAUSE (E) FROM THE RESULT OF CLAUSE (D).)

((G) DIVIDE THE AMOUNT IN CLAUSE (F) BY THE 1984-1985 ACTUAL PUPIL UNITS) *previous formula amount plus the minimum increase minus the total tier allowance for the current year. If this result is less than zero, the fifth tier allowance shall equal zero.*

Subd. (2) 5. [FIFTH TIER REVENUE.] A district's fifth tier revenue for each school year shall equal the fifth tier allowance times its actual pupil units for that school year.

Subd. (3) 6. [FIFTH TIER AID.] A district's fifth tier aid shall be the result of the following computation:

(1) Subtract the amount of the fifth tier levy from the amount of the fifth tier revenue.

(2) Divide the actual fifth tier levy by the permitted fifth tier levy.

(3) Multiply the result in clause (1) by the result in clause (2).

Sec. 10. Minnesota Statutes 1983 Supplement, section 124A.16, is amended to read:

124A.16 [COMMENCEMENT OF TIER REVENUE.]

Subdivision 1. [(TOTAL TIER ALLOWANCE) DEFINITIONS.] "Total tier allowance," *"previous formula amount,"* and *"minimum increase"* shall (MEAN THE SUM OF THE ALLOWANCES FROM THE TIERS SPECIFIED IN SECTIONS 124A.06, 124A.08, 124A.10, 124A.12, AND 124A.14) *have the meanings given them in section 124A.14.*

Subd. 2. ([PREVIOUS FORMULA AMOUNT.] "PREVIOUS FORMULA AMOUNT" SHALL MEAN THE REVENUE PER ACTUAL PUPIL UNIT FROM THE PREVIOUS FORMULA AS SPECIFIED IN SECTION 124A.14, SUBDIVISION 1, CLAUSES (A) AND (B).)

(SUBD. 3. [MINIMUM INCREASE.] "MINIMUM INCREASE" SHALL MEAN THE AMOUNT EQUAL TO \$25 TIMES THE TOTAL PUPIL UNITS IN THE 1984-1985 SCHOOL YEAR, DIVIDED BY THE ACTUAL PUPIL UNITS IN THE 1984-1985 SCHOOL YEAR.)

(SUBD. 4.) The total revenue per actual pupil unit permitted from the tiers specified in sections 124A.06, 124A.08, 124A.10, 124A.12, and 124A.14 shall equal the sum of the previous formula amount plus the greater of:

(a) the minimum increase; or

(b) 25 percent of the difference between the total tier allowance and the previous formula amount in the 1984-1985 school year, 50 percent of the difference in the 1985-1986 school year, 75 percent of the difference in the 1986-1987 school year, or 100 percent of the difference in the 1987-1988 school year and subsequent school years.

Subd. (5) 3. The revenue permitted by this section shall be accorded to the lowest numbered tiers, beginning with the cost differential tier.

Subd. (6) 4. The permitted total revenue per actual pupil unit specified in subdivision (4) 2 shall be determined prior to the reduction according to section 275.125, subdivision 7e.

Sec. 11. Minnesota Statutes 1983 Supplement, section 275.125, subdivision 2e, is amended to read:

Subd. 2e. [BASIC MAINTENANCE LEVY; DISTRICTS OFF THE FORMULA.] (1) In any year when the amount of the maximum levy limitation under subdivision 2a for any dis-

trict, exceeds the product of the district's foundation aid formula allowance for the year in which the levy is recognized as revenue times the estimated number of (ACTUAL AND AFDC) total pupil units for that district for that school year, the levy limitation for that district under subdivision 2a shall be limited to the greater of the dollar amount of the levy the district certified in 1977 under Minnesota Statutes 1978, section 275.125, subdivision 2a, clause (1), or the following difference but not to exceed the levy limitation under subdivision 2a:

(a) the sum of

(i) the product of the district's foundation aid formula allowance for the school year in which the levy is recognized as revenue, times the estimated number of (ACTUAL AND AFDC) total pupil units for that district for that school year, plus

(ii) the amount (OF) *by which* special state aids of chapter 124 receivable for the same school year, excluding aid authorized in sections 124.2137 and 124.646, *are estimated to be reduced pursuant to section 124.2138, subdivision 1, plus*

(iii) the amount (OF) *by which* state payments on behalf of the district for the same school year authorized in sections 354.-43, subdivision 1; 354A.12, subdivision 2; and 355.46, subdivision 3, clause (b), *are estimated to be reduced pursuant to section 124.2138, subdivision 1, less*

(b) the estimated amount of any payments which would reduce the district's foundation aid entitlement as provided in section 124.2132, subdivision 4 in the school year in which the levy is recognized as revenue.

((1) HOWEVER, FOR FISCAL YEAR 1985, THE AMOUNTS IN CLAUSES (A)(II) AND (A)(III) SHALL BE MULTIPLIED BY ONE-SIXTH; FOR FISCAL YEAR 1986, THE AMOUNTS IN CLAUSES (A)(II) AND (A)(III) SHALL BE MULTIPLIED BY ONE-THIRD; FOR FISCAL YEAR 1987, THE AMOUNTS IN CLAUSES (A)(II) AND (A)(III) SHALL BE MULTIPLIED BY ONE-HALF; FOR FISCAL YEAR 1988, THE AMOUNTS IN CLAUSES (A)(II) AND (A)(III) SHALL BE MULTIPLIED BY TWO-THIRDS; AND FOR FISCAL YEAR 1989, THE AMOUNTS IN CLAUSES (A)(II) AND (A)(III) SHALL BE MULTIPLIED BY FIVE-SIXTHS.)

((2)) A levy made by a district pursuant to this subdivision shall be construed to be the levy made by that district pursuant to subdivision 2a, for purposes of statutory cross-reference.

Sec. 12. Minnesota Statutes 1983 Supplement, section 298.-28, subdivision 1, is amended to read:

Subdivision 1. [DISTRIBUTION FROM GENERAL FUND.] The proceeds of the taxes collected under section 298.24, except the tax collected under section 298.24, subdivision 2, shall, upon certificate of the commissioner of revenue to the general fund of the state, be paid by the commissioner of revenue as follows:

(1) 2.5 cents per gross ton of merchantable iron ore concentrate, hereinafter referred to as "taxable ton," to the city or town in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. If the mining, quarrying, and concentration, or different steps in either thereof are carried on in more than one taxing district, the commissioner shall apportion equitably the proceeds of the part of the tax going to cities and towns among such subdivisions upon the basis of attributing 40 percent of the proceeds of the tax to the operation of mining or quarrying the taconite, and the remainder to the concentrating plant and to the processes of concentration, and with respect to each thereof giving due consideration to the relative extent of such operations performed in each such taxing district. His order making such apportionment shall be subject to review by the tax court at the instance of any of the interested taxing districts, in the same manner as other orders of the commissioner.

(2) 12.5 cents per taxable ton, less any amount distributed under clause (8), to the taconite municipal aid account in the apportionment fund of the state treasury, to be distributed as provided in section 298.282.

(3) 29 cents per taxable ton plus the increase provided in paragraph (c) to qualifying school districts to be distributed as follows:

(a) Six cents per taxable ton to the school districts in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. The commissioner shall follow the apportionment formula prescribed in clause (1).

(b) 23 cents per taxable ton, less any amount distributed under part (d), shall be distributed to a group of school districts comprised of those school districts wherein the taconite was mined or quarried or the concentrate produced or in which there is a qualifying municipality as defined by section 273.134 in direct proportion to school district tax levies as follows: each district shall receive that portion of the total distribution which its certified levy for the prior year, computed pursuant to section 275.125, comprises of the sum of certified levies for the prior year for all qualifying districts, computed pursuant to section 275.125. For purposes of distributions pursuant to this part, certified levies for the prior year computed

pursuant to section 275.125 shall not include the amount of any increased levy authorized by referendum pursuant to section 275.125, subdivision 2d.

(c) On July 15, 1982 and on July 15 in subsequent years, an amount equal to the increase derived by increasing the amount determined by clause (3) (b) in the same proportion as the increase in the steel mill products index over the base year of 1977 as provided in section 298.24, subdivision 1, clause (a), shall be distributed to any school district described in clause (3) (b) where a levy increase pursuant to section 275.125, subdivision 2d, is authorized by referendum, according to the following formula. Each district shall receive the product of:

(i) \$150 times the pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), enrolled in the *second* previous school year, less the product of two mills times the district's taxable valuation in the second previous year; times

(ii) the lesser of:

(A) one, or

(B) the ratio of the amount certified pursuant to section 275.125, subdivision 2d, in the previous year, to the product of two mills times the district's taxable valuation in the second previous year.

If the total amount provided by clause (3) (c) is insufficient to make the payments herein required then the entitlement of \$150 per pupil unit shall be reduced uniformly so as not to exceed the funds available. Any amounts received by a qualifying school district in any fiscal year pursuant to clause (3) (c) shall not be applied to reduce foundation aids which the district is entitled to receive pursuant to sections 124.2121 to 124.2128 or the permissible levies of the district. Any amount remaining after the payments provided in this paragraph shall be paid to the commissioner of finance who shall deposit the same in the taconite environmental protection fund and the northeast Minnesota economic protection trust fund as provided in section 298.28, subdivision 1, clause 10.

(d) There shall be distributed to any school district the amount which the school district was entitled to receive under section 298.32 in 1975.

(4) 19.5 cents per taxable ton to counties to be distributed as follows:

(a) 15.5 cents per taxable ton shall be distributed to the county in which the taconite is mined or quarried or in which the concentrate is produced, less any amount which is to be dis-

tributed pursuant to part (b). The commissioner shall follow the apportionment formula prescribed in clause (1).

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, one cent per taxable ton of the tax distributed to the counties pursuant to part (a) and imposed on and collected from such taxpayer shall be distributed by the commissioner of revenue to the county in which the power plant is located.

(c) Four cents per taxable ton shall be paid to the county from which the taconite was mined, quarried or concentrated to be deposited in the county road and bridge fund. If the mining, quarrying and concentrating, or separate steps in any of those processes are carried on in more than one county, the commissioner shall follow the apportionment formula prescribed in clause (1).

(5) (a) 25.75 cents per taxable ton, less any amount required to be distributed under part (b), to the taconite property tax relief account in the apportionment fund in the state treasury, to be distributed as provided in sections 273.134 to 273.136.

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, .75 cent per taxable ton of the tax imposed and collected from such taxpayer shall be distributed by the commissioner of revenue to the county and school district in which the power plant is located as follows: 25 percent to the county and 75 percent to the school district.

(6) One cent per taxable ton to the state for the cost of administering the tax imposed by section 298.24.

(7) Three cents per taxable ton shall be deposited in the state treasury to the credit of the iron range resources and rehabilitation board account in the special revenue fund for the purposes of section 298.22. The amount determined in this clause shall be increased in 1981 and subsequent years in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1. The amount distributed pursuant to this clause shall be expended within or for the benefit of a tax relief area defined in section 273.134. No part of the fund provided in this clause may be used to provide loans for the operation of private business unless the loan is approved by the governor and the legislative advisory commission.

(8) .20 cent per taxable ton shall be paid in 1979 and each year thereafter, to the range association of municipalities and

schools, for the purpose of providing an area wide approach to problems which demand coordinated and cooperative actions and which are common to those areas of northeast Minnesota affected by operations involved in mining iron ore and taconite and producing concentrate therefrom, and for the purpose of promoting the general welfare and economic development of the cities, towns and school districts within the iron range area of northeast Minnesota.

(9) the amounts determined under clauses (4)(a), (4)(c), and (5) shall be increased in 1979 and subsequent years in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1.

(10) the proceeds of the tax imposed by section 298.24 which remain after the distributions in clauses (1) to (9) and parts (a) and (b) of this clause have been made shall be divided between the taconite environmental protection fund created in section 298.223 and the northeast Minnesota economic protection trust fund created in section 298.292 as follows: In 1981 and each year thereafter, two-thirds to the taconite environmental protection fund and one-third to the northeast Minnesota economic protection trust fund. The proceeds shall be placed in the respective special accounts in the general fund.

(a) In 1978 and each year thereafter, there shall be distributed to each city, town, school district, and county the amount that they received under section 294.26 in calendar year 1977; provided, however, that the amount distributed in 1981 to the unorganized territory number 2 of Lake County and the town of Beaver Bay based on the between-terminal trackage of Erie Mining Company will be distributed in 1982 and subsequent years to the unorganized territory number 2 of Lake County and the towns of Beaver Bay and Stony River based on the miles of track of Erie Mining Company in each taxing district.

(b) In 1978 and each year thereafter, there shall be distributed to the iron range resources and rehabilitation board the amounts it received in 1977 under section 298.22.

On or before October 10 of each calendar year each producer of taconite or iron sulphides subject to taxation under section 298.24 (hereinafter called "taxpayer") shall file with the commissioner of revenue and with the county auditor of each county in which such taxpayer operates, and with the chief clerical officer of each school district, city or town which is entitled to participate in the distribution of the tax, an estimate of the amount of tax which would be payable by such taxpayer under said law for such calendar year; provided such estimate shall be in an amount not less than the amount due on the mining and production of concentrates up to September 30 of said year plus the amount becoming due because of probable production between September 30 and December 31 of said year, less any credit allow-

able as hereinafter provided. Such estimate shall list the taxing districts entitled to participate in the distribution of such tax, and the amount of the estimated tax which would be distributable to each such district in the next ensuing calendar year on the basis of the last percentage distribution certified by the commissioner of revenue. If there be no such prior certification, the taxpayer shall set forth its estimate of the proper distribution of such tax under the law, which estimate may be corrected by the commissioner if he deems it improper, notice of such correction being given by him to the taxpayer and the public officers receiving such estimate. The officers with whom such report is so filed shall use the amount so indicated as being distributable to each taxing district in computing the permissible tax levy of such county, city or school district in the year in which such estimate is made, and payable in the next ensuing calendar year, except that in 1978 and 1979 two cents per taxable ton, and in 1980 and thereafter, one cent per taxable ton of the amount distributed under clause (4) (c) shall not be deducted in calculating the permissible levy. Such taxpayer shall then pay, at the times payments are required to be made pursuant to section 298.27, as the amount of tax payable under section 298.24, the greater of (a) the amount shown by such estimate, or (b) the amount due under said section as finally determined by the commissioner of revenue pursuant to law. If, as a result of the payment of the amount of such estimate, the taxpayer has paid in any calendar year an amount of tax in excess of the amount due in such year under section 298.24, after application of credits for any excess payments made in previous years, all as determined by the commissioner of revenue, the taxpayer shall be given credit for such excess amount against any taxes which, under said section, may become due from the taxpayer in subsequent years. In any calendar year in which a general property tax levy subject to sections 275.125 or 275.50 to 275.59 has been made, if the taxes distributable to any such county, city or school district are greater than the amount estimated to be paid to any such county, city or school district in such year, the excess of such distribution shall be held in a special fund by the county, city or school district and shall not be expended until the succeeding calendar year, and shall be included in computing the permissible levies under sections 275.125 or 275.50 to 275.59, of such county, city or school district payable in such year. If the amounts distributable to any such county, city or school district, after final determination by the commissioner of revenue under this section are less than the amounts indicated by such estimates, such county, city or school district may issue certificates of indebtedness in the amount of the shortage, and may include in its next tax levy, in excess of the limitations of sections 275.125 or 275.50 to 275.59 an amount sufficient to pay such certificates of indebtedness and interest thereon, or, if no certificates were issued, an amount equal to such shortage.

There is hereby annually appropriated to such taxing districts as are stated herein, to the taconite property tax relief account

and to the taconite municipal aid account in the apportionment fund in the state treasury, to the department of revenue, to the iron range resources and rehabilitation board, to the range association of municipalities and schools, to the taconite environmental protection fund, and to the northeast Minnesota economic protection trust fund, from any fund or account in the state treasury to which the money was credited, an amount sufficient to make the payment or transfer. The payment of the amount appropriated to such taxing districts shall be made by the commissioner of revenue on or before May 15 annually.

Sec. 13. [ISOLATED SCHOOL AID.]

In the 1984-1985 school year, a district having more than 2,500 square miles in area and operating six or more secondary schools shall receive aid equal to \$50 times the actual pupil units in that school year.

Sec. 14. [AID SUBTRACTION INCREASE.]

The legislature intends that, as a result of changes in school district levy limitations in this article, articles 2 and 4, the aid subtraction required by section 124.155 will be increased by an estimated \$2,283,000 for fiscal year 1985.

Sec. 15. [REPEALER.]

Minnesota Statutes 1982, section 124.212, subdivision 1, is repealed.

Sec. 16. [APPROPRIATION.]

There is appropriated from the general fund to the department of education the sum of \$166,500 for isolated school aid for fiscal year 1985.

Sec. 17. [EFFECTIVE DATE.]

Section 12 is effective for the distribution required to be made on July 15, 1984, and for distributions thereafter.

ARTICLE 2

SUMMER PROGRAMS

Section 1. Minnesota Statutes 1982, section 124.20, is amended to read:

124.20 [AID FOR SUMMER (SCHOOL) PROGRAMS AND FLEXIBLE SCHOOL YEAR CLASSES.]

Subdivision 1. [PROGRAMS.] Foundation aid for (1) summer (SCHOOL CLASSES) *programs* which are not a part of the regular school term in hospitals, sanatoriums, and home instruction programs, (2) inter-session classes of flexible school year programs, and (3) summer (SCHOOL CLASSES) *programs* in elementary and secondary schools, (AND (4) SUMMER SCHOOL INSTRUCTION IN TEACHERS COLLEGE LABORATORY SCHOOLS OR IN THE UNIVERSITY LABORATORY SCHOOL,) shall be paid under the provisions of this section.

Subd. 2. [DEFINITIONS.] For the purposes of computing foundation aid for summer (SCHOOL) *programs* and inter-session classes of flexible school year programs, the following phrases shall have the meanings given them.

(1) "Summer (SCHOOL) *program* pupil units" means full-time equivalent pupil units for summer (SCHOOL CLASSES) *programs* and inter-session classes of flexible school year programs computed under the provisions of section 124.17.

(2) "Summer (SCHOOL) *program* instructional revenue allowance" means an amount equal to the product of the number of summer (SCHOOL) *program* pupil units in a district, times the foundation aid formula allowance as defined in section 124.2122 for the preceding regular school year.

(3) (FOR SUMMER PROGRAMS IN 1982, "SUMMER SCHOOL REVENUE ALLOWANCE" MEANS AN AMOUNT EQUAL TO THE PRODUCT OF THE NUMBER OF SUMMER SCHOOL PUPIL UNITS IN A DISTRICT, TIMES 89 PERCENT OF THE FOUNDATION AID FORMULA ALLOWANCE AS DEFINED IN SECTION 124.2122 FOR THE PRECEDING REGULAR SCHOOL YEAR.) "Summer educational improvement revenue allowance" means an amount equal to the product of 0.005, times the number of actual pupil units in the district in the preceding regular school year, times the foundation aid formula allowance as defined in section 124.2122 for the preceding regular school year.

(4) "Total summer program revenue allowance" means an amount equal to the sum of a district's summer program instructional revenue allowance and summer educational improvement revenue allowance.

(5) "Summer (SCHOOL) *program* aid" means aid for summer (SCHOOL) *programs* and inter-session classes of flexible school year programs.

Subd. 4. [SUMMER PROGRAM AID.] In fiscal year 1986 and each year thereafter, a district shall receive summer program aid equal to the difference between:

(1) the product of

(a) the ratio of the district's actual levy to its permitted levy, pursuant to section 275.125, subdivision 2k, certified in the calendar year before the summer program is offered; times

(b) the district's total summer program revenue allowance; and

(2) the levy certified by the district pursuant to section 275.125, subdivision 2k, in the calendar year before the summer program is offered.

Subd. 5. [AID ADJUSTMENT.] The department of education shall adjust the summer program aid paid each year to reflect adjustments which were made or could have been made to the levy because of a difference between estimated and actual pupil membership. The department shall also adjust summer program levy limitations for districts where actual pupil membership differs from estimated pupil membership.

Subd. 6. [AUTHORIZED USE OF SUMMER PROGRAM AID AND LEVY.] (a) Beginning with the 1985 summer program, a school board may use the proceeds of the aid and levy received pursuant to this section and section 275.125, subdivision 2k, only for summer programs that are offered for credit or required for graduation or that provide academic enrichment or remediation. The proceeds may not be used for recreational sports, leisure activities, entertainment, recreational activities, crafts, hobbies, or any other classes of a similar nature. Summer programs for a handicapped pupil shall relate to the pupil's individual education plan.

(b) The proceeds may also be used for expenditures during the summer for curriculum development, staff development, parent or community involvement, experimental educational delivery systems, and other measures designed to improve education in the district.

Sec. 2. Minnesota Statutes 1982, section 124.201, subdivision 1, is amended to read:

Subdivision 1. [PROGRAMS.] For fiscal years 1984 and 1985, foundation aid for handicapped pupils enrolled in (1) summer school classes which are not a part of the regular school term in hospitals, sanatoriums, and home instruction programs, (2) inter-session classes of flexible school year programs, and (3) summer school classes in elementary and secondary schools (AND (4) SUMMER SCHOOL INSTRUCTION IN TEACHERS COLLEGE LABORATORY SCHOOLS OR IN THE UNIVERSITY LABORATORY SCHOOL,) shall be paid under the provisions of this section.

Sec. 3. Minnesota Statutes 1983 Supplement, section 124.201, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For the purposes of computing foundation aid for handicapped pupils enrolled in summer school and intersession classes of flexible school year programs, the following phrases shall have the meanings given them.

(1) "Summer school pupil units" means full-time equivalent pupil units for summer school classes and intersession classes of flexible school year programs computed under the provisions of section 124.17. Only pupils who are handicapped and who are appropriately served at levels 4, 5, or 6 of the continuum of placement model described in state board rules shall be included in the computation of summer school pupil units *for the purposes of computing summer school foundation aid for payment in fiscal years 1984 and 1985.*

(2) "Summer school revenue allowance" means an amount equal to the product of the number of summer school pupil units in a district, times the foundation aid formula allowance as defined in section 124.2122 for the preceding regular school year.

(3) "Summer school aid" means aid for summer school and intersession classes of flexible school year programs.

Sec. 4. Minnesota Statutes 1983 Supplement, section 124.201, subdivision 4, is amended to read:

Subd. 4. [AID FOR 1983 SUMMER SCHOOL SESSION.] In fiscal year 1984 a district shall receive summer school aid for the 1983 summer school session equal to the difference between:

(1) the product of

(a) the ratio of the district's actual levy to its permitted levy pursuant to section 275.125, subdivision 2j, clause (a), certified in calendar year 1983; times

(b) the district's summer school revenue allowance; and

(2) the levy certified by the district pursuant to section 275.125, subdivision (2K) 2j, clause (a), in calendar year 1983.

Sec. 5. Minnesota Statutes 1983 Supplement, section 124.201, subdivision 5, is amended to read:

Subd. 5. [SUMMER SCHOOL AID.] In fiscal year 1985 (AND EACH YEAR THEREAFTER,) a district shall receive summer school aid equal to the difference between:

(1) the product of

(a) the ratio of the district's actual levy to its permitted levy, pursuant to section 275.125, subdivision (2K) 2j, *clause (b)*, certified in (THE CALENDAR YEAR BEFORE THE SUMMER SCHOOL PROGRAM IS OFFERED) 1983; times

(b) the district's summer school revenue allowance; and

(2) the levy certified by the district pursuant to section 275.125, subdivision (2K) 2j, *clause (b)* in (THE CALENDAR YEAR BEFORE THE SUMMER SCHOOL PROGRAM IS OFFERED) 1983.

Sec. 6. Minnesota Statutes 1983 Supplement, section 275.125, subdivision 2k, is amended to read:

Subd. 2k. [(HANDICAPPED) SUMMER (SCHOOL) PROGRAM LEVY.] In 1984 and each year thereafter, a district may levy for summer (SCHOOL PROGRAMS FOR HANDICAPPED PUPILS) *programs* an amount equal to the following product:

(a) The district's estimated *total* summer (SCHOOL) *program* revenue allowance as defined in section (124.201) 124.20, subdivision 2, (CLAUSE (2)) for the summer (SCHOOL) *program* session to be held in the calendar year after the calendar year when the levy is certified, times

(b) the lesser of

(1) one, or

(2) the ratio of

(i) the quotient derived by dividing the adjusted assessed valuation of the district in the second preceding year by the total pupil units in the district in the current *regular* school year, to

(ii) the equalizing factor for the current regular school year.

Sec. 7. Minnesota Statutes 1982, section 275.125, is amended by adding a subdivision to read:

Subd. 21. [EXCESS LEVY; 1985 SUMMER PROGRAMS.] In addition to the levy authorized in subdivision 2k, a district for which the summer program instructional revenue allowance for the 1985 summer program is less than an amount equal to \$20 times the number of actual pupil units in the district in the regular 1984-1985 school year prior to the summer program may levy an amount computed as follows:

(a) \$20 times the number of actual pupil units in the district in the regular 1984-1985 school year, minus

(b) the amount of the summer program instructional revenue allowance for the 1985 summer program.

This levy shall be used for the same purposes for which the summer program instructional revenue allowance may be used.

Sec. 8. [REPEALER.]

Subdivision 1. Minnesota Statutes 1982, section 275.125, subdivisions 2g and 2h, and Minnesota Statutes 1983 Supplement, section 275.125, subdivision 2i, are repealed.

Subd. 2. Minnesota Statutes 1982, section 124.201, as amended by Laws 1983, chapter 314, article 3, sections 3, 4, 5, 6, and 7; and by sections 2, 3, 4, and 5 of this article; and Minnesota Statutes 1983 Supplement, section 275.125, subdivision 2j, are repealed.

Sec. 9. [EFFECTIVE DATE.]

Section 1 is effective September 1, 1984, for summer programs to be held in 1985 and thereafter. Section 8, subdivision 2, is effective May 1, 1985.

ARTICLE 3

SPECIAL EDUCATION

Section 1. Minnesota Statutes 1983 Supplement, section 120.17, subdivision 3b, is amended to read:

Subd. 3b. [PROCEDURES FOR DECISIONS.] Every district shall utilize at least the following procedures for decisions involving identification, assessment and educational placement of handicapped children:

(a) Parents and guardians shall receive prior written notice of:

(1) any proposed formal educational assessment or proposed denial of a formal educational assessment of their child;

(2) a proposed placement of their child in, transfer from or to, or denial of placement in a special education program; or

(3) the proposed provision, addition, denial or removal of special education services for their child;

(b) The district shall not proceed with the initial formal assessment of a child, the initial placement of a child in a special education program or the initial provision of special education services for a child without the prior written consent of the child's parent or guardian. The refusal of a parent or guardian to consent may be overridden by the decision in a hearing held pursuant to clause (d) at the district's initiative after at least one attempt to obtain this consent through a conciliation conference held pursuant to clause (c);

(c) Parents and guardians shall have an opportunity to meet with appropriate district staff in at least one conciliation conference if they object to any proposal of which they are notified pursuant to clause (a);

(d) Parents, guardians and the district shall have an opportunity to obtain an impartial due process hearing initiated and conducted in the school district where the child resides, if after at least one conciliation conference the parent or guardian continues to object to:

(1) a proposed formal educational assessment or proposed denial of a formal educational assessment of their child;

(2) the proposed placement of their child in, or transfer of their child to a special education program;

(3) the proposed denial of placement of their child in a special education program or the transfer of their child from a special education program;

(4) the proposed provision or addition of special education services for their child; or

(5) the proposed denial or removal of special education services for their child.

At least five calendar days before the hearing, the objecting party shall provide the other party with a brief written statement of the objection and the reasons for the objection.

The hearing shall take place before an impartial hearing officer mutually agreed to by the school board and the parent or guardian. If the school board and the parent or guardian are unable to agree on a hearing officer, the school board shall request the commissioner to appoint a hearing officer. The hearing officer shall not be a school board member or employee of the school district where the child resides or of the child's school district of residence, an employee of any other public agency involved in the education or care of the child, or any person with a personal or professional interest which would conflict with his objectivity at the hearing. A person who otherwise qualifies as a

hearing officer is not an employee of the district solely because the person is paid by the district to serve as a hearing officer. If the hearing officer requests an independent educational assessment of a child, the cost of the assessment shall be at district expense. The proceedings shall be recorded and preserved, at the expense of the school district, pending ultimate disposition of the action.

(e) The decision of the hearing officer pursuant to clause (d) shall be rendered not more than 45 calendar days from the date of the receipt of the request for the hearing. A hearing officer may grant specific extensions of time beyond the 45-day period at the request of either party. The decision of the hearing officer shall be binding on all parties unless appealed to the (COMMISSIONER) *hearing review officer* by the parent, guardian, or the school board of the district where the child resides pursuant to clause (f).

The local decision shall:

- (1) be in writing;
 - (2) state the controlling facts upon which the decision is made in sufficient detail to apprise the parties and the (COMMISSIONER) *hearing review officer* of the basis and reason for the decision;
 - (3) state whether the special education program or special education services appropriate to the child's needs can be reasonably provided within the resources available to the responsible district or districts;
 - (4) state the amount and source of any additional district expenditure necessary to implement the decision; and
 - (5) be based on the standards set forth in subdivision 3a and the rules of the state board.
- (f) Any local decision issued pursuant to clauses (d) and (e) may be appealed to the (COMMISSIONER) *hearing review officer* within 15 calendar days of receipt of that written decision, by the parent, guardian, or the school board of the district where the child resides.

If the decision is appealed, a written transcript of the hearing shall be made by the school district and shall be accessible to the parties involved within five calendar days of the filing of the appeal. The (COMMISSIONER) *hearing review officer* shall issue a final decision based on an impartial review of the local decision and the entire record within 30 calendar days after the filing of the appeal. The (COMMISSIONER) *hearing review officer* shall seek additional evidence if necessary and may afford the parties an opportunity for written or oral argument;

provided any hearing held to seek additional evidence shall be an impartial due process hearing but shall be deemed not to be a contested case hearing for purposes of chapter 14. The (COMMISSIONER) *hearing review officer* may grant specific extensions of time beyond the 30-day period at the request of any party.

The final decision shall:

- (1) be in writing;
- (2) include findings and conclusions; and
- (3) be based upon the standards set forth in subdivision 3a and in the rules of the state board.

(g) The decision of the (COMMISSIONER) *hearing review officer* shall be final unless appealed by the parent or guardian or school board to the court of appeals. The judicial review shall be in accordance with chapter 14.

(h) *The commissioner of education, having delegated general supervision of special education to the appropriate staff, shall be the hearing review officer except for appeals in which:*

- (1) *the commissioner has a personal interest in or specific involvement with the student who is a party to the hearing;*
- (2) *the commissioner has been employed as an administrator by the district that is a party to the hearing;*
- (3) *the commissioner has been involved in the selection of the administrators of the district that is a party to the hearing;*
- (4) *the commissioner has a personal, economic, or professional interest in the outcome of the hearing other than the proper administration of the federal and state laws, rules, and policies;*
- (5) *the appeal challenges a state or local policy which was developed with substantial involvement of the commissioner; or*
- (6) *the appeal challenges the actions of a department employee or official.*

For any appeal to which the above exceptions apply, the state board of education shall name an impartial and competent hearing review officer.

In all appeals, the parent or guardian of the handicapped student or the district that is a party to the hearing may challenge the impartiality or competence of the proposed hearing review officer by applying to the state board of education.

((H)) (i) Pending the completion of proceedings pursuant to this subdivision, unless the district and the parent or guardian of the child agree otherwise, the child shall remain in his current educational placement and shall not be denied initial admission to school.

((I)) (j) The child's school district of residence, if different from the district where the child actually resides, shall receive notice of any may be a party to any hearings or appeals pursuant to this subdivision.

Sec. 2. [REPEALER.]

Minnesota Statutes 1982, section 124.32, subdivisions 1a, 1e, and 2a; and Minnesota Statutes 1983 Supplement, section 124.32, subdivision 5a, are repealed.

ARTICLE 4

COMMUNITY EDUCATION

Section 1. [121.882] [EARLY CHILDHOOD AND FAMILY EDUCATION PROGRAMS.]

Subdivision 1. [ESTABLISHMENT.] A district that provides a community education program may establish an early childhood and family education program. Two or more districts, each of which provides a community education program, may co-operate to jointly provide an early childhood and family education program.

Subd. 2. [PROGRAM CHARACTERISTICS.] Early childhood and family education programs are programs for children in the period of life from birth to kindergarten and for the parents of such children. The programs may include the following:

(1) *programs to educate parents about the physical, mental, and emotional development of children;*

(2) *programs to enhance the skills of parents in providing for their children's learning and development;*

(3) *learning experiences for children and parents;*

(4) *activities designed to detect children's physical, mental, emotional, or behavioral problems that may cause learning problems;*

(5) *educational materials which may be borrowed for home use;*

(6) *information on related community resources; or*

(7) *other programs or activities.*

The programs shall not include activities for children that do not require substantial involvement of the children's parents.

Subd. 3. [SEPARATE ACCOUNTS.] The district shall maintain a separate account within the community education fund for money for early childhood and family education programs.

Subd. 4. [PARTICIPANTS' FEES.] A district may charge a reasonable fee but it shall waive the fee for a participant unable to pay.

Subd. 5. [ADDITIONAL FUNDING.] A district may receive funds from any governmental agency or private source.

Subd. 6. [COORDINATION.] A district is encouraged to coordinate the program with its special education and vocational education programs and with related services provided by other governmental agencies and nonprofit agencies.

Subd. 7. [DISTRICT ADVISORY COUNCILS.] The school board shall appoint an advisory council from the area in which the program is provided. A majority of the council shall be parents participating in the program. The council shall assist the board in developing, planning, and monitoring the early childhood and family education program. The council shall report to the school board and the community education advisory council.

Subd. 8. [TEACHERS.] A school board shall employ necessary qualified teachers for its early childhood and family education programs.

Subd. 9. [ASSISTANCE.] The department of education shall provide assistance to districts with programs described in this section.

Subd. 10. [RULES.] The state board of education may adopt rules about program facilities, staff, services, and procedures.

Sec. 2. Minnesota Statutes 1983 Supplement, section 124.271, subdivision 2b, is amended to read:

Subd. 2b. [AID; 1985 AND AFTER.] (1) (IN FISCAL YEAR 1985 AND) Each fiscal year (THEREAFTER, EACH) a district which is operating a community education program in compliance with rules promulgated by the state board shall re-

ceive community education aid (IN). *For fiscal year 1985, the aid shall be an amount equal to the difference obtained by subtracting*

(a) an amount equal to .8 mill times the adjusted assessed valuation used to compute the community education levy limitation for the levy attributable to that school year, from

(b) the greater of

(i) \$7,000, or

(ii) \$5 times the population of the district.

For fiscal year 1986 and each fiscal year thereafter, the aid shall be an amount equal to the difference obtained by subtracting

(a) an amount equal to .8 mill times the adjusted assessed valuation used to compute the community education levy limitation for the levy attributable to that school year, from

(b) the greater of

(i) \$7,000, or

(ii) \$5.25 times the population of the district.

(2) However, for any district which certifies less than the maximum permissible levy under the provisions of section 275.125, subdivision 8, clause ((4)) (1), the district's community education aid under clause (1) of this subdivision shall be reduced by multiplying the aid amount computed pursuant to clause (1) of this subdivision by the ratio of the district's actual levy under section 275.125, subdivision 8, clause ((4)) (1), to its maximum permissible levy under section 275.125, subdivision 8, clause ((4)) (1). For purposes of computing the aid reduction pursuant to this clause, the amount certified pursuant to section 275.125, subdivision 8, clause ((4)) (1), shall not reflect reductions made pursuant to section 275.125, subdivision 9.

(3) In addition to the amount in clause (1), in fiscal year 1985 (AND EACH FISCAL YEAR THEREAFTER) a district which makes a levy for community education programs pursuant to section 275.125, subdivision 8, shall receive additional aid of 50 cents per capita.

Sec. 3. [124.2711] [EARLY CHILDHOOD AND FAMILY EDUCATION AID.]

Subdivision 1. [DEFINITION OF MAXIMUM REVENUE.] Beginning for fiscal year 1986 and each year thereafter

the "maximum revenue" for early childhood and family education programs for a school year means the amount of revenue equal to the product of five percent of the foundation aid formula allowance for the current school year, times the greater of (a) 150, or (b) the number of people under five years of age residing in the district on September 1 of the preceding school year.

Subd. 2. [POPULATION.] For the purposes of subdivision 1, data reported to the department of education according to the provisions of section 120.095 may be used to determine the number of people under five years of age residing in the district. The commissioner, with the assistance of the state demographer, shall review the number reported by any district operating an early childhood and family education program. If requested, the district shall submit to the commissioner an explanation of its methods and other information necessary to document accuracy. If the commissioner determines that the district has not provided sufficient documentation of accuracy, the commissioner may request the state demographer to prepare an estimate of the number of people under five years of age residing in the district and may use this estimate for the purposes of subdivision 1.

Subd. 3. [AID.] In fiscal year 1986 and thereafter, if a district complies with the provisions of section 1 of this article, it shall receive early childhood and family education aid equal to:

(a) the difference between the maximum revenue, according to subdivision 1, and the permitted levy attributable to the same school year, according to section 275.125, subdivision 8b, times

(b) the ratio of the district's actual levy to its permitted levy attributable to the same school year, according to section 275.125, subdivision 8b.

Subd. 4. [USE OF REVENUE RESTRICTED.] The proceeds of the aid authorized by this section and the levy authorized by section 275.125, subdivision 8b, shall be used only for early childhood and family education programs.

Sec. 4. Minnesota Statutes 1983 Supplement, section 125.032, subdivision 2, is amended to read:

Subd. 2. [EXCEPTIONS.] A person who teaches in a community education program which qualifies for aid pursuant to section 124.26 shall continue to meet licensure requirements as a teacher. A person who teaches in an early childhood and family education program which is offered through a community education program and which qualifies for per capita aid pursuant to section 124.271 or early childhood and family education aid pursuant to section 3 of this article shall continue to meet licensure requirements as a teacher. A person who teaches in a community education course which is offered for credit for gradua-

tion to persons under 18 years of age shall continue to meet licensure requirements as a teacher. A person who teaches a driver training course which is offered through a community education program to persons under 18 years of age shall be licensed by the board of teaching. A license which is required for an instructor in a community education program pursuant to this subdivision shall not be construed to bring an individual within the definition of a teacher for purposes of section 125.12, subdivision 1, or section 125.17, subdivision 1, clause (a). (A COMMUNITY EDUCATION INSTRUCTOR SHALL NOT BE DEFINED AS A TEACHER PURSUANT TO SECTION 179.63, SUBDIVISION 13, OR BE A MEMBER OF A TEACHER BARGAINING UNIT SOLELY AS A RESULT OF THAT INDIVIDUAL'S EMPLOYMENT IN A COMMUNITY EDUCATION PROGRAM.)

Sec. 5. Minnesota Statutes 1983 Supplement, section 275.125, subdivision 8, is amended to read:

Subd. 8. [COMMUNITY EDUCATION LEVY.] (1) (EXCEPT AS PROVIDED IN CLAUSES (2) AND (3), IN 1982 A DISTRICT WHICH HAS ESTABLISHED A COMMUNITY EDUCATION ADVISORY COUNCIL PURSUANT TO SECTION 121.88, MAY LEVY THE AMOUNT RAISED BY .9 MILL TIMES THE MOST RECENT ADJUSTED ASSESSED VALUATION OF THE DISTRICT, BUT NO MORE THAN \$5 TIMES THE POPULATION OF THE DISTRICT. THIS AMOUNT SHALL BE REDUCED TO \$4.75 PER CAPITA FOR DISTRICTS WHICH WILL QUALIFY FOR AID IN FISCAL YEAR 1984 EQUAL TO 25 CENTS PER CAPITA PURSUANT TO SECTION 124.271, SUBDIVISION 2A, CLAUSE (1)(B).)

((2) IN 1982 DISTRICTS WHICH RECEIVED TOTAL REVENUE IN FISCAL YEAR 1983 FROM COMMUNITY EDUCATION AID AND LEVY IN EXCESS OF \$5 TIMES THE POPULATION OF THE DISTRICT, MAY LEVY THE AMOUNT OF THE FISCAL YEAR 1983 REVENUE LESS \$5 TIMES THE POPULATION OF THE DISTRICT IN ADDITION TO THE AMOUNT IN CLAUSE (1).)

((3) IN 1982 DISTRICTS WHICH WILL QUALIFY FOR AID PURSUANT TO SECTION 124.271, SUBDIVISION 2A, CLAUSE (1)(C) MAY LEVY THE GREATER OF THE FOLLOWING:)

((A) \$5 PER CAPITA MINUS \$7,000; OR)

((B) THE AMOUNT OF THEIR FISCAL YEAR 1983 REVENUE FROM COMMUNITY EDUCATION AID AND LEVY MINUS \$7,000.)

((4) IN 1983 AND) Each year (THEREAFTER), a district which has established a community education advisory

council pursuant to section 121.88, may levy the amount raised by .8 mill times the most recent adjusted assessed valuation of the district, but no more than the greater of

- (a) (\$5) \$5.25 times the population of the district, or
- (b) \$7,000.

((5)) (2) In addition to the levy authorized in clause ((4)) (1), in 1983 a district may levy an additional amount for community education programs equal to the difference obtained by subtracting

- (a) the sum in fiscal year 1984 of

- (i) the district's estimated maximum permissible revenue for fiscal year 1985 from community education aid under section 124.271, subdivision (2A) 2b, clause (1), and

- (ii) the community education levy authorized in clause ((4)) (1) of this subdivision, from

- (b) The sum in fiscal year 1983 of

- (i) the district's maximum permissible revenue from community education aid under section 124.271, subdivision 2, excluding any reductions from community education aid made pursuant to Laws 1981, Third Special Session chapter 2, article 2, section 2, clause (mm), and Laws 1982, Third Special Session chapter 1, article 3, section 6, and

- (ii) the maximum community education levy authorized in this subdivision for the district for the levy made in 1981, payable in 1982, before any reduction in the levy pursuant to subdivision 9.

((6)) (3) In 1984 and each year thereafter, in addition to the levy authorized in clause ((4)) (1), a district may levy an amount equal to the amount the district was entitled to levy pursuant to clause ((5)) (2) in 1983.

((7)) (4) The levies authorized in this subdivision shall be used for community education, including nonvocational adult programs, recreation and leisure time activity programs, and programs authorized by sections 121.85 to 121.88 and 129B.06 to 129B.09, and section 1 of this article. A school district may levy pursuant to this subdivision only after it has filed a certificate of compliance with the commissioner of education. The certificate of compliance shall certify that the governing boards of the county, municipality and township in which the school district or any part thereof is located have been sent 15 working days writ-

ten notice of a meeting and that a meeting has been held to discuss methods of increasing mutual cooperation between such bodies and the school board. The failure of a governing board of a county, municipality or township to attend the meeting shall not affect the authority of the school district to levy pursuant to this subdivision.

((8)) (5) The population of the district for purposes of this subdivision is the population determined as provided in section 275.14 or as certified by the department of education from the most recent federal census.

Sec. 6. Minnesota Statutes 1982, section 275.125, is amended by adding a subdivision to read:

Subd. 8b. [EARLY CHILDHOOD AND FAMILY EDUCATION LEVY.] A district may levy for its early childhood and family education program. The amount levied shall not exceed the lesser of:

(a) .4 mill times the adjusted assessed valuation of the district for the year preceding the year the levy is certified, or

(b) the maximum revenue as defined in section 3 of this article, subdivision 1, for the school year for which the levy is attributable.

Sec. 7. Laws 1983, chapter 314, article 9, section 14, subdivision 3, is amended to read:

Subd. 3. [EARLY CHILDHOOD AND FAMILY EDUCATION PROGRAMS.] For early childhood and family education programs pursuant to sections 129B.06 to 129B.09, there is appropriated:

\$1,028,000 1984.

The appropriation for fiscal year 1984 includes \$209,000 for grants for fiscal year 1983 payable in fiscal year 1984, and \$819,000 for grants for fiscal year 1984. The amount of the appropriation for grants for fiscal year 1984 is the total appropriation for these grants.

The council on quality education shall prorate this amount among the eligible districts in proportion to the ratio of the district's grant for fiscal year 1983 to the total amount of grants made for fiscal year 1983. However, the total amount of revenue received by a district for fiscal year 1984 pursuant to this subdivision and Minnesota Statutes, section 124.271, subdivision 2a, clause (2) shall not exceed the amount of the district's grant for fiscal year 1983; *if any district's aid is reduced because of this*

limitation, the amount of the reduction shall be prorated among the districts not subject to this limitation.

Sec. 8. [EARLY CHILDHOOD AND FAMILY EDUCATION AID FOR FISCAL YEAR 1985.]

Each district that provided an early childhood and family education program funded by the council on quality education during the 1982-1983 school year is entitled to receive aid in fiscal year 1985 to continue the program. The aid shall be in addition to community education aid. The aid shall equal (a) \$11,000, minus (b) the amount of aid received pursuant to Minnesota Statutes 1983 Supplement, section 124.271, subdivision 2b, clause (3). However, a district that has not established a community education program shall receive no aid under this section.

Sec. 9. [REPEALER.]

Minnesota Statutes 1982, sections 129B.06; 129B.07; 129B.08; and 129B.09, as amended by Laws 1983, chapters 260, section 29, and 314, articles 6, section 33, and 9, sections 8 and 9, are repealed.

Sec. 10. [APPROPRIATION; EARLY CHILDHOOD AND FAMILY EDUCATION.]

There is appropriated from the general fund to the department of education for fiscal year 1985 the sum of \$116,500. Of this sum \$101,500 is for aid to districts for fiscal year 1985 according to section 8 of this article. The aid shall be paid at 100 percent of the entitlement for fiscal year 1985. The remaining \$15,000 is for the department of education for personnel service contracts to provide assistance to districts.

Sec. 11. [EFFECTIVE DATE.]

Section 4 is effective the day following final enactment. Sections 1, 3, and 9 are effective July 1, 1985.

ARTICLE 5

VOCATIONAL EDUCATION

Section 1. Minnesota Statutes 1982, section 120.05, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] (1) Elementary school means any school with building, equipment, courses of study, class schedules, enrollment of pupils ordinarily in grades one through six or any portion thereof and staff meeting the standards established by the state board of education.

(a) The state board of education shall not close a school or deny any state aids to a district for its elementary schools because of enrollment limitations classified in accordance with the provisions of subdivision 2, clause (1).

(2) Middle school means any school other than a secondary school giving an approved course of study in a minimum of three consecutive grades above fourth but below tenth with building, equipment, courses of study, class schedules, enrollment and staff meeting the standards established by the state board of education.

(3) Secondary school means any school with building, equipment, courses of study, class schedules, enrollment of pupils ordinarily in grades seven through twelve or any portion thereof and staff meeting the standards established by the state board of education.

(4) A vocational center school is one serving a group of secondary schools with approved areas of secondary vocational training and offering vocational secondary and adult programs necessary to meet local needs and meeting standards established by the state board of education.

(5) An area (VOCATIONAL-TECHNICAL) *vocational technical* school is a school (ORGANIZED ACCORDING TO SECTION 121.21, AND) *operated according to the* standards established by the state board of *vocational technical* education.

Sec. 2. Minnesota Statutes 1982, section 120.06, is amended to read:

120.06 [ADMISSION TO PUBLIC SCHOOL.]

Subdivision 1. [AGE LIMITATIONS; PUPILS.] All schools supported in whole or in part by state funds are public schools. Admission to a public school, *except an area vocational technical institute*, is free to any person who resides within the district which operates the school, who is under 21 years of age, and who satisfies the minimum age requirements imposed by this section. Notwithstanding the provisions of any law to the contrary, the conduct of all students under 21 years of age attending a public secondary school shall be governed by a single set of reasonable rules and regulations promulgated by the local board of education. No person shall be admitted to any public school after September 1, 1971, (1) as a kindergarten student, unless he is at least five years of age on September 1 of the calendar year in which the school year for which he seeks admission commences; or (2) as a first grade student, unless he is at least six years of age on September 1 of the calendar year in which the school year for which he seeks admission commences or has completed kin-

dergarten; except that any school board may establish a policy for admission of selected pupils at an earlier age.

Sec. 3. Minnesota Statutes 1982, section 121.09, is amended to read:

121.09 [ADMINISTRATION; EXCEPTIONS.]

The commissioner shall administer all laws and rules promulgated by the board relating to libraries and other public educational institutions, except such laws as may relate to the University of Minnesota (AND TO THE), state universities (AND), community colleges, and area vocational technical institutes.

Sec. 4. Minnesota Statutes 1982, section 121.21, is amended to read:

121.21 [AREA (VOCATIONAL-TECHNICAL) VOCATIONAL TECHNICAL SCHOOLS.]

Subdivision 1. The board of any independent or special district may petition the state board of *vocational technical education* to classify one or more of its schools as an area (VOCATIONAL-TECHNICAL) *vocational technical school*.

Subd. 2. Upon receipt of such petition, the state board shall examine the petition and any supporting evidence which it may require. The state board shall conduct hearings, and may investigate school records and such other facts relating to (VOCATIONAL-TECHNICAL) *vocational technical training* as it may deem appropriate.

Subd. 3. It is the purpose of this section to more nearly equalize the educational opportunities in certain phases of (VOCATIONAL-TECHNICAL) *vocational technical education* to persons of the state who are of the age and maturity to profitably pursue training for a specific occupation. If the state board finds, as a result of its inquiry, that the establishment of an area (VOCATIONAL-TECHNICAL) *vocational technical school*, according to the petition, would further the educational interests of all the people of the state, and is in accordance with the plans and program of the state department for the vocational and technical education of the people, it may approve the petition.

Subd. 4. If the petition is approved, the school shall be established by the district and classified by the state board as an area (VOCATIONAL-TECHNICAL) *vocational technical school* and conducted under the general supervision of the state board in accordance with the *policy and rules* (AND REGULATIONS) of the state board. Notwithstanding the provisions of subdivision 3 and of this subdivision, after June 30, 1975 no area (VOCA-

TIONAL-TECHNICAL) *vocational technical* school shall be established unless specific legislation has authorized its establishment.

Subd. 4a. No district shall expend funds from any source for the acquisition or betterment of lands or buildings or for capital improvements needed for an area (VOCATIONAL-TECHNICAL) *vocational technical* school without the approval of the state board and authorization by specific legislative act if that acquisition, betterment or capital improvement requires the expenditure of \$250,000 or more, or adds more than 1,000 gross square feet to a post-secondary vocational facility, or requires the issuance of school district bonds. No acquisition or betterment of lands or buildings or capital improvement which requires the expenditure of \$50,000 or more but less than \$250,000 or which changes the perimeter walls of an existing facility shall be carried out without the approval of the state board. No acquisition or betterment of lands or buildings or capital improvement which requires the expenditure of less than \$50,000, which does not change a perimeter wall and which does not require the issuance of school district bonds, shall be carried out without the approval of the (COMMISSIONER) *state director of vocational technical* education. As used in this subdivision, the terms "acquisition" and "betterment", as applied to lands and buildings, and "capital improvement" shall have the meanings ascribed to them in chapter 475, but shall not include the acquisition or betterment of machinery or equipment.

(SUBD. 6. THE STATE BOARD FOR VOCATIONAL EDUCATION SHALL PROMULGATE, PURSUANT TO CHAPTER 14, SUCH RULES GOVERNING THE OPERATION AND MAINTENANCE OF SCHOOLS SO CLASSIFIED AS WILL AFFORD THE PEOPLE OF THE STATE AN EQUAL OPPORTUNITY TO ACQUIRE PUBLIC VOCATIONAL AND TECHNICAL EDUCATION. RULES RELATING TO POST-SECONDARY VOCATIONAL-TECHNICAL EDUCATION SHALL NOT INCORPORATE THE PROVISIONS OF THE STATE PLAN FOR VOCATIONAL EDUCATION BY REFERENCE.)

(THE RULES SHALL PROVIDE FOR, BUT ARE NOT LIMITED TO, THE FOLLOWING:)

((A) THE AREA TO BE SERVED BY EACH SCHOOL, WHICH MAY INCLUDE ONE OR MORE DISTRICTS OR PARTS THEREOF;)

((B) CURRICULUM AND STANDARDS OF INSTRUCTION AND SCHOLARSHIP;)

((C) ATTENDANCE REQUIREMENTS AND MINNESOTA NON-RESIDENT ATTENDANCE;)

((D) THE DISTRIBUTION AND APPORTIONMENT TO THE LOCAL DISTRICTS OF ALL FUNDS, WHETHER STATE OR FEDERAL OR OTHER FUNDS, WHICH MAY BE MADE AVAILABLE TO THE STATE BOARD FOR VOCATIONAL EDUCATION FOR CARRYING OUT THE PURPOSES OF POST-SECONDARY VOCATIONAL-TECHNICAL EDUCATION IN ACCORDANCE WITH LAW; AND)

((E) GENERAL ADMINISTRATIVE MATTERS.)

Subd. 8. Any property of the state administered by the state board (FOR VOCATIONAL EDUCATION) in connection with teaching vocational education may be apportioned and distributed by the state board (FOR VOCATIONAL EDUCATION) to local school districts desiring to avail themselves of the benefits of this section.

Subd. 11. The state board (FOR VOCATIONAL EDUCATION) may contract for hospital benefits and medical benefits coverage for students in the same manner as authorized by section 43A.23 for state employees.

Sec. 5. Minnesota Statutes 1982, section 121.212, subdivision 1, is amended to read:

Subdivision 1. Any school board or joint school board operating an area (VOCATIONAL-TECHNICAL) *vocational technical* school, pursuant to section (121.21) *136C.07*; Laws 1967, Chapter 822, as amended; Laws 1969, Chapter 775, as amended; or Laws 1969, Chapter 1060, as amended, may make, adopt and enforce rules, regulations or ordinances for the regulation of traffic and parking in parking facilities and on private roads and roadways situated on property owned, leased, occupied or operated by the board.

Sec. 6. Minnesota Statutes 1982, section 121.213, is amended to read:

121.213 [AREA (VOCATIONAL - TECHNICAL) VOCATIONAL TECHNICAL INSTITUTES AND COMMUNITY COLLEGES; LEGAL COUNSELING AND SERVICE PROGRAMS.]

Notwithstanding the provisions of sections 8.06 and 136.11 or any rules (OR REGULATIONS) adopted pursuant thereto, an area (VOCATIONAL - TECHNICAL) *vocational technical* institute or community college student association governing student activities on campus may expend money for the purpose of funding a program to provide legal counseling and services for students. The money to be expended shall be from that portion of the area (VOCATIONAL-TECHNICAL) *vocational technical* institute student senate funds or com-

munity college activity fund account allocated to the student association and derived solely from fees received from students.

Sec. 7. Minnesota Statutes 1982, section 121.214, is amended to read:

121.214 [(VOCATIONAL-TECHNICAL) VOCATIONAL TECHNICAL BUILDING FUND.]

Subdivision 1. [PURPOSE.] A (VOCATIONAL-TECHNICAL) *vocational technical* building fund is created as a separate bookkeeping account in the general books of the state for the purpose of providing money appropriated to the state board of *vocational technical* education for the acquisition and betterment of public land, buildings, and capital improvements needed for the area (VOCATIONAL-TECHNICAL) *vocational technical* education program of the state.

Subd. 2. [RECEIPTS.] The commissioner of finance and treasurer shall deposit in the fund as received all proceeds of (VOCATIONAL-TECHNICAL) *vocational technical* building bonds, except accrued interest and premiums received upon the sale thereof. All such receipts are annually appropriated for the permanent acquisition purposes of the fund, and shall be and remain available for expenditure in accordance with this section until the purposes of the appropriations have been accomplished or abandoned.

Subd. 3. [DISBURSEMENTS.] Disbursements from the fund shall be made by the state treasurer upon the order of the commissioner of finance at the times and in the amounts requested by the state board of *vocational technical* education in accordance with the applicable appropriation acts, for grants to school districts for the acquisition and betterment of land, buildings, and capital improvements for area (VOCATIONAL-TECHNICAL) *vocational technical* institutes. These grants shall only be made upon the conditions and in accordance with all standards and criteria established (IN) *by the* state board (RULES) and in the legislative act authorizing the specific post-secondary vocational facilities project.

Subd. 4. (THE PURPOSE OF THIS SECTION IS TO CHANGE THE METHOD OF FUNDING POST-SECONDARY VOCATIONAL FACILITIES FROM POST-SECONDARY VOCATIONAL DEBT SERVICE AID PURSUANT TO SECTION 124.564 TO DIRECT STATE APPROPRIATIONS FROM THE VOCATIONAL-TECHNICAL BUILDING FUND.) Eighty-five percent of the cost of post-secondary vocational facilities authorized by specific legislative act after January 1, 1979 shall be financed through appropriations from the (VOCATIONAL-TECHNICAL) *vocational technical* building fund and 15 percent of the cost of these facilities shall be financed by the school

district operating the post-secondary (VOCATIONAL-TECHNICAL) *vocational technical* school. No local bonds shall be authorized, issued, or sold, nor shall any election be held to authorize the issuance of bonds, if the proceeds will be used to finance a project for which specific legislative approval is required, until after that specific legislative approval has been given.

Sec. 8. Minnesota Statutes 1982, section 121.215, is amended to read:

121.215 [(VOCATIONAL-TECHNICAL) VOCATIONAL TECHNICAL BUILDING BONDS.]

Subdivision 1. [PURPOSE; APPROPRIATION.] For the purpose of providing money appropriated from the (VOCATIONAL-TECHNICAL) *vocational technical* building fund for the acquisition of public land, buildings, and capital improvements needed for the state plan for the administration of vocational education in accordance with the provisions of section (121.214) *136C.42*, when requested by the state board of education, the commissioner of finance shall sell and issue bonds of the state of Minnesota for the prompt and full payment of which, with interest thereon, the full faith and credit and taxing powers of the state are irrevocably pledged. Bonds shall be issued pursuant to this section only as authorized by a law specifying the purpose thereof and the maximum amount of the proceeds authorized to be expended therefor, as set forth in section (121.214) *136C.42*. Any such law, together with this section and the laws herein referred to, constitutes complete authority for the issue, and such bonds shall not be subject to restrictions or limitations contained in any other law.

Subd. 2. [ISSUANCE.] The bonds shall be sold upon sealed bids and upon notice, at a price, in form and denominations, bearing interest at a rate or rates, maturing in amounts and on dates, subject to prepayment upon notice and at times and prices, payable at a bank or banks within or outside the state, with or without provisions for registration, conversion, exchange, and issuance of notes in anticipation of the sale or delivery of definitive bonds, and in accordance with further regulations, as the commissioner of finance shall determine subject to the approval of the attorney general, but not subject to the provisions of sections 14.02, 14.04 to 14.36, 14.38, 14.44 to 14.45, and 14.57 to 14.62. The bonds shall be executed by the commissioner of finance and attested by the state treasurer under their official seals. The signatures on the bonds and on any interest coupons and the seals may be printed or otherwise reproduced, except that each bond shall be authenticated by the manual signature on its face of one of the officers or of a person authorized to sign on behalf of a bank designated by them as authenticating

agent. The commissioner of finance shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

Subd. 3. [EXPENSES.] All expenses incidental to the sale, printing, execution, and delivery of bonds pursuant to this section, including but not limited to actual and necessary travel and subsistence expenses of state officers and employees for such purposes, shall be paid from the (VOCATIONAL-TECHNICAL) *vocational technical* building fund and the amounts necessary therefor are appropriated from that fund; provided that if any amount is specifically appropriated for this purpose in an act authorizing the issuance of bonds pursuant to this section, such expenses shall be limited to the amount so appropriated.

Subd. 4. [(VOCATIONAL-TECHNICAL) VOCATIONAL TECHNICAL BUILDING BOND ACCOUNT IN THE STATE BOND FUND.] The commissioner of finance shall maintain in the state bond fund a separate bookkeeping account designated as the (VOCATIONAL-TECHNICAL) *vocational technical* building bond account, to record receipts and disbursements of money transferred to the fund to pay (VOCATIONAL-TECHNICAL) *vocational technical* building bonds and interest thereon, and of income from the investment of such money, which income shall be credited to the account in each fiscal year in an amount equal to the approximate average rate of return that year on all funds invested by the state treasurer, as determined by the treasurer, times the average balance in the account that year.

Subd. 5. [APPROPRIATIONS TO BOND ACCOUNT.] There shall be credited to the (VOCATIONAL-TECHNICAL) *vocational technical* building bond account the premium and accrued interest received on each issue of (VOCATIONAL-TECHNICAL) *vocational technical* building bonds and, from the general fund in the state treasury, on November 1 in each year, a sum of money equal to the amount of the tax which the Constitution would otherwise require to be levied for collection in the following year, for the purpose of increasing the balance then on hand in the account to an amount sufficient to pay principal and interest due and to become due with respect to (VOCATIONAL-TECHNICAL) *vocational technical* building bonds. All money so credited and all income from the investment thereof is annually appropriated to the bond account for the payment of such bonds and interest thereon, and shall be available in the bond account prior to the levy of the tax for the state bond fund in any year as required by the Constitution. The commissioner of finance and the state treasurer are directed to make the appropriate entries in the accounts of the respective funds.

Subd. 6. [TAX LEVY.] On or before December 1 in each year, if the full amount appropriated to the bond account in subdivision 5 has not been credited thereto, the tax required by the Constitution shall be levied upon all taxable property within the state. This tax shall be levied upon all real property used for the purposes of a homestead, as well as other taxable property, notwithstanding the provisions of section 273.13, subdivisions 6 and 7, and shall be subject to no limitation of rate or amount until all (VOCATIONAL-TECHNICAL) *vocational technical* building bonds and interest thereon are fully paid. The proceeds of this tax are appropriated and shall be credited to the state bond fund, and the principal of and interest on the bonds are payable from such proceeds, and the whole thereof, or so much as may be necessary, is appropriated for such payments. If at any time there is not sufficient money from the proceeds of such taxes to pay the principal and interest when due on (VOCATIONAL-TECHNICAL) *vocational technical* building bonds, such principal and interest shall be paid out of the general fund in the state treasury, and the amount necessary therefore is hereby appropriated.

Sec. 9. Minnesota Statutes 1982, section 121.2155, is amended to read:

121.2155 [(VOCATIONAL-TECHNICAL) VOCATIONAL TECHNICAL BUILDING APPROPRIATIONS.]

Money appropriated from the state building fund to the state board of *vocational technical* education for post-secondary (VOCATIONAL-TECHNICAL) *vocational technical* construction in school districts shall be used for grants to school districts for the acquisition and betterment of land, buildings, and capital improvements for area (VOCATIONAL-TECHNICAL) *vocational technical* institutes. These grants shall only be made upon the conditions and in accordance with all standards and criteria established in state board rules and in the legislative act authorizing the specific post-secondary vocational facilities project. A grant shall cover 85 percent of the cost of the post-secondary vocational facilities authorized by the specific legislative act, and 15 percent of the cost of these facilities shall be financed by the school district operating the post-secondary (VOCATIONAL-TECHNICAL) *vocational technical* school, unless otherwise provided by the specific legislative act. No local bonds shall be authorized, issued, or sold, nor shall any election be held to authorize the issuance of bonds, if the proceeds will be used to finance a project for which specific legislative approval is required, until after that specific legislative approval has been given.

Sec. 10. Minnesota Statutes 1982, section 121.216, is amended to read:

121.216 [(VOCATIONAL-TECHNICAL INSTITUTES;) STUDENT ASSOCIATIONS.]

Every school board governing an area (VOCATIONAL TECHNICAL) *vocational technical* institute shall give recognition as an authorized extracurricular activity to an area (VOCATIONAL-TECHNICAL) *vocational technical* institute student association affiliated with the Minnesota (VOCATIONAL-TECHNICAL) *vocational technical* student association. The student association is authorized to collect a reasonable fee from students to finance the activities of the association in an amount determined by the governing board of the area (VOCATIONAL-TECHNICAL) *vocational technical* institute which has recognized it.

Every governing body which recognizes a student association shall deposit the fees in a student association fund. The moneys in this fund shall be available for expenditure for student recreational, social, welfare, and educational pursuits supplemental to the regular curricular offerings.

Sec. 11. Minnesota Statutes 1982, section 121.218, is amended to read:

121.218 [(VOCATIONAL-TECHNICAL INSTITUTES;) AWARDING DEGREES.]

Subdivision 1. [BOARD APPROVAL.] The state board (FOR VOCATIONAL EDUCATION) may approve, disapprove, or modify a plan for awarding associate degrees at an area (VOCATIONAL-TECHNICAL) *vocational technical* institute. The state board shall approve a plan only when an associate degree is required by a licensing authority and is offered in cooperation with a collegiate institution. The state board may approve an area (VOCATIONAL-TECHNICAL) *vocational technical* institute plan for awarding an associate degree which is not offered in cooperation with a collegiate institution only if cooperation is not practicable. All associate degree plans approved by the state board (FOR VOCATIONAL EDUCATION) shall be presented to the higher education coordinating board for review and recommendation pursuant to section 136A.04, subdivision 1, clause (d) and in accordance with the provisions of this section.

Subd. 2. [EXCEPTION.] Associate degrees offered by the area (VOCATIONAL-TECHNICAL) *vocational technical* institutes prior to January 1, 1981, shall not be subject to the provisions of subdivision 1.

(SUBD. 3. [REPORT.] BY JANUARY 15, 1982, THE HIGHER EDUCATION COORDINATING BOARD, IN COOPERATION WITH THE STATE BOARD FOR VOCA-

TIONAL EDUCATION, SHALL SUBMIT A REPORT TO THE EDUCATION COMMITTEES OF THE LEGISLATURE REGARDING THE AWARDED OF ASSOCIATE DEGREES BY AREA VOCATIONAL-TECHNICAL INSTITUTES. THE REPORT SHALL INCLUDE IDENTIFICATION AND EVALUATION OF THE FACTORS WHICH AFFECT THE FEASIBILITY OF COOPERATION WITH COLLEGIATE INSTITUTIONS. BY JANUARY 1, 1983, THE HIGHER EDUCATION COORDINATING BOARD SHALL PROMULGATE RULES ESTABLISHING CRITERIA FOR DETERMINING WHEN COOPERATION WITH A COLLEGIATE INSTITUTION IS NOT PRACTICABLE.)

Sec. 12. Minnesota Statutes 1983 Supplement, section 124.5611, is amended to read:

124.5611 [AVTI FUNDING.]

(BEGINNING WITH AIDS) For the 1983-1984 and 1984-1985 school (YEAR) *years*, post-secondary vocational aids for AVTI's shall be paid for the current fiscal year according to sections (124.5612) 136C.26 to (124.5619) 136C.37, (124.5628) and (124.564) 136C.41.

Sec. 13. Minnesota Statutes 1983 Supplement, section 124.5612, is amended to read:

124.5612 [AVTI AID DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] (BEGINNING WITH AIDS) For the 1983-1984 and 1984-1985 school (YEAR) *years*, for the purposes of sections (124.5612) 136C.26 to (124.5619) 136C.37, (124.5628, 124.564,) and (124.565) 136C.41, the following terms have the meanings given them.

Subd. 2. [ADM.] "ADM" means average daily membership computed according to section (124.5618) 136C.33.

Subd. 3. [AVTL] "AVTI" means a post-secondary area vocational technical institute.

Subd. 4. [COMPONENT ACTIVITIES.] "Component activities" means regular instruction, special needs instruction, research, instructional administration, media/library, pupil personnel services, health services, director's office, instructional services, fixed costs, work study/financial aid, physical plant, and repair and betterment.

Subd. 5. [INSTRUCTIONAL AID.] "Instructional aid" means state money, exclusive of repair and betterment aid and

debt service aid, allocated by the state board (FOR) of vocational *technical* education to districts for post-secondary vocational technical education instructional costs.

Subd. 6. [INSTRUCTIONAL COSTS.] "Instructional costs" means expenditures in the following categories: licensed and nonlicensed staff salaries; licensed and nonlicensed staff fringe benefits, excluding teachers' retirement and teachers' social security; staff travel for instructional, administrative, and professional development purposes; purchased services; other expenditures, detailed according to UFARS; supplies and materials; supplies for resale; rents and leases; acquisition or purchase of equipment and machinery; and betterment of equipment and machinery.

Subd. 7. [PROGRAM.] "Program" means a post-secondary vocational technical occupational program as classified with a six-digit number by the United States department of education.

Subd. 8. [REPAIR AND BETTERMENT AID.] "Repair and betterment aid" means state money, exclusive of instructional aid and debt service aid, allocated by the state board (FOR) of vocational *technical* education to districts. The aid is to reconstruct, improve, remodel, and repair existing AVTI buildings and grounds, as necessary to conduct post-secondary vocational technical education.

Subd. 9. [UFARS.] "UFARS" means the uniform financial accounting and reporting system.

Sec. 14. Minnesota Statutes 1983 Supplement, section 124.5614, is amended to read:

124.5614 [PROCESS FOR AID ALLOCATION.]

Subdivision 1. [BUDGET SUBMISSION.] Before January 1, (OF EACH YEAR) 1984, each AVTI shall submit an instructional aid budget for the following fiscal year. The instructional aid budget shall detail estimated instructional costs in each expenditure category for each program and component activity of the AVTI's operations. The instructional aid budget shall include estimated revenues from sale of supplies and services, sale of equipment and other capital goods, and other revenues, detailed according to UFARS.

Subd. 2. [RECOMMENDED ALLOCATIONS.] After reviewing each budget, the (DEPARTMENT) *state director* of vocational *technical* education shall recommend aid allocations for the following fiscal year in each expenditure category for each program and component activity.

The (DEPARTMENT) *state director* shall recommend instructional aid allocations sufficient to maintain or improve special needs instruction.

Notwithstanding any laws or rules to the contrary, the recommendations for allocations of instructional aid, to the extent possible, shall be based on average systemwide ADM to teacher ratios of 12 to 1 for health programs and 17 to 1 for nonhealth programs.

The annual student placement rate of each program shall be taken into consideration by the department in recommending instructional aid allocations.

Each AVTI's tuition revenues in the fiscal year for which aid is allocated shall be taken into consideration by the department in recommending instructional aid allocations.

Each AVTI's unappropriated capital balance of the equipment account in the capital expenditure fund, as of June 30 of the fiscal year during which allocations are made, shall be taken into consideration by the (DEPARTMENT) *state director* in recommending instructional aid allocations for the purposes listed in section (124.5615) 136C.29, subdivision 3, clauses (a), (b), (c), and (d). In recommending instructional aid allocations for all other purposes, the department shall take into consideration each AVTI's net positive unappropriated general fund balance, as of June 30 of the fiscal year during which allocations are made, which exceeds ten percent of the AVTI's operating expenditures, as defined by UFARS, for the fiscal year during which allocations are made.

Each AVTI's actual expenditures which exceed the amounts originally budgeted for expenditure during the fourth quarter of the fiscal year in which aids are allocated shall be taken into consideration by the (DEPARTMENT) *state director* in recommending instructional aid allocations.

Allocations of repair and betterment aid shall be recommended for each project proposed by an AVTI. In recommending repair and betterment aid allocations, the (DEPARTMENT) *state director* shall take into consideration each AVTI's net positive unappropriated capital balance of the repair and betterment account of the capital expenditure fund, as of June 30 of the fiscal year during which allocations are made.

Subd. 3. [HEARING.] The aid allocations recommended by the (DEPARTMENT OF EDUCATION) *state director* shall be taken to a public hearing held by the state board (FOR VOCATIONAL EDUCATION) with at least six board members present. The hearing shall continue until all interested persons, representatives, and organizations have had an opportunity to

be heard. Notice of the hearing shall be given at least 20 days prior to the date set for the hearing. The notice shall be published in the State Register and mailed to each district submitting a budget, and other interested persons and organizations who register their names with the commissioner of education for that purpose. The (DEPARTMENT OF EDUCATION) *state director* shall make available at least one free copy of the recommended allocations to the education committees of the legislature and to any person requesting it. An audio magnetic recording device shall be used to keep a record at every hearing. A transcript of the hearing record shall be made available upon the request of any person, if the request is in writing and the requester pays the cost of preparing the transcript.

Subd. 4. [HEARING REPORT.] After allowing written material to be submitted and added to the hearing record for five days after the public hearing ends, the (COMMISSIONER OF EDUCATION) *state director* shall proceed as promptly as possible to write a report containing the final proposed allocations of aids. This report shall contain findings and conclusions based on substantial evidence from the hearing record to support the final proposed allocations. The report shall be available to all affected districts upon request for at least 15 days before the state board takes final action allocating aids.

Subd. 5. [MODIFICATIONS TO REPORT.] Any district which is adversely affected by the final proposed allocations of aids may request and shall be given an opportunity to be heard in support of modification of the proposed final allocation of aids at the meeting at which the state board takes final action allocating aids. The state board may place reasonable restrictions on the length of time allowed for testimony.

Subd. 6. [FINAL ALLOCATION.] By June 1, after hearing modification requests, if any, the state board shall take final action to allocate aids. Allocations of instructional aid shall be detailed in each expenditure category for each program and component activity. The total allocation of instructional aid for each AVTI shall specify the amounts of any fund balances and tuition revenues taken into consideration. Allocations of repair and betterment aid shall be detailed for each project. The total allocation of repair and betterment aid for each AVTI shall specify the amount of any fund balance taken into consideration.

Subd. 7. [SUBSEQUENT ALLOCATION.] The state board may withhold up to one percent of the post-secondary vocational instructional aid appropriation for subsequent allocation. The amount withheld and any additional state and federal money available for post-secondary vocational education shall be allocated, no later than February 15 of the fiscal year for which the aid is allocated, at a public hearing held according to subdivisions 3, 4, and 5.

Sec. 15. Minnesota Statutes 1983 Supplement, section 124.5615, is amended to read:

124.5615 [USE OF AID.]

Subdivision 1. [AID AND TUITION.] All AVTI aids and all tuition authorized by section (124.565) *136C.13* shall be used solely for the purposes of post-secondary vocational technical education.

Subd. 2. [ACCOUNTING.] Each district providing post-secondary vocational technical education shall maintain, in accordance with section (121.908) *136C.04, subdivision 6*, separate revenue, expenditure, asset and liability accounts for post-secondary vocational technical education within funds separate from all other district funds.

Subd. 3. [INSTRUCTIONAL AID.] Instructional aid allocated for the following purposes shall be placed in the equipment account of the capital expenditure fund:

- (a) acquisition or purchase of equipment or machinery;
- (b) betterment of equipment or machinery;
- (c) paying leasing fees for computer systems hardware and related proprietary software, photocopy machines and telecommunications equipment; and
- (d) renting or leasing buildings for school purposes.

Aid allocated for these purposes shall be used solely for these purposes.

All other instructional aid which is allocated shall be placed in the general fund and shall not be transferred to any other fund. The school board shall authorize and approve actual expenditures of the aid allocated.

Subd. 4. [SPECIAL NEEDS.] Aid allocated for special needs instruction shall be used solely for that purpose.

Subd. 5. [REPAIR AND BETTERMENT AID.] The final allocation of repair and betterment aid by the state board does not constitute approval of a project for the purposes of section (121.21) *136C.07, subdivision 4a*. The aid shall be placed in the repair and betterment (ACCOUNT OF THE CAPITAL EXPENDITURE) fund and used solely for the purposes enumerated in section (124.5612) *136C.26, subdivision 8*. The school board shall authorize and approve actual expenditures of the aid allocated, except that expenditures which exceed \$5,000 shall receive

prior approval by the (COMMISSIONER OF EDUCATION) *state director*. The process in section (124.5614) 136C.28 shall not constitute approval for this purpose. Use of the aid shall be governed by the provisions of section (121.21) 136C.07, subdivision 4a.

Sec. 16. Minnesota Statutes 1983 Supplement, section 124.5616, is amended to read:

124.5616 [DISTRIBUTION OF MONEY.]

All money, whether state, federal, or from other sources, which may be made available to the (DEPARTMENT OF EDUCATION) *state board* for carrying out the purposes of post-secondary vocational technical education shall be allocated by the state board (FOR VOCATIONAL EDUCATION) to districts in accordance with law (AND SHALL BE DISTRIBUTED BY THE STATE AIDS SECTION OF THE DEPARTMENT OF EDUCATION).

Sec. 17. Minnesota Statutes 1983 Supplement, section 124.5617, is amended to read:

124.5617 [CERTAIN EQUIPMENT EXPENDITURES.]

Expenditures for the purposes in section (124.5615) 136C.29, subdivision 3, clauses (a), (b), (c), and (d) which exceed \$6,000 shall receive prior approval by the (COMMISSIONER OF EDUCATION) *state director*. The process in section (124.5614) 136C.28 shall not constitute approval for this purpose.

Sec. 18. Minnesota Statutes 1983 Supplement, section 124.5618, is amended to read:

124.5618 [AVERAGE DAILY MEMBERSHIP.]

Subdivision 1. [MEMBERSHIP.] Membership for pupils in AVTI's shall mean the number of pupils on the current roll of the school, counted from the date of entry until the date of withdrawal.

Subd. 2. [WITHDRAWAL.] The date of withdrawal shall mean the date a pupil completes the program and permanently leaves the AVTI. A pupil who has been absent for 15 consecutive school days shall be determined to have permanently left the school. A pupil who permanently leaves the school on or before the 15th day of a quarter shall be determined not to have entered during that quarter. For a pupil who permanently leaves after the 15th school day of a quarter without completing the program, the date of withdrawal shall be the earliest of the following:

- (a) the date the pupil is scheduled to complete the program;

(b) the date the AVTI fills the vacancy created by leaving;
or

(c) the last day of the quarter during which the pupil permanently leaves the AVTI.

Subd. 3. [COMPUTATION.] Average daily membership for pupils enrolled in an AVTI shall equal the quotient obtained by dividing

(a) the product of

(1) the sum for all pupils of the number of days of the school year each pupil is enrolled in an AVTI, counted from the date of entry until the date of withdrawal, times

(2) the quotient obtained by dividing

(i) the number of hours per day each pupil is enrolled, by

(ii) six; by

(b) 175.

The number of hours counted for any pupil in any one program shall not exceed the number of hours approved by the state board (FOR VOCATIONAL EDUCATION) for completion of the program. However, a district may count additional hours for membership, if necessary for a pupil who is identified by the district as handicapped or disadvantaged, to complete the program. For disadvantaged students, these additional hours shall not exceed ten percent of the approved number of hours for the program. Adult vocational pupils shall not be counted for the purposes of this section. Additional hours counted shall be reported to the (COMMISSIONER) *state director*.

Subd. 4. [CHEMICAL ABUSE TREATMENT.] A pupil who is absent from an AVTI to participate in a chemical abuse treatment program and who is on the roll of the AVTI according to the provisions of section (124.5619) *136C.34* may be counted in average daily membership during that time for not more than 30 consecutive school days. If a returning pupil needs additional hours to complete the educational program, the AVTI may count the lesser of the following additional hours for membership:

(a) the number of hours the pupil was counted while participating in the treatment program; or

(b) 30 times the number of hours per day the pupil is enrolled.

Sec. 19. Minnesota Statutes 1982, section 124.564, is amended to read:

124.564 [(POST - SECONDARY VOCATIONAL) DEBT SERVICE AID.]

Subdivision 1. The state board (FOR VOCATIONAL EDUCATION) shall provide, for credit against the debt service levy of qualifying districts, post-secondary vocational debt service aid equal to the state portion of debt service costs. The state portion of debt service costs shall equal the amount necessary to make payments due in each school year ending June 30 with respect to qualifying bonds issued to finance post-secondary vocational facilities and interest thereon, multiplied by the average of the district's nonresident reimbursement percentage pursuant to Minnesota Statutes 1974, Section 121.21, Subdivision 5, in fiscal years ended June 30, 1973, 1974, and 1975. For purposes of the computation of debt service aid, qualifying bonds shall include only:

(a) bonds issued prior to January 1, 1978;

(b) bonds issued after January 1, 1978, to finance post-secondary vocational facilities projects which receive funds appropriated in Laws 1978, Chapter 792, Section 8; and

(c) bonds issued at any time to refund the bonds described in (a) and (b). No district shall qualify for this post-secondary vocational debt service aid unless it has certified a levy in the total amount required by section 475.61, for collection in the calendar year in which the aid credit is to be given.

Subd. 2. There shall be no post-secondary vocational debt service aid for the state portion of debt service costs for bonds issued on or after January 1, 1978 to finance post-secondary vocational facilities and interest thereon, unless these bonds are issued to finance post-secondary vocational facilities projects which receive funds appropriated in Laws 1978, Chapter 792, Section 8.

Subd. 3. Post-secondary vocational debt service aid shall be computed each year before October 1 by the state board (FOR VOCATIONAL EDUCATION) as the percentage specified in subdivision 1 of the sum of the principal and interest on qualifying bonds which will become due in the school year commencing on the following July 1.

Subd. 4. The amount for each school district shall be certified by the board on or before October 1 to the school district, and to the county auditors of all counties containing taxable property within the school district, and to the state commissioner of finance. This amount shall be deducted by the county auditors from the amount of the debt service levies of the school district to be assessed and extended against the taxable property therein for collection in the following year, and shall be payable instead from the appropriation made by this section.

Subd. 5. The commissioner of finance shall issue to the state treasurer warrants for payment of one-half of the amount to the treasurer of the school district on or before July 15 and one-half thereof on or before November 15 in the following year, in lieu of the distributions of this amount otherwise payable by county treasurers at these times under the provisions of section 276.11.

Subd. 6. The amount necessary is annually appropriated from the general fund to the respective districts entitled to these payments (FOR EXPENDITURE IN FISCAL YEARS BEGINNING WITH FISCAL YEAR 1978). This appropriation shall not lapse until and unless otherwise provided by law, but shall be reduced by the amount of any funds specifically appropriated for the same purpose in any year from any state fund. In the event that the appropriation is revoked in any future year, the state board (FOR VOCATIONAL EDUCATION) shall certify this fact to each school district theretofore entitled to an aid credit under this subdivision.

Subd. 7. The appropriation heretofore made for post-secondary vocational debt service aid payable in the school year ending June 30, 1977, is confirmed, and the board shall continue to provide for the payment of debt service aids therefrom at or before the due dates of school district bonds and interest in that school year. In addition, the state board (FOR VOCATIONAL EDUCATION) shall pay to districts which expended cash balances to finance the construction of new post-secondary vocational facilities and which the state board prior to May 15, 1975 agreed to repay for these expenditures the amount of the repayment specified in the agreement. Funds received in repayment shall revert to the fund of origin in the district.

Sec. 20. Minnesota Statutes 1982, section 124.565, subdivision 1, is amended to read:

124.565 [POST-SECONDARY VOCATIONAL EDUCATION TUITION.]

Subdivision 1. Any Minnesota resident may attend a post-secondary (VOCATIONAL-TECHNICAL) *vocational technical* school (, PROVIDED THAT) *if* the individual meets the entrance requirements for the training course in which enrollment is sought and the school has the (ROOM AND THE FACILITY TO RECEIVE HIM) *available space*.

Sec. 21. Minnesota Statutes 1982, section 124.565, subdivision 6, is amended to read:

Subd. 6. [LENGTH OF QUARTER.] For purposes of tuition charges, a quarter shall consist of 60 school days. The state board (FOR VOCATIONAL EDUCATION) shall (ADOPT

RULES PROVIDING FOR) *establish* proportionate tuition charges for quarters which are shorter or longer than 60 days, for part time and extended day enrollment, and for programs which begin or end during a quarter. The state board shall (ADOPT RULES PROVIDING FOR) *establish* tuition charges based on approved program lengths for programs offered on an individualized basis.

Sec. 22. Minnesota Statutes 1982, section 124.565, subdivision 7, is amended to read:

Subd. 7. [VETERAN'S EXEMPTION.] A veteran who is a Minnesota resident (SHALL BE) *whose entire education has not included completion of at least one tuition free post-secondary vocational technical school program* is exempt from (THE) tuition (REQUIRED BY SUBDIVISION 3) until the veteran has completed the lesser of (a) 440 post-secondary (VOCATIONAL-TECHNICAL) *vocational technical* school days, or the equivalent as determined by the state board (FOR VOCATIONAL EDUCATION), or (b) one post-secondary (VOCATIONAL-TECHNICAL) *vocational technical* school program.

"Veteran" for the purpose of this subdivision means a person who served in the active military service in any branch of the armed forces of the United States after July 1, 1961 and before July 1, 1978, was a Minnesota resident at the time of induction into the armed forces and for the six months immediately preceding induction, and has been separated or discharged from active military service under conditions other than dishonorable.

Sec. 23. Minnesota Statutes 1982, section 124.572, as amended by Laws 1983, chapter 314, article 5, section 12, is amended to read:

124.572 [CURRENT FUNDING FOR ADULT VOCATIONAL EDUCATION.]

Subdivision 1. The state shall pay adult vocational aids for each year on a current funding basis.

Subd. 1a. [LIMITED APPLICABILITY.] *The provisions of this section shall apply only for the 1983-1984 and 1984-1985 school years.*

Subd. 2. [ADULT VOCATIONAL AID.] (EXCEPT FOR THE 1982-1983 SCHOOL YEAR.) The state shall pay to any district or cooperative vocational center 75 percent of the salaries paid to essential, licensed personnel or personnel exempt from licensure pursuant to section 125.031 in that school year for services rendered in that district's or center's adult vocational education programs. Notwithstanding any law or any licensure requirements to the contrary, the portion of a community edu-

cation director's salary attributable to services rendered for the district's or center's adult vocational education program shall qualify for aid according to this subdivision. In addition, the state shall pay 50 percent of the costs of necessary travel between instructional sites by adult vocational education teachers. The (COMMISSIONER) *state director* may withhold all or any portion of this aid for an adult vocational education program which receives moneys from any other source, and in no event shall a district or center receive a total amount of state aid for salaries and travel pursuant to this section which, when added to moneys from other sources, will provide the program an amount for salaries and travel which exceeds 100 percent of the amount of its expenditures for salaries and travel in the program.

Subd. 2a. [1982-1983 ADULT VOCATIONAL AID.] The aid for the 1982-1983 school year shall be paid according to subdivision 2, except that the state shall pay 69 percent of salaries and 46.25 percent of necessary travel.

Subd. 3. This aid shall be paid only for services rendered or for travel costs incurred in adult vocational educational programs approved for funding by the (COMMISSIONER OF EDUCATION) *state director*. (RULES) *Policy* shall be (ADOPTED) *established* by the state board providing criteria to be applied by the (COMMISSIONER) *state director* in approving programs for funding pursuant to this section including: economic impact of the program, legislative mandate for the program, employment opportunities in the occupational area, and proven contribution of the program. All programs shall be operated in accordance with *policies and rules* promulgated by the state board. These (RULES) shall provide minimum student-staff ratios required for an adult vocational education program to qualify for this aid. (RULES RELATING TO ADULT VOCATIONAL EDUCATION PROGRAMS SHALL NOT INCORPORATE THE PROVISIONS OF THE STATE PLAN FOR VOCATIONAL EDUCATION BY REFERENCE.)

Subd. 3a. In any fiscal year when moneys requested for programs approved for funding are more than the amount appropriated, the (COMMISSIONER OF EDUCATION) *state director* shall, to the extent possible, continue full funding for programs which are approved by July 1 for aid for even numbered years or by the preceding March 1 for aid for odd numbered years. The (COMMISSIONER) *state director* shall prorate any remaining moneys among programs which are approved for funding after these dates.

Subd. 4. Boards may charge tuition for participation in adult vocational education programs. Nothing in this section shall prohibit the charging of differential tuition rates for residents or nonresidents of a district. If adult vocational educa-

tion is provided by another district or a cooperative center by contract pursuant to subdivision 5, the contract shall provide for this issue.

Subd. 5. Any board may contract with the board of a district containing a post-secondary vocational-technical school or the board of a cooperative center for the provision of adult vocational education services. The board providing these services may also act as fiscal agent for the other contracting district if so agreed. Information copies of all contracts shall be provided to the state (DEPARTMENT) *director*.

Subd. 6. All adult vocational education aid shall be paid to the district or cooperative center providing the services. The district providing the services may bill the contracting district for any unpaid costs incurred in providing these services if so agreed in the contract.

Subd. 7. Each district providing adult vocational education shall establish and maintain separate, accurate and detailed revenue and expenditure accounts related to these adult vocational education programs. All adult vocational education aid received by the district from any source shall be utilized solely for the purposes of adult vocational education programs.

Subd. 8. [PAYMENT SCHEDULE THROUGH 1982.] Through the 1981-1982 school year, the state shall pay to each school district 30 percent of its estimated adult vocational education aid for the school year on or before the following dates: August 31, December 31 and March 31. The final aid distribution to the district shall be made on or before October 31 of the following school year. All adult vocational education aids shall be computed and distributed by the state aids, statistics, and research section of the state department of education.

Subd. 8a. [PAYMENT SCHEDULE.] (BEGINNING IN THE 1982-1983 SCHOOL YEAR,) The state shall pay to each school district its estimated adult vocational education aid in the following manner: 30 percent by August 31, 30 percent by December 31, and 25 percent by March 31. The final aid distribution shall be made by October 31 of the following school year. (ALL ADULT VOCATIONAL EDUCATION AIDS SHALL BE COMPUTED AND DISTRIBUTED BY THE STATE AIDS SECTION OF THE DEPARTMENT OF EDUCATION.)

Subd. 9. Effective July 1, 1978, any individual enrolled in an adult farm management program for longer than six years shall be charged a tuition rate equal to the full cost of the program attributable to that individual.

Subd. 10. State money shall not be used to pay for more than 75 percent of the independent telephone communications train-

ing program and the Minnesota electric cooperative linepersons training program. The appropriate industry or association shall pay at least 25 percent of the cost of each program.

Sec. 24. Minnesota Statutes 1982, section 124.573, subdivision 3, is amended to read:

Subd. 3. This aid shall be paid only for services rendered or for the costs designated in subdivision 2 which are incurred in secondary vocational education programs approved by the state department of education and operated in accordance with rules promulgated by the state board of education. These rules shall provide minimum student-staff ratios required for a secondary vocational education program in a cooperative center to qualify for this aid (, BUT). *The rules shall not require any minimum number of (PROGRAM OFFERINGS OR) administrative staff, any minimum period of coordination time or extended employment for secondary vocational education personnel, or the availability of vocational student activities or organizations for a secondary vocational education program to qualify for this aid. The requirement in these rules that program components be available for a minimum number of hours shall not be construed to prevent pupils from enrolling in secondary vocational education courses on an exploratory basis for less than a full school year. (NO RULES PROMULGATED BY THE STATE BOARD PURSUANT TO ANY STATUTE SHALL REQUIRE A DISTRICT TO OFFER SECONDARY VOCATIONAL EDUCATION.) The state board of education shall not require a school district to offer more than four credits or 560 hours of vocational education course offerings in any school year.* Rules relating to secondary vocational education programs shall not incorporate the provisions of the state plan for vocational education by reference. This aid shall be paid only for services rendered and for travel costs incurred by essential, licensed personnel who meet the work experience requirements for licensure pursuant to the rules of the state board (FOR VOCATIONAL) of education.

Sec. 25. Minnesota Statutes 1982, section 136A.02, subdivision 6, is amended to read:

Subd. 6. There is hereby created a higher education advisory council, the membership of which shall include the president of the University of Minnesota, the chancellor of the state university board, the chancellor of the state board for community colleges, *the state director of vocational technical education*, the commissioner of education, the executive director of the Minnesota private college council, and a representative from the Minnesota association of private post-secondary schools. The advisory council shall (1) bring to the attention of the board any matters which the council deems as needing attention of the board, (2) make recommendations to the board as the council

deems appropriate, (3) review and comment upon proposals and other matters before the board, and (4) provide any reasonable assistance to the board in its effort to fulfill responsibilities of the board. The board shall periodically inform the council of all matters under consideration by the board and shall refer all proposals to the council prior to transmitting such proposals as recommendations to the governor and the legislature. The board shall provide time for a report from the advisory council at each meeting of the board.

The higher education advisory council shall report to the board quarterly and at such other times as the council may deem desirable. The council shall determine its meeting times, but the council shall also meet within 30 days following a request for a council meeting by the executive director of the board.

Sec. 26. Minnesota Statutes 1983 Supplement, section 136C.01, is amended to read:

136C.01 [ESTABLISHMENT.]

A state board of vocational technical education is established to govern post-secondary *and adult* vocational education. (IT SHALL ALSO GOVERN ADULT VOCATIONAL EDUCATION ADMINISTERED BY AN AREA VOCATIONAL TECHNICAL INSTITUTE.)

Sec. 27. Minnesota Statutes 1983 Supplement, section 136C.02, subdivision 3, is amended to read:

Subd. 3. [POST-SECONDARY VOCATIONAL EDUCATION.] "Post-secondary vocational education" means post-secondary and adult vocational education (ADMINISTERED BY AN AVTI).

Sec. 28. Minnesota Statutes 1983 Supplement, section 136C.-04, is amended by adding a subdivision to read:

Subd. 4a. [CARRY OVER AUTHORITY.] The state board may carry over any unexpended balance from its appropriation from the first year of a biennium into the second year of the biennium. The state board may carry over an unexpended balance up to a maximum of two percent of its biennial appropriation into the following biennium. These moneys shall not be taken into account in determining state appropriations.

Sec. 29. Minnesota Statutes 1983 Supplement, section 136C.-04, subdivision 7, is amended to read:

Subd. 7. [ATTENDANCE AND COMPLETION.] The state board shall prescribe conditions of admission, tuition, fees,

and other related matters. The state board shall prescribe requirements for completion of programs and approve the awarding of appropriate certificates or associate degrees consistent with the provisions of section (121.218) 136C.042. Chapter 14 shall not apply to the matters in this subdivision.

Sec. 30. Minnesota Statutes 1983 Supplement, section 136C.04, subdivision 10, is amended to read:

Subd. 10. [ALLOCATION.] The state board shall allocate state and federal money for post-secondary vocational education. Money received from federal sources, other than as provided in this chapter (124), and money received from other sources, not including the state, shall not be taken into account in determining appropriations or allocations.

Sec. 31. [136C.041] [WITHHOLDING OF ALLOCATIONS.]

Subdivision 1. The state board may withhold allocations for post-secondary vocational education if the board finds a district to be in violation of any statute, rule, or state board policy.

Subd. 2. The state board shall notify the district of its finding. The notice shall specify the violation, describe the correction required, and set a reasonable time within which the district shall correct the violation. The state board also shall provide the district an opportunity for a hearing to respond and to dispute the finding. No allocations shall be withheld pending the final decision of the state board. If a violation is corrected in the allotted time or if the state board determines that a violation does not exist, no allocations shall be withheld.

Subd. 3. The decision of the state board under this section may be reviewed on certiorari by the district court of the county in which the district, or any part of it, is located.

Sec. 32. [136C.06] [SOLE STATE AGENCY.]

The state board of vocational technical education is the sole state agency to receive and disburse federal funds authorized by the Vocational Education Act of 1963, as amended in the education amendments of 1976, Public Law Number 94-482, and Code of Federal Regulations, title 34, part 400. The state board shall develop and submit the state plan for vocational technical education. The state board shall develop the state plan according to terms of agreement with the state board of education.

Sec. 33. [EFFECT OF TRANSFER.]

Subdivision 1. [BOARD TRANSFER.] The powers, duties, and functions of the state board of education for adult voca-

tional education not administered by an AVTI are transferred to the board of vocational technical education on July 1, 1984. Rules of the state board of education relating to adult vocational education shall have no force and effect on July 1, 1984, and thereafter.

Subd. 2. [TRANSFER NOT TO AFFECT LEGAL ACTION.] *The transfer of powers, duties, and functions shall not affect any action or proceeding, whether administrative, civil, or criminal, pending at the time of the transfer. The action shall be continued in the name of the state board of vocational technical education which, upon application to the appropriate court, shall be substituted as a party to the action or proceeding.*

Subd. 3. [TRANSFER OF PROPERTY.] *All books, maps, plans, papers, records, contracts, documents, and property of every description in the possession or control of the state board of education, relating to adult vocational education, shall be transferred to the state board of vocational technical education. The transfer shall be made in accordance with the directions of the state board of vocational technical education.*

Subd. 4. [TRANSFER OF FUNDS.] *The unencumbered and unexpended balance of all funds appropriated to the state board of education for adult vocational education shall be transferred to the state board of vocational technical education. All federal money for adult vocational education shall be transferred to the state board of vocational technical education. Notwithstanding any law to the contrary, for the 1984-1985 school year, the state board of vocational technical education shall expend for adult vocational education not administered by an AVTI only the funds available from the state board of education. Funds available to the state board of vocational technical education for post-secondary and adult vocational education administered by an AVTI shall not be used for adult vocational education not administered by an AVTI.*

Subd. 5. [CONSTRUCTION OF STATUTES, CONTRACTS, AND DOCUMENTS.] *Whenever the state board of education or its officer is referred to or designated in a statute, contract, or document, in the context of adult vocational education, the reference or designation shall be construed to mean the state board of vocational technical education or its officer.*

Sec. 34. [MERGED POST-SECONDARY AND ADULT BUDGETS.]

The state director of vocational technical education may prepare a merged budget for post-secondary and adult vocational education for the 1985-1986 school year and shall maintain records of revenues and expenditures and student enrollment in the current categories of post-secondary and adult vocational education for each institution. The state board shall prepare a

comparison of the financial implications of funding adult vocational programs through the current statutory adult vocational formula and the average cost funding formula.

Sec. 35. [STUDENT PROGRAM COMPLETION.]

If an AVTI program is eliminated by state board action, the state board may provide for student subsistence to complete the same program in another AVTI during the 1984-1985 school year. The state board may provide the subsistence only if the cost of providing the program in the alternative AVTI is less than the cost of maintaining the program in the original AVTI.

Sec. 36. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall renumber each section of Minnesota Statutes specified in Column A with the number set forth in Column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

<i>Column A</i>	<i>Column B</i>
121.21	136C.07
121.212	136C.08
121.213	136C.17
121.214	136C.42
121.215	136C.43
121.2155	136C.44
121.216	136C.15
121.218	136C.042
124.52	136C.21
124.54	136C.211
124.55	136C.212
124.56	136C.213
124.5611	136C.25
124.5612	136C.26

124.5613	136C.27
124.5614	136C.28
124.5615	136C.29
124.5616	136C.31
124.5617	136C.32
124.5618	136C.33
124.5619	136C.34
124.5628	136C.35
124.5629	136C.36
124.564	136C.41
124.565	136C.13
124.57	136C.37
124.572	136C.38
124.58	136C.22
124.59	136C.221
124.60	136C.222
124.61	136C.223

Sec. 37. [REPEALER.]

Minnesota Statutes 1982, sections 121.217; 124.565, subdivisions 3 and 4; 124.572, subdivisions 2a and 8; 124.573, subdivisions 2a, 3b, and 5; 124.574, subdivisions 2, 2a, and 3a, are repealed. Minnesota Statutes 1983 Supplement, sections 124.11, subdivisions 2a and 2b; 124.5613, subdivision 1, are repealed.

Sec. 38. [APPROPRIATION.]

The sum of \$600,000 is appropriated from the general fund to the state board of vocational technical education for fiscal year 1985 to develop new programs and to update curriculum.

Sec. 39. [EFFECTIVE DATE.]

Section 28 is effective June 30, 1984.

ARTICLE 6

OTHER AIDS AND LEVIES

Section 1. Minnesota Statutes 1983 Supplement, section 124.214, subdivision 2, is amended to read:

Subd. 2. [ABATEMENTS.] Whenever by virtue of chapter 278, sections 270.07, 375.192, or otherwise, the assessed valuation of any school district for any taxable year is changed after the taxes for that year have been spread by the county auditor and the mill rate as determined by the county auditor based upon the original assessed valuation is applied upon the changed valuations, the county auditor shall, prior to February 1 of each year, certify to the commissioner of education the amount of any resulting net revenue loss that accrued to the school district during the preceding year. In August of each year, the commissioner shall pay an abatement adjustment to the district in an amount calculated according to the provisions of this subdivision. This amount shall be deducted from the amount of the levy authorized by section 275.48. *The abatement adjustment shall be recognized as revenue in the fiscal year in which it is received.* The amount of the abatement adjustment shall be the product of:

(1) the net revenue loss as certified by the county auditor, times

(2) the ratio of:

(a) *the sum of the amounts of the district's certified levy in the preceding October according to the following:*

(i) *section 275.125, subdivisions 2a, 7d, clause (1), and 7d, clause (2), if the district is entitled to basic foundation aid according to section 124.2122;*

(ii) *section 275.125, subdivisions 7d, clause (3), if the district is entitled to third tier aid according to section 124A.10, subdivision 3;*

(iii) *section 275.125, subdivision 7d, clause (4), and 7d, clause (5), if the district is eligible for fourth tier aid according to section 124A.12, subdivision 3;*

(iv) *section 275.125, subdivisions 2j and 2k, if the district is entitled to summer school aid according to section 124.201; and*

(v) *section 275.125, subdivisions 5 and 5c, if the district is entitled to transportation aid according to section 124.225, subdivision 8a;*

(b) *to the (SUM OF THE AMOUNTS) total amount of the district's certified levy (LIMITATIONS) in the preceding Octo-*

ber pursuant to (SECTION 275.125, SUBDIVISIONS 2A, 2I, 2J, 2K, 5, 5C, 6C, AND 7A TO THE TOTAL AMOUNT OF THE DISTRICT'S MAXIMUM LEVY LIMITATION IN THE PRECEDING OCTOBER PURSUANT TO) section 275.125, *plus or minus auditor's adjustments*. (IF THE DISTRICT IS ENTITLED TO AID PURSUANT TO SECTION 124.2123, THE LEVY LIMITATION PURSUANT TO SECTION 275.125, SUBDIVISION 6B, SHALL BE INCLUDED IN THE COMPUTATION OF THE RATIO. IF THE DISTRICT IS ENTITLED TO AID PURSUANT TO SECTION 124.2128, THE LEVY LIMITATION PURSUANT TO SECTION 275.125, SUBDIVISION 6D, SHALL BE INCLUDED IN THE COMPUTATION OF THE RATIO. THE ABATEMENT ADJUSTMENT SHALL BE RECOGNIZED AS REVENUE IN THE FISCAL YEAR IN WHICH IT IS RECEIVED.)

Sec. 2. Minnesota Statutes 1982, section 124.245, subdivision 1, is amended to read:

Subdivision 1. [BASIC COMPUTATION.] (a) (FOR THE 1981-1982 SCHOOL YEAR AND) Each year (THEREAFTER, EXCEPT FOR THE 1982-1983 SCHOOL YEAR,) the state shall pay a school district the difference by which an amount equal to \$90 per pupil unit in that school year or, in districts where the (ACTUAL) number of *actual* pupil units (IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1) AND (2),) has increased from the prior year, \$95 per pupil unit in that school year, exceeds the amount raised by seven mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. To qualify for aid pursuant to this subdivision in any school year, a district must have levied (THE FULL) seven EARC mills for use for capital expenditures in that year pursuant to section 275.125, subdivision 11a.

(FOR THE 1982-1983 SCHOOL YEAR THE STATE SHALL PAY A SCHOOL DISTRICT THE DIFFERENCE BY WHICH AN AMOUNT EQUAL TO \$89 PER PUPIL UNIT IN THAT SCHOOL YEAR OR, IN DISTRICTS WHERE THE ACTUAL NUMBER OF PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1) AND (2), HAS INCREASED FROM THE PRIOR YEAR, \$94 PER PUPIL UNIT IN THAT SCHOOL YEAR, EXCEEDS THE AMOUNT RAISED BY SEVEN MILLS TIMES THE ADJUSTED ASSESSED VALUATION OF THE TAXABLE PROPERTY IN THE DISTRICT FOR THE PRECEDING YEAR. TO QUALIFY FOR AID PURSUANT TO THIS SUBDIVISION IN ANY SCHOOL YEAR, A DISTRICT MUST HAVE LEVIED THE FULL SEVEN EARC MILLS FOR USE FOR CAPITAL EXPENDITURES IN THAT YEAR PURSUANT TO SECTION 275.125, SUBDIVISION 11A.)

(b) (IN THE 1982-1983 SCHOOL YEAR AND EACH YEAR THEREAFTER,) The aid under clause (a) for any dis-

trict which operates an approved secondary vocational education program or an approved senior secondary industrial arts program shall be computed using a dollar amount per pupil unit which is \$5 higher than the amount specified in clause (a).

(c) If the sum of a district's capital expenditure levy under section 275.125, subdivision 11a, attributable to any school year (STARTING IN 1982-1983) and its capital expenditure equalization aid, if any, under this subdivision for that school year exceeds (\$89) \$90 per pupil unit or, in districts where the (ACTUAL) number of actual pupil units (IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1) AND (2),) has increased from the prior year, (\$94) \$95 per pupil unit, the amount of the excess may be expended only for the purpose of capital expenditures for equipment for secondary vocational education programs or senior secondary industrial arts programs.

Sec. 3. [126.60] [PROGRAMS OF EXCELLENCE.]

Subdivision 1. [DESIGNATION.] The commissioner of education shall designate secondary academic programs as programs of excellence by April 1 each year according to criteria established by the commissioner. The criteria may include: teacher qualifications; curriculum offerings; student ability averages; management; expectations; academic standards; order and discipline; clearly defined academic goals; administrative leadership; community support; organization for learning; frequency, monitoring, and reporting of homework; regularity and frequency of monitoring of pupil progress; coordination, articulation, and comprehensiveness of curriculum; variety of teaching strategies; opportunities for pupils responsibility; commitment to accept at least five pupils; and ability to provide host families. A designation as a program of excellence shall be for two school years and may be renewed upon reapplication.

Subd. 2. [APPLICATION.] A district may apply to the commissioner for designation of one or more of its secondary academic programs as a program of excellence. The application shall include information required by the commissioner. The commissioner shall distribute criteria and applications for all districts.

Subd. 3. [COMMITTEE.] The commissioner shall establish a programs of excellence committee. The committee shall advise the commissioner about criteria for the programs and may review district applications.

Subd. 4. [INCENTIVE GRANTS.] A district with a program designated as a program of excellence shall receive an incentive grant for the program for each year of the designation.

Sec. 4. [126.62] [PUPILS FOR PROGRAMS OF EXCELLENCE.]

Subdivision 1. [PUPIL SELECTION.] The commissioner of education shall select pupils to attend programs of excellence according to criteria established by the commissioner. The criteria may include, but not be limited to, an evaluation of the pupil's academic ability, the pupil's future career plans, and lack of academic opportunity in the pupil's current school.

Subd. 2. [APPLICATION.] The commissioner shall distribute to all districts the criteria and application forms containing the date applications are due. Each district shall distribute the criteria and applications to all pupils in the district in grades 7 to 11 and their parents. Any pupil may request additional information about the program, school, and the district. A pupil shall be notified of selection by June 1 each year. Additional pupils may be selected after June 1 if space is available.

Subd. 3. [PROGRAM LIMITS.] No more than 100 pupils who have completed at least the eighth grade or equivalent may be selected to participate in the program. No more than ten pupils selected may attend a particular program of excellence at any one time.

Subd. 4. [ATTENDANCE.] A pupil selected shall attend the school with the program of excellence full time. A pupil may continue to attend the program through completion of all programs offered by the school if the pupil maintains satisfactory progress. At least twice a year the principal of a school with a program of excellence shall certify to the commissioner whether or not the pupil is making satisfactory progress. A pupil not making satisfactory progress, as certified by the principal, shall be dropped from the program as of the date of the certification.

Subd. 5. [COMMITTEE.] The programs of excellence committee, established in section 3, subdivision 3, shall advise the commissioner about criteria and application forms for pupil selection.

Subd. 6. [TRANSPORTATION.] The commissioner may reimburse transportation costs when a pupil demonstrates need.

Subd. 7. [HOST FAMILIES.] A school with a program of excellence shall screen and arrange for volunteer host families for nonresident pupils selected to attend the school.

Sec. 5. [126.64] [FOUNDATION REVENUE FOR PUPILS.]

Subdivision 1. [DISTRICT OF RESIDENCE.] All foundation revenue which a pupil selected to attend a school of excellence would have earned for the resident district had the pupil continued to attend that district shall continue to be earned by

the resident district. If a pupil selected to attend a program of excellence has not been enrolled in a public school in the resident district for at least one school year immediately preceding enrollment in a program of excellence, the resident district shall not earn foundation revenue for that pupil.

Subd. 2. [DISTRICT OF ATTENDANCE.] The district receiving a pupil selected to participate in the program of excellence program shall count the pupil as a resident pupil unit as defined in section 124.17 for purpose of determining aids and levies.

Sec. 6. Minnesota Statutes 1982, section 275.125, is amended by adding a subdivision to read:

Subd. 6e. [DESEGREGATION LEVY.] Each year any district which is implementing a plan for desegregation mandated by the state board of education or under court order may levy an amount not to exceed one mill times the adjusted assessed valuation of the district. Notwithstanding section 121.904, the entire amount of this levy shall be recognized as revenue for the fiscal year in which the levy is certified. This levy shall not be considered in computing the aid reduction under section 124.155. A district which levies pursuant to this subdivision may not place the proceeds of the 1983 payable 1984 levy authorized by section 275.125, subdivision 9a, in the general fund.

Sec. 7. Minnesota Statutes 1983 Supplement, section 275.125, subdivision 8a, is amended to read:

Subd. 8a. [INTERDISTRICT COOPERATION LEVY.] Each year, a district which is eligible for aid pursuant to section 124.272, subdivision 2, may levy the amount of the estimated instructional costs of the interdistrict cooperation plan for the year to which the levy is attributable, but (NOT MORE THAN) the levy shall not exceed the lesser of: (1) \$50 times the actual pupil units for that school year (. NO LEVY UNDER THIS SUBDIVISION SHALL EXCEED); (2) \$50,000; or (3) one mill times the adjusted assessed valuation of the district for the preceding year. The proceeds of the levy may only be used to pay for instructional costs incurred in providing the program offerings resulting from the cooperation plan.

Sec. 8. Minnesota Statutes 1983 Supplement, section 275.125, subdivision 9b, is amended to read:

Subd. 9b. [OPERATING DEBT LEVY.] (1) (IN 1983 AND) Each year (THEREAFTER), a district may make an additional levy to eliminate a deficit in the net unappropriated operating funds of the district, determined as of June 30, 1983, and certified and adjusted by the commissioner. This levy may in each year be an amount not to exceed the amount raised by a

levy of 1.5 mills times the adjusted assessed valuation of the district for the preceding year as determined by the equalization aid review committee. However, the total amount of this levy for all years it is made shall not exceed the lesser of (a) the amount of the deficit in the net unappropriated operating funds of the district as of June 30, 1983, or (b) the amount of the aid reduction, according to Laws 1981, Third Special Session chapter 2, article 2, *section 2, but excluding clauses (l), (m), (n), (o), and (p)*, and Laws 1982, Third Special Session chapter 1, article 3, (SECTIONS) *section 6 (AND 7)*, to the district in fiscal year 1983. When the cumulative levies made pursuant to this subdivision equal the total amount permitted by this subdivision, the levy shall be discontinued.

(2) The proceeds of this levy shall be used only for cash flow requirements and shall not be used to supplement district revenues or income for the purposes of increasing the district's expenditures or budgets.

(3) Any district which levies pursuant to this subdivision shall certify the maximum levy allowable under section (271.-125) 275.125, subdivision 2a or 2e in that same year.

Sec. 9. Minnesota Statutes 1983 Supplement, section 275.125, subdivision 11a, is amended to read:

Subd. 11a. [CAPITAL EXPENDITURE LEVY.] (a) Each year a school district may levy an amount not to exceed the amount equal to \$90 per *total* pupil unit, or \$95 per *total* pupil unit in districts where the (ACTUAL) number of *actual* pupil units (IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1) AND (2),) has increased from the prior year. No levy under this clause shall exceed seven mills times the adjusted assessed valuation of the taxable property in the district for the preceding year.

(b) The proceeds of the (TAX) *levy* may be used to acquire land, to equip and re-equip buildings and permanent attached fixtures, to rent or lease buildings for school purposes, to *purchase textbooks*, to (PAY LEASING FEES FOR) *purchase and lease* computer systems hardware (AND RELATED PROPRIETARY), *software, and related supporting materials*, and to (PAY LEASING FEES FOR) *purchase or lease* photocopy machines and telecommunications equipment. The proceeds (OF THE TAX) may also be used for capital improvement and repair of school sites, buildings and permanent attached fixtures, energy assessments, and for the payment of any special assessments levied against the property of the district authorized pursuant to section 435.19 or any other law or charter provision authorizing assessments against publicly owned property; provided that a district may not levy amounts to pay assessments for service charges, such as those

described in section 429.101, whether levied pursuant to that section or pursuant to any other law or home rule provision. The proceeds (OF THE TAX) may also be used for capital expenditures to reduce or eliminate barriers to or increase access to school facilities by handicapped individuals. The proceeds (OF THE TAX) may also be used to make capital improvements to schoolhouses to be leased pursuant to section 123.36, subdivision 10. The proceeds (OF THE TAX) may also be used to pay fees for capital (OUTLAY) expenditures assessed and certified to each participating school district by the educational cooperative service unit board of directors. The proceeds (OF THE TAX) may also be used to pay principal and interest on loans from the state authorized by section 116J.37.

(c) Subject to the commissioner's approval, the (TAX) proceeds may also be used to acquire or construct buildings. The state board shall promulgate rules establishing the criteria to be used by the commissioner in approving and disapproving district applications requesting the use of capital expenditure tax proceeds for the acquisition or construction of buildings. The approval criteria for purposes of building acquisition and construction shall include: the appropriateness of the proposal for the district's long term needs; the availability of adequate existing facilities; and the economic feasibility of bonding because of the proposed building's size or cost.

(d) The board shall establish a fund in which the proceeds of this tax shall be accumulated until expended.

(e) The proceeds of the (TAX) levy shall not be used for custodial or other maintenance services.

(f) Each year, subject to the seven mill limitation of clause (a) of this subdivision, a school district which operates an approved secondary vocational education program or an approved senior secondary industrial arts program may levy an additional amount equal to \$5 per total pupil unit for capital expenditures for equipment for these programs.

((G) FOR PURPOSES OF COMPUTING ALLOWABLE LEVIES UNDER THIS SUBDIVISION AND SUBDIVISIONS 11B AND 11C, PUPIL UNITS SHALL INCLUDE THOSE UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1) AND (2), AND 98.5 PERCENT OF THE UNITS IDENTIFIED IN MINNESOTA STATUTES 1980, SECTION 124.17, SUBDIVISION 1, CLAUSES (4) AND (5) FOR 1980-1981.)

Sec. 10. Minnesota Statutes 1983 Supplement, section 275.125, subdivision 11b, is amended to read:

Subd. 11b. [SPECIAL PURPOSE CAPITAL EXPENDITURE LEVY.] In addition to the levy authorized in subdivi-

sion 11a, each year a school district may levy an amount not to exceed the amount equal to \$25 per *total* pupil unit. No levy under this clause shall exceed two mills times the adjusted assessed valuation of the property in the district for the preceding year. The proceeds of the tax shall be placed in the district's capital expenditure fund and may be used only for the following:

(a) for energy audits on district-owned buildings, and for funding those energy conservation and renewable energy measures which the energy audits indicate will reduce the use of non-renewable sources of energy to the extent that the projected energy cost savings will amortize the cost of the conservation measures within a period of ten years or less;

(b) for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped persons;

(c) for capital expenditures to bring district facilities into compliance with the uniform fire code adopted pursuant to chapter 299F;

(d) for expenditures for the removal of asbestos from school buildings or property or for asbestos encapsulation;

(e) for expenditures for the cleanup and disposal of polychlorinated biphenyls; and

(f) to pay principal and interest on loans from the state authorized by section 116J.37.

Sec. 11. Minnesota Statutes 1983 Supplement, section 275.125, subdivision 11c, is amended to read:

Subd. 11c. [HAZARDOUS SUBSTANCE CAPITAL EXPENDITURE LEVY.] (IN 1983 AND EACH YEAR THEREAFTER,) In addition to the levy authorized in subdivisions 11a and 11b, *each year* a school district may levy an amount not to exceed the amount equal to \$25 per *total* pupil unit. No levy under this subdivision shall exceed two mills times the adjusted assessed valuation of the property in the district for the preceding year. The proceeds of the tax shall be placed in the district's capital expenditure fund and may be used only for expenditures necessary for the removal or encapsulation of asbestos, *asbestos related repairs*, or the cleanup and disposal of polychlorinated biphenyls found in school buildings or property.

Sec. 12. Minnesota Statutes 1983 Supplement, section 466.06, is amended to read:

466.06 [LIABILITY INSURANCE.]

The governing body of any municipality may procure insurance against liability of the municipality and its officers, employees, and agents for damages resulting from its torts and those of its officers, employees, and agents, including torts specified in section 466.03 for which the municipality is immune from liability. The insurance may provide protection in excess of the limit of liability imposed by section 466.04. If the municipality has the authority to levy taxes, the premium costs for such insurance may be levied in excess of any per capita or millage tax limitation imposed by statute or charter. *However, a school district may not levy pursuant to this section for premium costs for motor vehicle insurance protecting against injuries or damages arising out of the operation of district owned, operated, leased, or controlled vehicles for the transportation of pupils for purposes for which state aid is authorized under section 124.223, or for purposes for which the district is authorized to levy under section 275.125, subdivision 5d.* Any independent board or commission in the municipality having authority to disburse funds for a particular municipal function without approval of the governing body may similarly procure liability insurance with respect to the field of its operation. The procurement of such insurance constitutes a waiver of the defense of governmental immunity to the extent of the liability stated in the policy but has no effect on the liability of the municipality beyond the coverage so provided.

Sec. 13. Laws 1983, chapter 314, article 6, section 34, subdivision 12, is amended to read:

Subd. 12. [INDIAN EDUCATION.] (a) For certain Indian education programs there is appropriated:

\$156,000 1984,

\$138,000 1985.

The appropriations are based on aid entitlements of \$156,000 for fiscal year 1984 and \$163,000 for fiscal year 1985.

These appropriations are available for expenditure with the approval of the commissioner of education.

The commissioner shall not approve the payment of any amount to a school district pursuant to this subdivision unless that school district is in compliance with all applicable laws of this state.

Up to the following amounts may be distributed to the following school districts for fiscal year 1984: (\$49,600) \$48,972 to Independent School District No. 309-Pine Point School; (\$8,750) \$8,639 to Independent School District No. 166; (\$13,500) \$13,329 to Independent School District No. 432; (\$12,700)

\$12,539 to Independent School District No. 435; (\$38,100) \$37,618 to Independent School District No. 707; and (\$35,350) \$34,903 to Independent School District No. 38. These amounts shall be expended only for the benefit of Indian students and for the purpose of meeting established state educational standards or statewide requirements.

Up to the following amounts may be distributed to the following school districts for fiscal year 1985: (\$52,100) \$50,955 to Independent School District No. 309-Pine Point School; (\$9,200) \$8,998 to Independent School District No. 166; (\$14,200) \$13,888 to Independent School District No. 432; (\$13,350) \$13,056 to Independent School District No. 435; (\$40,050) \$39,170 to Independent School District No. 707; and (\$37,100) \$36,285 to Independent School District No. 38. These amounts shall be expended only for the benefit of Indian students and for the purpose of meeting established state educational standards or statewide requirements. *These allocations are based on 100 percent of the entitlement for fiscal year 1985, 85 percent of which is appropriated for payment in fiscal year 1985.*

These appropriations are available only if there will not be available for the districts enumerated in this subdivision for the applicable school year any operation support funds from the federal bureau of Indian affairs pursuant to the Johnson-O'Malley Act, Public Law 73-167 or 25 Code of Federal Regulations 273.31, or equivalent money from the same or another source.

(b) Before a district can receive moneys pursuant to this subdivision, the district must submit to the commissioner of education evidence that it has:

(i) Complied with the Uniform Financial Accounting and Reporting Standards Act, sections 121.90 to 121.917. For each school year, compliance with section 121.908, subdivision 3a, shall require the school district to prepare one budget including the amount available to the district pursuant to this subdivision and one budget which does not include these moneys. The budget of that school district for the 1985-86 school year prepared according to section 121.908, subdivision 3a, shall be submitted to the commissioner of education at the same time as 1984-1985 budgets and shall not include any moneys appropriated in this subdivision;

(ii) Conducted a special education needs assessment and prepared a proposed service delivery plan according to Minnesota Statutes, sections 120.03 and 120.17; Public Law 94-142, an act of the 94th Congress of the United States cited as the "Education for All Handicapped Children Act of 1975"; and applicable state board of education rules; and

(iii) Compiled accurate daily pupil attendance records.

(c) Prior to approving payment of any amount to a school district pursuant to this subdivision, the commissioner shall review and evaluate each affected district's compliance with clause (b) and any other applicable laws, and each affected district's need for the moneys. Each affected district's net unappropriated fund balance in all operating funds as of June 30 of the previous school year shall be taken into consideration.

Sec. 14. [STATUTORY OPERATING DEBT LEVY INTO GENERAL FUND.]

Notwithstanding Minnesota Statutes 1982, section 275.125, subdivision 9a, and any other law to the contrary, a school district located in a city of the first class, which does not levy pursuant to Minnesota Statutes, section 275.125, subdivision 6e, may place the proceeds of the 1983 payable 1984 levy authorized by Minnesota Statutes 1982, section 275.125, subdivision 9a, in the general fund. This authority shall not be construed to modify a district's obligation to eliminate its statutory operating debt.

Sec. 15. [OPERATING DEBT LEVY FOR BUHL AND MOUNTAIN IRON CONSOLIDATION.]

Subdivision 1. [AUTHORIZATION.] In 1985 and each year thereafter, the newly created district formed by the consolidation of Independent School District No. 694, Buhl, and Independent School District No. 703, Mountain Iron, may make an additional levy to eliminate a deficit in the net unappropriated operating funds of the newly created district, determined as of June 30, 1985, and certified and adjusted by the commissioner. This levy each year may be an amount not to exceed 1.5 mills times the adjusted assessed valuation of the newly created district for the preceding year as determined by the equalization aid review committee. When the cumulative amount of the levies made pursuant to this subdivision equals the total amount of the certified deficit of the newly created district, the levy shall be discontinued.

Subd. 2. [USE OF PROCEEDS.] The proceeds of this levy shall be used only for cash flow requirements and shall not be used to supplement district revenues or income for the purposes of increasing the district's expenditures or budgets.

Subd. 3. [CONDITION OF LEVY AUTHORITY.] In any year in which the newly created district levies pursuant to this subdivision, it shall certify the maximum levy allowable under section 275.125, subdivision 2a, in that same year.

Subd. 4. [EFFECTIVE DATE AND NO LOCAL APPROVAL.] Pursuant to Minnesota Statutes, section 645.023, subdivision 1, clause (a), this section is effective without local approval the day following final enactment.

Sec. 16. [HERMANTOWN; SPECIAL ASSESSMENT LEVY.]

In 1984, Independent School District No. 700, Hermantown, may certify a levy in an amount not to exceed \$50,000 for a special sewer and water assessment.

Sec. 17. [REPEALER.]

Subdivision 1. Minnesota Statutes 1982, sections 124.245, subdivision 1a; 124.246, subdivision 2a; 124.26, subdivision 1a; 124.273, subdivisions 1a and 2a, are repealed.

Sec. 18. [APPROPRIATION FOR DEFICIENCIES.]

Subdivision 1. [ABATEMENT AID.] For abatement aid pursuant to section 124.214, subdivision 2, there is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1984, the sum of \$1,031,000 and for the fiscal year ending June 30, 1985, the sum of \$1,000,000. These appropriations shall be added to the sums appropriated for fiscal years 1984 and 1985 for this purpose in Laws 1983, chapter 314, article 6, section 34, subdivision 3.

Subd. 2. [INTERDISTRICT COOPERATION AID.] For interdistrict cooperation aid pursuant to section 124.272, there is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1985, the sum of \$255,000. This appropriation shall be added to the sum appropriated for fiscal year 1985 in Laws 1983, chapter 314, article 6, section 34, subdivision 9.

Subd. 3. [RESIDENTIAL FACILITIES AID.] For residential facilities aid pursuant to section 124.32, subdivision 5, there is appropriated from the general fund to the department of education, the sum of \$526,100 for the fiscal year ending June 30, 1984 and the sum of \$526,100 for the fiscal year ending June 30, 1985. These appropriations shall be added to the sums appropriated for fiscal years 1984 and 1985 in Laws 1983, chapter 314, article 3, section 19, subdivision 5.

Sec. 19. [APPROPRIATION.]

Subdivision 1. [NETT LAKE.] The sum of \$20,000 is appropriated from the general fund to the department of education to pay the obligation of Independent School District No. 707, Nett Lake, for unemployment compensation. The sum shall be available until June 30, 1985.

Subd. 2. [PROGRAMS OF EXCELLENCE.] For planning and development of programs of excellence pursuant to sections

3 to 5, there is appropriated from the general fund to the department of education for fiscal year 1985, the sum of \$15,000.

Sec. 20. [EFFECTIVE DATES.]

Subdivision 1. Sections 3 to 5 are effective July 1, 1984, for programs of excellence to be implemented beginning in the 1985-1986 school year.

Subd. 2. Sections 13 and 18 are effective the day following final enactment.

Subd. 3. Section 9 is effective for expenditures of levy proceeds beginning in the 1984-1985 school year.

ARTICLE 7

MISCELLANEOUS

Section 1. Minnesota Statutes 1983 Supplement, section 121.15, subdivision 1, is amended to read:

Subdivision 1. [CONSULTATION.] A school district shall consult with the department of education before developing any plans and specifications to construct, remodel, or improve the building or site of an educational facility, other than an area vocational technical institute. This consultation shall occur before a referendum for bonds, solicitation for bids, or use of capital funds according to section 275.125, subdivision 11a, clause (c), is initiated.

Sec. 2. Minnesota Statutes 1983 Supplement, section 121.503, subdivision 5, is amended to read:

Subd. 5. [REPORT.] The council on quality education shall submit a report to the education committees of the legislature by February 1 each year. This report shall include the number and description of programs approved, implementation status of programs approved, waivers granted, and evaluation of programs approved.

Sec. 3. Minnesota Statutes 1982, section 121.908, is amended by adding a subdivision to read:

Subd. 6. A school district providing early retirement incentive payments under section 125.611, severance pay under section 465.72, or health insurance benefits to retired employees under section 471.61, must account for the payments according to uniform financial accounting and reporting standards adopted for Minnesota school districts pursuant to section 121.902.

Sec. 4. Minnesota Statutes 1982, section 121.912, is amended by adding a subdivision to read:

Subd. 4. [ACCOUNT TRANSFER FOR STATUTORY OPERATING DEBT.] On June 30 of each year, a district may make a permanent transfer from the general fund account entitled "unappropriated fund balance since statutory operating debt" to the account entitled "appropriated fund balance reserve account for purposes of reducing statutory operating debt." The amount of the transfer is limited to the lesser of (a) the net unappropriated operating fund balance, or (b) the sum of the remaining statutory operating debt levies authorized for all future years according to section 275.125, subdivision 9a. If the net unappropriated operating fund balance is less than zero, the district may not make a transfer.

Sec. 5. Minnesota Statutes 1982, section 121.935, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] Every regional management information center shall:

(a) Assist its affiliated districts in complying with the reporting requirements of the annual data acquisition calendar and the rules of the state board of education;

(b) Respond within 15 calendar days to requests from the department for *district information provided to the region for state reporting of information*, based on the data elements in the data element dictionary;

(c) Operate financial management information systems consistent with the uniform financial accounting and reporting standards for Minnesota school districts adopted by the state board pursuant to sections 121.90 to 121.917;

(d) Make available to districts the opportunity to participate fully in all the subsystems of ESV-IS;

(e) Before July 1, 1981, develop a plan for the provision of services during a system failure or a disaster;

(f) Comply with the requirement in section 121.908, subdivision 2, on behalf of districts affiliated with it; and

(g) Operate fixed assets property management information systems consistent with the uniform property accounting and reporting standards for Minnesota area vocational-technical institutes adopted by the state board pursuant to section 121.902, subdivision 1a.

Sec. 6. Minnesota Statutes 1982, section 121.935, subdivision 6, is amended to read:

Subd. 6. [FEES.] Regional management information centers may charge fees to affiliated districts (. A DISTRICT WHICH SUBMITS FINANCIAL TRANSACTIONS TO THE CENTER IN SUMMARY FORM PURSUANT TO SECTION 121.936, SUBDIVISION 1, OR WHICH USES AN APPROVED ALTERNATIVE MANAGEMENT INFORMATION SYSTEM PURSUANT TO SECTION 121.936, SUBDIVISIONS 2 TO 4, MAY APPLY TO THE COMMISSIONER TO SET THE FEE IF THE DISTRICT AND THE CENTER CANNOT AGREE ON A FEE. THE COMMISSIONER SHALL ISSUE AN ORDER SETTING THE FEE, WHICH SHALL BE BINDING ON BOTH THE CENTER AND THE DISTRICT) *for the cost of services provided to the district and the district's proportionate share of outstanding regional debt. In no event shall the annual fee of a district participating in a state pilot program of an alternative financial management information system exceed the annual fee chargeable to the district in the absence of the pilot program.*

Sec. 7. Minnesota Statutes 1982, section 121.936, subdivision 1, is amended to read:

Subdivision 1. [MANDATORY PARTICIPATION.] (a) By July 1, 1980, every district shall perform financial accounting and reporting operations on a financial management accounting and reporting system utilizing multi-dimensional accounts and records defined in accordance with the uniform financial accounting and reporting standards adopted by the state board pursuant to sections 121.90 to 121.92.

(b) By July 1, 1980, every school district shall be affiliated with one and only one regional management information center. This affiliation shall include at least the following components:

(1) The center shall provide reports to the department of education for the district to the extent required by the data acquisition calendar;

(2) The district shall use the ESV-IS finance subsystem through the center to process every detailed financial transaction of the district.

Notwithstanding the foregoing, a district (WITH 3,000 OR FEWER PUPILS IN AVERAGE DAILY MEMBERSHIP AS DEFINED IN SECTION 124.17, SUBDIVISION 2, MAY SUBMIT ITS FINANCIAL TRANSACTIONS TO THE CENTER FOR PROCESSING IN SUMMARY FORM IF BEFORE JULY 1, 1980, THE PLANNED FORM OF THE DISTRICT'S SUBMISSION OF ITS TRANSACTIONS AND THE CONFOR-

MANANCE OF THE DISTRICT'S FINANCIAL ACCOUNTING AND REPORTING SYSTEM TO THE UNIFORM FINANCIAL ACCOUNTING AND REPORTING STANDARDS ADOPTED BY THE STATE BOARD PURSUANT TO SECTIONS 121.90 TO 121.92 ARE APPROVED BY THE FOLLOWING TEAM: THE DIRECTOR OF SCHOOL FINANCIAL MANAGEMENT IN THE DEPARTMENT OF EDUCATION, AND THE DIRECTOR OF MANAGEMENT INFORMATION SERVICES AND THE COORDINATOR FOR THE ESV-IS FINANCE SUBSYSTEM FOR THE MINNESOTA EDUCATIONAL COMPUTING CONSORTIUM) *may process and submit its financial data to a region or the state in summary form if it operates an approved alternative system or participates in a state approved pilot test of an alternative system.*

(c) The provisions of this subdivision shall not be construed to prohibit a district from purchasing services other than those described in clause (b) from a center other than the center with which it is affiliated pursuant to clause (b).

Districts operating an approved alternative system or participating in a state approved pilot test of an alternative financial system shall purchase finance system services from any region if the region of affiliation does not offer alternative system support services.

Sec. 8. [123.3513] [ADVANCED ACADEMIC CREDIT.]

A school district shall grant academic credit to a pupil attending an accelerated or advanced academic course offered by a higher education institution or a nonprofit public agency other than the district, if the pupil successfully completes the course attended and passes an examination approved by the district. If no comparable course is offered by the district, the state board of education shall determine the number of credits which shall be granted to a pupil who successfully completes and passes the course. If a comparable course is offered by the district, the school board shall grant a comparable number of credits to the pupil. If there is a dispute between the district and the pupil regarding the number of credits granted for a particular course, the pupil may appeal the school board's decision to the state board of education. The state board's decision regarding the number of credits shall be final.

The credits granted to a pupil shall be counted toward the graduation requirements and subject area requirements of the school district. Evidence of successful completion of each class and credits granted shall be included in the pupil's secondary school record.

Sec. 9. Minnesota Statutes 1982, section 123.36, subdivision 10, is amended to read:

Subd. 10. (a) The board may lease a schoolhouse (WHICH) *that is not needed for school purposes to any person or organization. The board may charge and collect reasonable consideration for the lease and may determine the terms and conditions of the lease.*

(b) *In districts with outstanding bonds, the net proceeds of the lease shall be first deposited in the debt retirement fund of the district in an amount sufficient to meet when due that percentage of the principal and interest payments for (ALL) outstanding bonds that is ascribable to the payment of expenses necessary and incidental to the construction or purchase of the particular building or property that is leased. Any remaining net proceeds in these districts may be deposited in either the debt redemption fund or capital expenditure fund. (AND) All net proceeds of the lease in districts without outstanding bonds shall be deposited in the capital expenditure fund of the district.*

(c) The board may make capital improvements to a schoolhouse or a portion thereof, not exceeding in cost the replacement value of the schoolhouse, to facilitate its rental, and the lease of an improved schoolhouse shall provide for rentals which will recover the cost of the improvements over the initial term of the lease. Notwithstanding clause (b), the portion of the rentals representing the cost of the improvements shall be deposited in the capital expenditure fund of the district and the balance of the rentals shall be used as provided in clause (b).

Sec. 10. Minnesota Statutes 1983 Supplement, section 123.36, subdivision 13, is amended to read:

Subd. 13. [PROCEEDS OF SALE OR EXCHANGE.] Proceeds of the sale or exchange of school buildings or real property of the school district shall be used as provided in this subdivision.

(1) In districts with outstanding bonds, the proceeds of the sale or exchange shall first be deposited in the debt retirement fund of the district in an amount sufficient to meet when due that percentage of the principal and interest payments for outstanding bonds which is ascribable to the payment of expenses necessary and incidental to the construction or purchase of the particular building or property which is sold.

(2) After satisfying the requirements of clause (1), a district with outstanding bonds may deposit proceeds of the sale or exchange in its capital expenditure fund if the amount deposited is used for the following:

(a) for energy audits on district owned buildings conducted pursuant to chapter 116H, and for funding those energy conservation and renewable energy measures which the energy audits indicate will reduce the use of nonrenewable sources of

energy to the extent that the projected energy cost savings will amortize the cost of the conservation measures within a period of ten years or less;

(b) for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped persons;

(c) for capital expenditures to bring district facilities into compliance with the uniform fire code adopted pursuant to chapter 299F;

(d) for expenditures for the removal of asbestos from school buildings or property or for asbestos encapsulation, if the method for asbestos removal or encapsulation is approved by the department of education;

(e) for expenditures for the cleanup of polychlorinated biphenyls, if the method for cleanup is approved by the department of education;

(f) for capital expenditures (TO RENOVATE AND IMPROVE) *for the betterment, as defined in section 475.51, subdivision 8, of district-owned school buildings (IN WHICH ENROLLMENT HAS INCREASED AS A RESULT OF CLOSING SCHOOLS IN THE DISTRICT), other than as provided in clauses (b), (c), and (d); or*

(g) to replace the building or property sold.

The amount of the proceeds used for the purposes specified in clauses (a), (b), (c), (d), and (e) shall be deducted from the levy limitation computed for the levy authorized in section 275.-125. (SUBDIVISION) *subdivisions 11b and 11c, as applicable, in the first year after the deposit and from levy limitations computed for this levy in succeeding years until the entire amount is deducted.*

(3) In a district with outstanding bonds, the amount of the proceeds of the sale or exchange remaining after the application of clauses (1) and (2), which is sufficient to meet when due that percentage of the principal and interest payments for the district's outstanding bonds which is not governed by clause (1), shall be deposited in the debt retirement fund.

(4) Any proceeds of the sale or exchange remaining in districts with outstanding bonds after the application of clauses (1), (2), and (3), and all proceeds of the sale or exchange in districts without outstanding bonds shall be deposited in the capital expenditure fund of the district.

(5) Notwithstanding clauses (2) and (3), a district with outstanding bonds may deposit in its capital expenditure fund and use for any lawful capital expenditure without the reduction of any levy limitation the same percentage of the proceeds of the sale or exchange of a building or property as the percentage of the initial cost of purchasing or constructing the building or property which was paid using revenue from the capital expenditure fund.

(6) Every district which sells or exchanges a building or property shall report to the commissioner in the form and at the time he prescribes on the disposition of the proceeds of the sale or exchange.

Sec. 11. [124.2139] [REDUCTION OF HOMESTEAD CREDIT PAYMENTS TO SCHOOL DISTRICTS.]

Beginning with homestead credit payments made to school districts pursuant to section 273.13, subdivisions 6, 7, and 14a, in fiscal year 1985 for taxes payable in 1984, and each year thereafter, the commissioner of revenue shall reduce these payments to any school district by the product of:

(1) the district's fiscal year 1984 payroll for coordinated plan members of the public employees retirement association, times

(2) the difference between the employer contribution rate in effect prior to July 1, 1984, and the total employer contribution rate in effect after June 30, 1984.

Sec. 12. Minnesota Statutes 1982, section 124.214, subdivision 1, is amended to read:

Subdivision 1. [OMISSIONS.] No adjustments to any aid payments made pursuant to this chapter, resulting from omissions in school district reports, except those adjustments determined by the legislative auditor, shall be made for any school year after December (15) 30 of the next school year, unless otherwise specifically provided by law.

Sec. 13. Minnesota Statutes 1982, section 125.12, subdivision 3, is amended to read:

Subd. 3. [PROBATIONARY PERIOD.] The first (AND SECOND) *three* consecutive years of a teacher's first teaching experience in Minnesota in a single school district shall be deemed to be a probationary period of employment, and after completion thereof, the probationary period in each school district in which (HE) *the teacher* is thereafter employed shall be one year. (A TEACHER WHO HAS COMPLIED WITH THE THEN APPLICABLE PROBATIONARY REQUIREMENTS

IN A SCHOOL DISTRICT PRIOR TO JULY 1, 1967, SHALL NOT BE REQUIRED TO SERVE A NEW PROBATIONARY PERIOD IN THE SAID DISTRICT SUBSEQUENT THERE-TO.) *The school board shall adopt a plan for written evaluation of teachers during the probationary period. Evaluation shall occur not less than three times each year. During the probationary period any annual contract with any teacher may or may not be renewed as the school board shall see fit; provided, however, that the school board shall give any such teacher whose contract it declines to renew for the following school year written notice to that effect before June 1. If the teacher requests reasons for any nonrenewal of a teaching contract, the school board shall give the teacher its reason in writing, including a statement that appropriate supervision was furnished describing the nature and the extent of such supervision furnished the teacher during (HIS) the employment by the board, within ten days after receiving such request. The school board may, after a hearing held upon due notice, discharge a teacher during the probationary period for cause, effective immediately, under section 123.35, subdivision 5.*

Sec. 14. Minnesota Statutes 1982, section 125.17, subdivision 2, is amended to read:

Subd. 2. [PROBATIONARY PERIOD; DISCHARGE OR DEMOTION.] All teachers in the public schools in cities of the first class during the first three years of consecutive employment shall be deemed to be in a probationary period of employment during which period any annual contract with any teacher may, or may not, be renewed as the school board shall see fit. *The school board shall adopt a plan for a written evaluation of teachers during the probationary period. Evaluation shall occur not less than three times each year. The school board may, during such probationary period, discharge or demote a teacher for any of the causes as specified in this code. A written statement of the cause of such discharge or demotion shall be given to the teacher by the school board at least 30 days before such removal or demotion shall become effective, and the teacher so notified shall have no right of appeal therefrom.*

Sec. 15. Minnesota Statutes 1982, section 125.611, is amended by adding a subdivision to read:

Subd. 13. [APPLICATIONS AFTER JUNE 30, 1984.] *The state shall not reimburse the district for any portion of an early retirement incentive for any applications submitted after June 30, 1984. Beginning on July 1, 1984, a teacher meeting the requirements of subdivision 1 may apply to the school board of the employing district for a contract for termination of services, withdrawal from active teaching service, and payment of an early retirement incentive. This application shall be submitted on or before February 1 of the school year at the end of which*

the teacher wishes to retire. A school board shall approve or deny the application within 30 days after it is received by the board. The amount of the early retirement incentive shall be agreed upon between the teacher and the school board. The early retirement incentive shall be paid by the employing district at the time and in the manner mutually agreed upon by a teacher and the board.

Sec. 16. Minnesota Statutes 1982, section 125.185, subdivision 4, is amended to read:

Subd. 4. The board shall develop and create rules for the licensure of public school teachers and interns, and from time to time (THE BOARD OF TEACHING) it shall revise or supplement the rules for licensure of public school teachers subject to the provisions of chapter 14. It shall be the duty of the board (OF TEACHING) to establish rules for the approval of teacher education programs; provided these rules shall encourage teacher educators to obtain periodic classroom teaching experience. The board (OF TEACHING) shall also grant licenses to interns and to candidates for original licenses and receive recommendations from local committees as established by the board (OF TEACHING) for the renewal of teaching licenses, grant life licenses to those who qualify according to requirements established by the board (OF TEACHING), and suspend or revoke licenses pursuant to sections 125.09 and 214.10. *Notwithstanding any law or rule to the contrary, the board shall not establish any expiration date for application for life licenses.* With regard to vocational education teachers the board of teaching shall adopt and maintain as its rules the rules of the state board (FOR VOCATIONAL) of education and the state board of vocational technical education.

Sec. 17. Minnesota Statutes 1983 Supplement, section 129B.02, subdivision 4, is amended to read:

Subd. 4. [REPORT TO LEGISLATURE.] The council shall report to the *education committees of the legislature* by November 15 of each even-numbered year concerning all research and all proposals received, the dispositions of them by the council and the state board of education, the evaluations of the programs that were funded, and of receipts and expenditures resulting from sales of materials developed through venture fund grants.

Sec. 18. Minnesota Statutes 1983 Supplement, section 129B.041, subdivision 1, is amended to read:

Subdivision 1. [COPYRIGHT.] Products of projects and programs funded pursuant to sections 129B.01 to 129B.05, including curriculum and instructional materials, computer and telecommunications software, and associated manuals and reports, may be copyrighted by the council in the name of the

state and may be sold. However, the state shall sell the products to all school districts and public agencies in the state at prices that do not exceed the cost of reproduction and distribution. *Products sold shall be clearly labeled as products developed pursuant to a grant or loan from the council on quality education.*

Sec. 19. Minnesota Statutes 1983 Supplement, section 129B.-041, subdivision 3, is amended to read:

Subd. 3. [REVOLVING FUND.] The education (PRODUCTS) *product and loan repayment* revolving account is established in the state treasury. (EXCEPT AS PROVIDED IN THE AGREEMENT BETWEEN THE COUNCIL AND THE MINNESOTA EDUCATIONAL COMPUTING CONSORTIUM PURSUANT TO SUBDIVISION 2,) *Repayment of loans, made according to section 129B.04, subdivision 2, and sale proceeds up to the cost of reproduction and distribution from the sale of products under this section shall be deposited in this account. All funds in this account are annually appropriated to the department of education and shall be used to reproduce and distribute products of projects and programs funded pursuant to sections 129B.01 to 129B.05.*

Sec. 20. Minnesota Statutes 1982, section 275.125, subdivision 9a, is amended to read:

Subd. 9a. [STATUTORY OPERATING DEBT LEVY.] (1) In 1978 and each year thereafter in which so required by this subdivision, a district shall make an additional levy to eliminate its statutory operating debt, determined as of June 30, 1977 and certified and adjusted by the commissioner. This levy shall not be made in more than 20 successive years and each year before it is made, it must be approved by the commissioner and the approval shall specify its amount. This levy shall in each year be an amount which is equal to the amount raised by a levy of 1.5 mills times the adjusted assessed valuation of the district for the preceding year (AS DETERMINED BY THE EQUALIZATION AID REVIEW COMMITTEE); provided that in the last year in which the district is required to make this levy, it shall levy an amount not to exceed the amount raised by a levy of 1.5 mills times the adjusted assessed valuation of the district for the preceding year (AS DETERMINED BY THE EQUALIZATION AID REVIEW COMMITTEE). When the *sum of the cumulative levies made pursuant to this subdivision (EQUAL) and transfers made according to section 121.912, subdivision 4 equals* an amount equal to the statutory operating debt of the district, the levy shall be discontinued.

(2) The district shall establish a special account in the general fund which shall be designated "appropriated fund balance reserve account for purposes of reducing statutory operating debt" on its books and records. This account shall

reflect the levy authorized pursuant to this subdivision. The proceeds of this levy shall be used only for cash flow requirements and shall not be used to supplement district revenues or income for the purposes of increasing the district's expenditures or budgets.

(3) Any district which is required to levy pursuant to this subdivision shall certify the maximum levy allowable under subdivision 2a in that same year.

(4) Each district shall make permanent fund balance transfers so that the total statutory operating debt of the district is reflected in the general fund as of June 30, 1977.

Sec. 21. Minnesota Statutes 1982, section 465.721, is amended to read:

465.721 [FUNDING.]

No county, city, township, (SCHOOL DISTRICT) or other governmental subdivision shall implement a plan for payment of severance pay pursuant to section 465.72 until a plan providing for full funding has been developed and approved by the governing body. *This section does not apply to school districts.*

Sec. 22. Minnesota Statutes 1982, section 471.61, subdivision 1, is amended to read:

Subdivision 1. [OFFICERS, EMPLOYEES.] Any county, municipal corporation, town, school district, county extension committee, other political subdivision or other body corporate and politic of this state, other than the state or any department thereof, through its governing body, and any two or more subdivisions acting jointly through their governing bodies, may insure or protect its or their officers and employees, and their dependents, or any class or classes thereof, under a policy or policies, or contract or contracts of group insurance or benefits covering life, health, and accident, in the case of employees, and medical and surgical benefits, and hospitalization insurance or benefits, for both employees and dependents, or dependents of an employee whose death was due to causes arising out of and in the course of employment, or any one or more of such forms of insurance or protection. Any such governmental unit, including county extension committees and those paying their employees, may pay all or any part of the premiums or charges on such insurance or protection. Any such payment shall be deemed to be additional compensation paid to such officers or employees but for purposes of determining contributions or benefits under any public pension or retirement system it shall not be deemed to be additional compensation. Any one or more of such governmental units may determine that a person is an officer or employee if such officer or employee receives a por-

tion of his income from such governmental subdivisions without regard to the manner of his election or appointment. The appropriate officer of such governmental unit, or those disbursing county extension funds, shall deduct from the salary or wages of each officer and employee who elects to become insured or so protected, on the officer's or employee's written order, all or part of the officer's or employee's share of such premiums or charges and remit the same to the insurer or company issuing such policy or contract.

Any governmental unit, *other than a school district*, which pays all or any part of such premiums or charges is authorized to levy and collect a tax, if necessary, in the next annual tax levy for the purpose of providing the necessary funds for the payment of such premiums or charges, and (EXCEPT FOR SCHOOL DISTRICTS) such sums so levied and appropriated shall not, in the event such sum exceeds the maximum sum allowed by any law or the charter of a municipal corporation, be considered part of the cost of government of such governmental unit as defined in any tax levy or per capita expenditure limitation; provided at least 50 percent of the cost of benefits on dependents shall be contributed by the employee or be paid by levies within existing per capita tax limitations.

The word "dependents" as used herein shall mean spouse and minor unmarried children under the age of 18 years actually dependent upon the employee.

Sec. 23. Minnesota Statutes 1982, section 471.61, subdivision 2a, is amended to read:

Subd. 2a. [RETIRED OFFICERS, EMPLOYEES.] Any county, municipal corporation, town, school district, county extension committee, other political subdivision or other body corporate and politic of this state, including the state or any department thereof, through its governing body, and any two or more subdivisions acting jointly through their governing bodies, may insure or protect its or their retired officers and retired employees entitled to benefits under any public employees retirement act and their dependents, or any class or classes thereof, under a policy or policies, or contract or contracts of group insurance or benefits covering life, health, and accident, medical and surgical benefits, or hospitalization insurance or benefits, for retired officers and retired employees and their dependents, or any one or more of such forms of insurance or protection. Any such governmental unit, including county extension committees, may pay all or any part of the premiums or charges on such insurance or protection. Any one or more of such governmental units may determine that a person is a retired officer or a retired employee if such officer or employee, when employed, received a

portion of his income from such governmental subdivisions without regard to the manner of his election or appointment. The appropriate officer of such governmental unit, or those disbursing county extension funds, shall collect from each such retired officer and retired employee who elects to become insured or so protected, on such officer's or employee's written order, all or part of the retired officer's or retired employee's share of such premiums or charges and remit the same to the insurer or company issuing such policy or contract.

Any governmental unit, *other than a school district*, which pays all or any part of such premiums or charges is authorized to levy and collect a tax, if necessary, in the next annual tax levy for the purpose of providing the necessary funds for the payment of such premiums or charges, and (EXCEPT FOR SCHOOL DISTRICTS) such sums so levied and appropriated shall not, in the event such sum exceeds the maximum sum allowed by any law or the charter of a municipal corporation, be considered part of the cost of government of such governmental unit as defined in any tax levy or per capita expenditure limitation; provided at least 50 percent of the cost of benefits on dependents shall be contributed by the retired officer or retired employee or be paid by levies within existing per capita tax limitations.

The word "dependents" as used herein shall mean spouse and minor unmarried children under the age of 18 years actually dependent upon the retired officer or retired employee.

Sec. 24. Laws 1976, chapter 20, section 5, subdivision 1, is amended to read:

Sec. 5. [RESERVE FUND FOR REDUCING STATUTORY OPERATING DEBT.] Subdivision 1. The district shall establish a special reserve account, which shall be designated "reserve account for purposes of reducing statutory operating debt" on its books and records into which the proceeds of the bonds authorized in section 1 and the levies made under section 4 shall be placed. The funds in this account shall be used only for the payment of district operating expenses, but the amount in this account shall never supplement district revenues or income for the purposes of increasing the district's capital or operational expenditures or budgets, or for any purpose, other than to meet temporary cash needs. Earnings on sums in this account may be used for paying interest expenses on tax and aid anticipation certificates and for the purposes for which funds in this account may be used. *Earnings on sums in this account after June 30, 1984, may be withdrawn from the account and placed in the general fund.* The funds in this account may be invested and re-invested in accordance with the further provisions of Minnesota Statutes, Section 475.66, as amended.

Sec. 25. Laws 1983, chapter 314, article 7, section 45, is amended to read:

Sec. 45. [PILOT PROJECTS USING MICROCOMPUTERS.]

The department of education shall pilot test microcomputer-based financial reporting systems in up to (EIGHT) 12 school districts during the (1983-1984) 1984-1985 school year. *Districts participating in the pilot test sites shall meet hardware, software, and support limitations of the test system use as established by the department. The department shall encourage districts in geographic areas that are not now pilot testing microcomputer-based financial reporting systems to apply for additional test sites. In selecting additional test sites, the department shall give preference to districts in geographic areas that do not currently have test sites.* The alternative reporting system must comply with Minnesota Statutes, sections 121.90 to 121.917.

The school districts selected as pilot sites shall operate parallel reporting systems until such time that the department certifies that the alternative system meets the reporting requirements. The systems to be tested shall include one developed by the Minnesota educational computing consortium and at least one other available system recommended for testing by the ESV computer council, in consultation with the department. The alternative reporting systems operated by school districts selected as pilot sites shall be exempt from the requirements in Minnesota Statutes, section 121.936, subdivision 1, clause (b) (2), for the (1983-1984) 1984-1985 school year.

The department shall evaluate the pilot systems. The evaluation shall include recommendations on the feasibility and efficiency of reporting directly to the department, reporting to the department through the regional management information centers, or by other methods. The ESV computer council shall review the evaluation of the pilot systems and report its findings to the house education and appropriations committees and senate education and finance committees by (FEBRUARY 15, 1984) January 15, 1985. *The report shall include: changes in fees and costs for districts not participating in the pilot test; an analysis of district, state, and regional costs associated with operation of the systems; recommendations for maintenance of the systems; alternatives, their costs and recommendations for the provision of support to users; and an analysis of the desirability of limiting the number of allowable alternative systems.* The cost of the evaluation shall be paid by the department of education.

Sec. 26. Laws 1983, chapter 314, article 8, section 23, is amended to read:

Sec. 23. [RULEMAKING ON CURRICULUM.]

Subdivision 1. [SECONDARY CURRICULUM.] By September (1) 30, 1984, the state board of education shall adopt rules pursuant to chapter 14, establishing (ELEMENTARY AND) secondary curriculum requirements (WHICH) that will ensure that a minimum comprehensive educational program is available to all public secondary school students in the state. The secondary curriculum rules adopted by the state board shall be effective beginning in the 1985-1986 school year.

Subd. 2 [ELEMENTARY CURRICULUM.] By September 1, 1985, the state board of education shall adopt rules pursuant to chapter 14, establishing elementary curriculum requirements that will ensure that a minimum comprehensive educational program is available to all public elementary school students in the state. The elementary curriculum rules adopted by the state board shall be effective beginning in the 1986-1987 school year.

Subd. 3. [REPEALER.] This section is repealed on December 31, 1986.

Sec. 27. [RETROACTIVE CREDITS.]

Pupil records shall contain evidence of classes completed at the University of Minnesota talented youth mathematics project during the 1980-1981, 1981-1982, 1982-1983, and 1983-1984 school years. Pupils may take examinations according to section 8 for these classes and if the pupil passes the examination the pupil shall receive credit for courses taken during those years.

Sec. 28. [APPLICABILITY OF THREE YEAR PROBATION.]

Notwithstanding the provisions of section 13, a teacher who has completed at least one year of the first teaching experience in Minnesota in a single school district on June 30, 1984 shall be required to have a two-year probationary period in that district.

Sec. 29. [INDEPENDENT SCHOOL DISTRICT NO. 271; SALE OF BUILDING.]

Subdivision 1. [BUILDING EXCHANGE FOR CASH, PRODUCTS, AND SERVICES.] Notwithstanding Minnesota Statutes, sections 123.36, subdivision 13, 123.37, and 471.345, or any other law to the contrary, Independent School District No. 271, Bloomington, may sell a school building to a purchaser for cash, products, and services provided by the purchaser. Cash re-

ceived from the purchaser shall first be placed in the debt retirement fund in compliance with Minnesota Statutes, section 123.36, subdivision 13, clause (1). Additional cash, if any, may be placed in the general fund. Products and services may be provided for a period of time not to exceed five years according to contractual terms. The products and services shall consist of at least computer hardware, software, training, and related services as needed by the district.

Subd. 2. [EFFECTIVE DATE AND NO LOCAL APPROVAL.] Pursuant to section 645.023, subdivision 1, clause (a), subdivision 1 is effective without local approval the day following final enactment.

Sec. 30. [INDEPENDENT SCHOOL DISTRICT NO. 284; SALE OF BUILDINGS.]

Subdivision 1. [EXCESS SALE PROCEEDS INTO GENERAL FUND.] Notwithstanding Minnesota Statutes, section 123.36, subdivision 13, or any other law to the contrary, Independent School District No. 284, Wayzata, may deposit the excess proceeds from the sale of any building owned by the district that is sold before January 1, 1986, into the general fund after complying with the provisions of Minnesota Statutes, section 123.36, subdivision 13, clause (1).

Subd. 2. [EFFECTIVE DATE AND NO LOCAL APPROVAL.] Pursuant to Minnesota Statutes, section 645.023, subdivision 1, clause (a), subdivision 1 is effective without local approval the day following final enactment.

Sec. 31. [INDEPENDENT SCHOOL DISTRICT NO. 622; SALE OF BUILDINGS.]

Subdivision 1. [EXCESS SALE PROCEEDS INTO GENERAL FUND.] Notwithstanding Minnesota Statutes, section 123.36, subdivision 13, or any other law to the contrary, Independent School District No. 622, North St. Paul-Maplewood, may deposit the excess proceeds from the sale of any building owned by the district that is sold after July 1, 1983, into the general fund after complying with the provisions of Minnesota Statutes, section 123.36, subdivision 13, clause (1).

Subd. 2. [EFFECTIVE DATE AND NO LOCAL APPROVAL.] According to Minnesota Statutes, section 645.023, subdivision 1, clause (a), subdivision 1 is effective without local approval the day following final enactment.

Sec. 32. [INDEPENDENT SCHOOL DISTRICT NOS. 524 AND 525; SPECIAL CONSOLIDATION PROVISIONS.]

Subdivision 1. [SCHOOL DISTRICT NOS. 524 AND 525; CONSOLIDATION PROVISIONS.] Independent School District No. 524, Halstad, and Independent School District No. 525, Hendrum, as part of an agreement to consolidate according to Minnesota Statutes, section 122.23 or any other law, may agree to any of the following:

(a) election districts of the size and with the population desired by the consolidating districts; and

(b) election of school board members in any manner agreed upon, such as at large from a previously existing district or from the newly consolidated district, some members at large, some members from election districts or some members from previously existing districts.

Election districts created pursuant to this agreement may be changed or altered in the manner provided in Minnesota Statutes, section 123.32, subdivision 15. To the extent the provisions of Minnesota Statutes, section 122.23, or any other applicable law are inconsistent with this section, the provisions of this section shall apply.

Subd. 2. [EFFECTIVE DATE.] Pursuant to Minnesota Statutes, section 645.023, subdivision 1, clause (a), subdivision 1 is effective without local approval on the day following final enactment.

Sec. 33. [FUND TRANSFER AUTHORIZATION.]

Subdivision 1. [INDEPENDENT SCHOOL DISTRICT NO. 147.] Notwithstanding any law to the contrary, Independent School District No. 147, Dilworth, is authorized to permanently transfer to its general fund from its capital expenditure fund an amount not to exceed \$60,000.

Subd. 2. [LOCAL APPROVAL.] Subdivision 1 is effective the day after compliance by the school board of Independent School District No. 147 with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 34. [FUND TRANSFER AUTHORIZATION.]

Subdivision 1. [INDEPENDENT SCHOOL DISTRICT NO. 319.] Notwithstanding any law to the contrary, Independent School District No. 319, Nashwauk-Keewatin, is authorized to permanently transfer an amount not to exceed \$75,000 from the pupil transportation fund balance account entitled "appropriated for bus purchases" to the general fund unappropriated fund balance account for the purpose of reducing the school district's operating debt on or before June 30, 1984.

Subd. 2. [NO LOCAL APPROVAL.] Pursuant to Minnesota Statutes, section 645.023, subdivision 1, clause (a), subdivision 1 is effective without local approval the day following final enactment.

Sec. 35. [FUND TRANSFER AUTHORIZATION.]

Subdivision 1. [INDEPENDENT SCHOOL DISTRICT NO. 464.] Independent School District No. 464, Grove City, may permanently transfer \$80,000 from the capital expenditure fund to the general fund.

Subd. 2. [LOCAL APPROVAL.] Subdivision 1 is effective the day after compliance by the school board of Independent School District No. 464, Grove City, with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 36. [FUND TRANSFER AUTHORIZATION.]

Subdivision 1. [SCHOOL DISTRICT NO. 627; FUND TRANSFER.] Independent School District No. 627, Oklee, may permanently transfer \$50,000 from the bus purchase account of the pupil transportation fund to the general fund for the 1984-1985 school year.

Subd. 2. [LOCAL APPROVAL.] Subdivision 1 is effective the day after compliance by the school board of Independent School District No. 627 with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 37. [FUND TRANSFER AUTHORIZATION.]

Subdivision 1. [INDEPENDENT SCHOOL DISTRICT NO. 726.] Notwithstanding the provisions of Minnesota Statutes, section 121.912, in fiscal year 1984, Independent School District No. 726, Becker, is authorized to permanently transfer the sum of \$100,000 from the general fund of the district to the capital expenditure fund of the district to eliminate a deficit in the capital expenditure fund.

Subd. 2. [LOCAL APPROVAL.] Subdivision 1 is effective the day after compliance by the school board of Independent School District No. 726 with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 38. [FUND TRANSFER AUTHORIZATION.]

Subdivision 1. [INDEPENDENT SCHOOL DISTRICT NO. 852.] Independent School District No. 852, Campbell-Tintah, is authorized to make a permanent transfer of interest income from the capital expenditure fund to the general fund before July 1, 1984, and again, before July 1, 1985.

Subd. 2. [LOCAL APPROVAL.] Subdivision 1 is effective the day after compliance by the school board of Independent School District No. 852 with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 39. [FUND TRANSFER AUTHORIZATION.]

Subdivision 1. [INDEPENDENT SCHOOL DISTRICT NO. 460.] Notwithstanding Minnesota Statutes, section 475.61, subdivision 4, or any other law to the contrary, by June 30, 1984, Independent School District No. 460, Granada-Huntley, may transfer to its general fund the amount of any surplus remaining in its debt service fund when the obligations and interest thereon for the Granada school building are paid.

Subd. 2. [LOCAL APPROVAL.] Subdivision 1 is effective the day after the school board of Independent School District No. 460 complies with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 40. [FUND TRANSFER AUTHORIZATION.]

Subdivision 1. [INDEPENDENT SCHOOL DISTRICT No. 833.] Notwithstanding any law to the contrary, for the school year 1984-1985 Independent School District No. 833, South Washington County, may permanently transfer an amount not to exceed \$500,000 from the capital expenditure fund to the general fund.

Subd. 2. [LOCAL APPROVAL.] Subdivision 1 is effective the day after compliance by the school board of Independent School District No. 833 with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 41. [ARTS EDUCATION REPORT.]

By January 15, 1985, the department of education shall report to the education committees of the legislature recommendations for improving arts education in elementary and secondary schools. The report shall include:

(1) a review of the comprehensive arts planning grants authorized by Minnesota Statutes, sections 129B.17 to 129B.21;

(2) an assessment of the need for arts programs at elementary and secondary schools with recommendations for expanded arts opportunities for all students; and

(3) recommendations about establishing a Minnesota school for the arts, specifically addressing: the need for the school; a governance structure; administration and staffing; curriculum

components, including academic areas; student selection procedures, tuition, transportation, and housing; capital and operational budgets; funding provisions and sources; and ability to serve as a statewide resource center for school districts and staff.

Sec. 42. [REPORT ABOUT COOPERATION AND SECONDARY VOCATIONAL COURSES.]

Subdivision 1. By January 1, 1985, the commissioner of education shall report to the education committees of the legislature on recommendations for allocating revenue to all school districts on an equitable and appropriate basis for the purpose of cooperating in providing special education, secondary vocational programs, and academic programs. In making recommendations, the commissioner shall consider cooperative incentive revenues available through the intermediate school district levies and the interdistrict cooperation aid and levy. The commissioner shall include recommendations on offering cooperative programs through educational cooperative service units; education districts, as defined in Laws 1983, chapter 314, article 6, section 32; intermediate school districts; and other cooperations formed by joint powers agreements. The commissioner shall also review the adequacy of the existing special education and secondary vocational funding formulas. The commissioner shall also consider, but not be limited to, the following factors that may affect interdistrict cooperative efforts:

- (1) types of programs being offered,*
- (2) type, number, and resident districts of students being served,*
- (3) size of the attendance area, and*
- (4) the extent to which various programs are integrated within each district or service area.*

This report may include further evaluation of the report required pursuant to Laws 1983, chapter 314, article 7, section 49.

Subd. 2. If the state board of education adopts rules requiring school districts to offer secondary vocational education courses, the report in subdivision 1 shall also discuss the fiscal impact on the school districts and the impact on a school district's ability to offer other academic elective courses as a result of adopting rules requiring school districts to offer secondary vocational education.

Sec. 43. [SUSPENSION ON LICENSE RULES.]

The board of teaching shall not adopt any new or amended rules relating to licensing teachers until July 1, 1985.

Sec. 44. [DEADLINE FOR EXPERIENCE FOR MIDDLE SCHOOL LICENSE.]

The deadline for a licensed elementary or secondary teacher to gain the three years' Minnesota middle school teaching experience necessary to be issued a middle school teaching license, upon application, under Minnesota Rules, part 8700.3400, subparts 11 and 12, is extended from July 1, 1983, to July 1, 1984.

Sec. 45. [SPECIAL EDUCATION: EARLY CHILDHOOD RULES.]

Subdivision 1. Colleges and universities which offer approved special education: early childhood programs shall, upon request of the state board of teaching, update their description of assessment of previous teaching experience and previous teacher preparation as required by Minnesota Rules, part 8700.5501. The board of teaching shall suspend application of Minnesota Rules, part 8700.5501, subpart 2, item F for teachers who provide evidence to the board of teaching of two years of teaching experience in a special education: early childhood program setting, as verified by the employing district superintendent.

Subd. 2. [REVIEW.] The board of teaching shall establish a review panel to review any disputes between the teacher and the institution relating to the assessment of previous teaching experience and previous teacher preparation. The review panel shall consist of two licensed practitioners in the special education: early childhood field; one special education: early childhood specialist in the department of education, and one faculty member from a higher education institution offering an approved special education: early childhood program. The decision of the review panel shall be final.

Subd. 3. [PROVISIONAL LICENSES.] All persons holding a provisional license in special education: early childhood, pursuant to Minnesota Rules, part 8700.5501, subpart 4, which is due to expire on July 1, 1984, may request an extension of the validity of the provisional license until July 1, 1985. They shall submit the requests to the personnel licensing section of the department of education.

Sec. 46. [REPORT ON VISION AND HEARING ASSESSMENT.]

By February 1, 1985, the departments of education and health shall report to the education committees of the legislature on the assessment of pupils' vision and hearing. These departments shall cooperate with one another and submit a joint report. The report shall include a description of existing programs for screening and assessment of pupils, cost data on existing pro-

grams, evaluation of existing programs including cost analysis, and recommendations for improvement of existing programs or establishment of a new program to ensure that all pupils whose learning is affected by vision or hearing problems are identified, diagnosed, and treated.

Sec. 47. [STUDY OF AMBIENT AIR TESTING.]

The department of education shall conduct a study to determine the feasibility of using ambient air testing as an indicator of asbestos exposure in schools. If the department determines that ambient air testing is feasible in schools, it may contract for the development of ambient air standards to measure asbestos in schools.

Sec. 48. [EARLY RETIREMENT APPLICATIONS; 1983-1984 SCHOOL YEAR.]

Any teacher who has submitted an application for an early retirement incentive pursuant to Minnesota Statutes, section 125.611 in a timely manner during the 1983-1984 school year, whose application has been accepted by the commissioner of education prior to June 30, 1984, and who is eligible for a normal retirement annuity without reduction for age because the teacher's attained age plus credited allowable service totals 85, shall have the option of accepting either the early retirement incentive pursuant to Minnesota Statutes, section 125.611, or the normal retirement annuity without reduction for age because the teacher's attained age plus credited allowable service totals 85, but may not accept both. The teacher shall notify the school board, the commissioner of education, and the appropriate retirement association of his or her decision by July 15, 1984.

Sec. 49. [DESEGREGATION VARIANCE.]

The commissioner shall approve school desegregation plans that vary from the standard by up to an additional 15 percentage points if the local board can justify an educational reason for a variance to the state board from the comprehensive school desegregation plan submitted. If the variance is approved by the commissioner, it may result in a school building exceeding 50 percent minority enrollment if necessary.

Sec. 50. [TASK FORCE ON SCHOOL BUS SAFETY.]

Subdivision 1. [ESTABLISHMENT.] A task force on school bus safety is established. The task force shall consist of up to 13 members appointed by the commissioner of education. The commissioner shall appoint at least one member from the Minnesota safety council and one member from the department of public safety. The commissioner shall also appoint at least one

school administrator and a person to represent parents with children who regularly ride the school bus. The task force shall terminate by June 30, 1985.

Subd. 2. [DUTIES.] The task force shall study school bus safety. The study shall include at least the following issues:

(1) equipment and other safety features of school bus design, including seat belts, surface padding, and compartmentalization;

(2) proposals for mandatory installation and use of seat belts in school buses;

(3) relative population of school buses which are and are not subject to federal requirements for safety features;

(4) qualifications, training, examination, and licensing of school bus drivers;

(5) adequacy of school bus maintenance;

(6) current requirements and practices about school bus hauling distances;

(7) safety aspects of school bus pickup points; and

(8) instruction given to school children about safe boarding and departing procedures.

Subd. 3. [EXPENSES.] The compensation of task force members, removal, and vacancies shall be as provided in section 15.059, subdivisions 3 and 4.

Subd. 4. [REPORT.] The task force shall report its findings and recommendations to the commissioner of education and the education committees of the legislature by December 1, 1984.

Sec. 51. [ADVISORY COUNCIL ON BARGAINING IMPASSE RESOLUTION.]

Subdivision 1. There is created an advisory council on bargaining impasse resolution whose purpose shall be to study collective bargaining as it relates to public schools.

Subd. 2. The advisory council shall consist of 11 members as follows: two members of the senate appointed by the subcommittee on committees of the committee on rules and administration; two members of the house of representatives appointed by the speaker of the house; the director of the bureau of mediation services or a designee; and six members of the general public appointed by the governor. The advisory council shall elect a

chair from its membership. The advisory council shall terminate on June 30, 1985.

Subd. 3. By January 15, 1985, the advisory council shall submit to the legislative commission on employee relations its report and recommendations on the impasse resolution policies under Minnesota Statutes, sections 179.61 to 179.76 relating to public schools. The advisory council shall study:

(1) existing provisions of state law relating to negotiations, mediation, and impasse resolution;

(2) attitudes of public employers and employees and the public on current collective bargaining laws relating to public schools;

(3) collective bargaining laws in other states relating to public schools;

(4) changes in statutory timelines and the right to strike; and

(5) collective bargaining rights and procedures relating to principals and assistant principals.

Subd. 4. The legislative commission on employee relations shall provide staff for the advisory council. Members who are legislators shall be compensated in the same manner as other legislative meetings. The compensation of public members shall be governed by section 15.059, subdivision 3.

Sec. 52. [FUND MERGER RECOMMENDATIONS.]

By January 1, 1985, the advisory council on uniform financial accounting and reporting standards shall make recommendations to the education committees of the legislature on the need for maintaining separate school district funds. The recommendations shall include consideration of merging the general fund and capital expenditure fund.

Sec. 53. [INSTRUCTION TO REVISOR.]

Subdivision 1. [INTERMEDIATE SCHOOL DISTRICTS.] The revisor of statutes shall include in the next subsequent edition of Minnesota Statutes, and edit as authorized by law, the uncoded permanent law relating to Intermediate School District Nos. 287, 916, and 917.

Subd. 2. [DESEGREGATION VARIANCE.] The revisor of statutes shall replace Minnesota Rules, part 3525.0700, first paragraph, second sentence, with section 49.

Subd. 3. [MIDDLE SCHOOL LICENSURE.] The revisor of statutes shall change Minnesota Rules, part 8700.3400, subparts 11 and 12, to agree with the extension made in section 44.

Sec. 54. [REPEALER.]

Subdivision 1. Minnesota Statutes 1982, section 125.60, subdivision 2a, is repealed. Minnesota Statutes 1983 Supplement, section 129B.041, subdivision 2, is repealed.

Subd. 2. Section 28 is repealed on June 30, 1985.

Sec. 55. [APPROPRIATION.]

Subdivision 1. [BARGAINING IMPASSE STUDY.] The sum of \$12,500 is appropriated for fiscal year 1985 from the general fund to the legislative commission on employee relations for the advisory council bargaining impasse resolution. The sum is available until June 30, 1985.

Subd. 2. [BUS SAFETY TASK FORCE.] The sum of \$5,000 is appropriated for fiscal year 1985 from the general fund to the department of education for the task force on school bus safety. The sum is available until June 30, 1985.

Subd. 3. [ARTS EDUCATION REPORT.] The sum of \$148,000 is appropriated for fiscal year 1985 from the general fund to the department of education for the purposes of section 41.

The department of education shall not expend \$118,000 of this sum until it submits the report about establishing a Minnesota school for the arts to the chair of the senate education aids subcommittee and the chair of the house education finance division and receives their advisory recommendations on the school; failure or refusal to make a recommendation promptly is deemed a negative recommendation.

Subd. 4. [AMBIENT AIR TESTING STUDY.] The sum of \$10,000 is appropriated for fiscal year 1985 from the general fund to the department of education for the study on ambient air testing. This appropriation is available to match funds from other sources if the department contracts for the development of ambient air standards for measuring asbestos in schools. The sum is available until June 30, 1985.

Sec. 56. [EFFECTIVE DATES.]

Subdivision 1. Sections 50, 51, and 55 are effective the day following final enactment.

Subd. 2. Sections 3 and 21 are effective June 30, 1984.

Subd. 3. Sections 11, 15, and 48 are effective only upon the effective date of a law passed by the 1984 legislature which makes a teacher employed by a school district eligible for a normal retirement annuity without reduction for age because the teacher's attained age plus credited allowable service totals 85.

ARTICLE 8

TECHNOLOGY AND EDUCATIONAL IMPROVEMENT

Section 1. Minnesota Statutes 1983 Supplement, section 121.601, is amended to read:

Subdivision 1. [ESTABLISHMENT.] The (DEPARTMENT) *commissioner* of education shall (ESTABLISH) *maintain* a program for providing in-service training to school district staff. (DURING THE FIRST YEAR, THE PROGRAM SHALL PROVIDE IN-SERVICE TRAINING TO ELEMENTARY AND SECONDARY STAFF IN MATHEMATICS, SCIENCE, AND SOCIAL SCIENCE. FOR) Each (SUCCEEDING) year (OF THE PROGRAM), the commissioner shall recommend to the legislature subject areas for (WHICH) in-service training programs (SHALL BE PROVIDED). In-service training programs shall (BE DESIGNED TO) *emphasize the academic content of the subject area. They shall also offer a broad spectrum of experiences, including activities which require active participant involvement rather than classroom lectures. To the extent possible, the in-service training programs shall be integrated with the technology in-service training provided according to sections 129B.34 and 129B.35.*

Subd. 2. [NEED ASSESSMENT AND PLANNING GRANTS.] The commissioner shall determine the needs of pupils for a subject area using the statewide assessment program, before making subject area recommendations to the legislature. The commissioner shall consult with teachers of the subject area to determine the needs of teachers.

Subd. 3. [INITIAL PROPOSALS AND PLANNING GRANTS.] The commissioner shall request initial proposals from eligible organizations and institutions. After reviewing the initial proposals, the commissioner may award up to 20 grants to develop proposals for final selection.

Subd. (2) 4. [FINAL PROPOSALS.] (GRANT) *Final proposals (SUBMITTED BY ELIGIBLE APPLICANTS TO THE DEPARTMENT) shall include at least the following:*

(a) A variety of staff education activities which are designed to assess and upgrade (SKILLS) *the subject matter knowledge* of those attending the training programs;

(b) provisions for addressing the requirements for licensure for those staff who currently are not licensed in the designated areas but who desire to be so licensed;

(c) a plan for staff who participate in the training program to return to their school districts and provide training programs or disseminate information on in-service programs to other staff in their districts and regions;

(d) a process for notifying staff in the state who teach in the designated subject areas and who are eligible for the program, a process for selecting staff to participate in the in-service training program, and a mechanism for evaluation to be provided to the state board upon completion of the program;

(e) an estimated budget for the program, which shall provide for tuition expenses, related expenses including meals and lodging, and a stipend for participants in the program; and

(f) other information that may be requested by the department.

Subd. (3) 5. [ELIGIBLE APPLICANTS] The (DEPARTMENT) *commissioner* may (ALLOCATE MONEY) *award grants* to public or nonpublic institutions of higher education, public or private nonprofit organizations, educational cooperative service units, or school districts (FOR THE PURPOSE OF PROVIDING IN-SERVICE TRAINING ACCORDING TO THIS SECTION). When (APPROVING OR DISAPPROVING) *awarding* grants, the (DEPARTMENT) *commissioner* shall ensure geographic accessibility of the programs to teachers throughout the state and a balance of programs available in different subject areas.

Subd. (4) 6. [CONSULTATION.] When (MAKING GRANTS FOR THE IN-SERVICE TRAINING PROGRAMS ACCORDING TO THIS SECTION) *reviewing initial and final proposals*, the (DEPARTMENT) *commissioner* shall consult with elementary and secondary staff in the designated subject areas to ensure that proposals submitted incorporate recent research findings and address the retraining needs of staff in those subject areas.

Subd. (5) 7. [(PRIVATE) ADDITIONAL MONEY.] The commissioner (OF EDUCATION) may accept contributions from additional private or public sources to supplement state money (PROVIDED BY THIS SECTION). These contributions

shall be added to the total amount of available state money and shall be administered (BY THE DEPARTMENT) in the same manner as state money.

(SUBD. 6. [FEDERAL MONEY.]) The commissioner (OF EDUCATION) shall apply for and accept all federal money available for in-service training programs in the designated subject areas.

Subd. (7) 8. [(APPLICATION) DATES.] (APPLICATIONS FOR IN-SERVICE TRAINING PROGRAMS TO BE CONDUCTED DURING A SCHOOL YEAR SHALL BE SUBMITTED TO THE DEPARTMENT BY JANUARY 15 PRECEDING THE BEGINNING OF THAT SCHOOL YEAR.) *The commissioner shall determine the dates by which initial and final proposals are to be submitted.* The (DEPARTMENT) commissioner shall (APPROVE OR DISAPPROVE APPLICATIONS) award grants each year by (THE FOLLOWING) March 1.

Sec. 2. Minnesota Statutes 1983 Supplement, section 121.608, is amended to read:

121.608 [INSTRUCTIONAL EFFECTIVENESS PLAN.]

(BY JANUARY 1, 1984,) The commissioner of education shall develop a comprehensive statewide plan for maintaining and improving instructional effectiveness in the schools. The plan shall encourage implementation of school effectiveness strategies based on research findings in the area, develop in-service training models for school district staff, integrate developments in educational technology with classroom instruction models, and develop a mechanism for establishing a statewide network to coordinate and disseminate information on research in instructional effectiveness. The commissioner may employ consultants and specialists to assist in the development of the plan, and, to the extent possible, shall utilize the information provided by the planning, evaluation, and reporting process and the statewide assessment program. *The plan shall be revised as necessary.*

Sec. 3. Minnesota Statutes 1983 Supplement, section 121.609, is amended to read:

121.609 [INSTRUCTIONAL EFFECTIVENESS TRAINING.]

Subdivision 1. [ADVISORY TASK FORCE; PROGRAM MODEL.] (BY JANUARY 1, 1984,) The commissioner of education shall appoint an advisory task force to assist the department of education, in cooperation with the educational cooperative service units, in developing an implementation model for training school district staff in instructional effectiveness. The training program model shall be based on established principles of instructional design and the essential elements of effective instruction as determined by educational research. The training

program model shall take into account the diverse needs of the school districts due to such factors as district size and location, and shall be structured to facilitate regional delivery of the training through the educational cooperative service units.

Subd. 2. [PILOT TESTING OF TRAINING MODEL.] Between January 1, 1984, and (JANUARY 1) *June 30, 1985*, the commissioner shall administer a pilot program of the instructional effectiveness training models which shall be implemented in at least 20 pilot sites throughout the state. The advisory task force established in subdivision 1 of this section may recommend modifications in the training models as necessary.

Subd. 3. [EVALUATION AND REPORT.] The commissioner shall pay an independent evaluator to conduct an evaluation of the effectiveness of this section. (THE EVALUATOR SHALL SUBMIT A REPORT) *A preliminary evaluation, including a sample survey of district personnel trained at the pilot sites, (TO THE COMMISSIONER) shall be completed by January 1, 1985.*

The commissioner, with the assistance of the advisory task force, shall develop a long-term evaluation instrument for use at the pilot sites and other districts utilizing the instructional effectiveness models. The long-term evaluation instrument shall include a method for measuring student achievement.

Subd. 4. [REGIONAL SERVICES.] *The department of education shall contract with educational cooperative service units or other regional educational service agencies to provide assistance to the school districts in an educational cooperative service unit region in implementing instructional effectiveness models. In selecting an agency to provide assistance to the school districts, the department shall consider such factors as support of the proposal by the participating school districts and the extent to which the proposal provides for participation by school district staff. If more than one agency submits a proposal to provide services to school districts within an educational cooperative service unit region, the department shall encourage the agencies to develop a joint proposal.*

Subd. 5. [INSTRUCTIONAL EFFECTIVENESS TRAINING.] *Utilizing the statewide plan developed pursuant to section 121.608 and the regional support services authorized in subdivision 4, the department of education shall provide instructional effectiveness training for school district staff. The training shall be provided by building level leadership teams, as defined in the statewide plan developed pursuant to section 121.608. The training shall include clarification of individual school goals and expectations, enhancement of collaborative planning and collegial relationships among the building staff, improvement of instructional skills and instructional climate of the school, and planning of staff development programs.*

Sec. 4. Minnesota Statutes 1982, section 123.74, is amended to read:

123.74 [(POLICY) FINDINGS.]

The legislature finds that a process for curriculum evaluation and planning is needed for continued improvement of the educational program for all public school children in the state, and to allow for better evaluation of educational programs by local communities. The legislature further finds that such a process is needed to facilitate decisions by school boards and communities as to which services can best be provided by the public schools and which services can or should be provided by other institutions such as the family, the private sector or other public agencies. *The legislature further finds that efficient use of educational resources is needed with regard to educational technology and interdistrict cooperation.*

Sec. 5. Minnesota Statutes 1982, section 123.741, as amended by Laws 1983, chapter 314, article 8, section 9, is amended to read:

123.741 [(EDUCATION POLICY; CURRICULUM ADVISORY COMMITTEES) PLANNING, EVALUATION, AND REPORTING PROCESS.]

Subdivision 1. The school board of each school district in the state shall (DEVELOP AND) adopt a written (EDUCATIONAL) *planning, evaluation, and reporting* policy which establishes (EDUCATIONAL) *instructional goals and measurable learner objectives* for the district, a process for achieving these goals, and procedures for evaluating and reporting progress toward the goals. These goals shall include meeting the curriculum requirements adopted by the state board of education. The school board shall review this policy each year and (ADOPT REVISIONS WHICH IT DEEMS DESIRABLE) *identify annual instructional goals and measurable learner objectives to be addressed during the current school year*. School boards are encouraged to develop this school district policy and any revisions after consultation with the staff of each school building. In formulating the policy, the school board of a district is encouraged to consider: (a) the number of dropouts of school age in the district and the reasons for the dropouts; (b) existing programs within the district for dropouts and potential dropouts and (c) program needs of dropouts and potential dropouts.

Subd. 2. (THE SCHOOL BOARD SHALL INSTRUCT THE ADMINISTRATIVE AND PROFESSIONAL STAFF OF THE DISTRICT TO DEVELOP AN INSTRUCTIONAL PLAN FOR THE PURPOSE OF IMPLEMENTING THE GOALS ESTABLISHED IN THE DISTRICT EDUCATIONAL POLICY WITHIN RESOURCES AVAILABLE TO THE DISTRICT.

INSOFAR AS POSSIBLE THE INSTRUCTIONAL PLAN SHALL INCLUDE MEASURABLE INSTRUCTIONAL OBJECTIVES TO ASSIST IN DIRECTING AND MEASURING PROGRESS TOWARD THE GOALS ESTABLISHED IN THE DISTRICT EDUCATIONAL POLICY. FOR GOALS TOWARD WHICH PROGRESS IS NOT EASILY MEASURABLE, THE INSTRUCTIONAL PLAN SHALL INCLUDE OTHER APPROPRIATE MEANS TO DIRECT AND EVALUATE PROGRESS) *The school board shall instruct the administrative and professional staff of the district to develop an instructional plan for the purpose of implementing the instructional goals established in the district planning, evaluation, and reporting policy within the resources available to the district. To the extent possible, the instructional plan shall include instructional effectiveness processes developed pursuant to section 121.608 and integration of curriculum and technology developed under section 129B.33, to assist in directing and measuring progress toward the instructional goals established in the district planning, evaluation, and reporting policy. For instructional goals toward which progress is not easily measurable, the instructional plan shall include other appropriate means to direct and evaluate progress.*

Subd. 3. Each school board (IS ENCOURAGED TO APPOINT) *shall establish a curriculum advisory committee to provide for active community participation in the process of developing and revising the district (EDUCATIONAL) planning, evaluation, and reporting policy, developing the instructional plan, identifying the annual instructional goals and measurable learner objectives, evaluating progress, and reporting to the public. The advisory committee shall be broadly representative of the community served by the school district and shall include administrative staff, teachers, parents, and other community residents of the district. To the extent possible, parents and other community residents shall comprise at least two-thirds of the advisory committee.*

Subd. 4. Each year a final evaluation of progress shall be conducted, including both professional and consumer evaluations. The professional staff evaluation shall utilize test results and *may include other performance data along with faculty interpretations and judgments. Test results shall include local assessment data obtained pursuant to section 6, subdivision 2. A consumer evaluation shall include the opinions of students, parents and other residents of the (COMMUNITY SERVED BY THE) school district.*

Subd. 5. (UPON RECEIPT OF) *After completing the annual evaluation (REPORTS), (EACH) the school board shall review the results (AND DEVELOP) and adopt appropriate school district improvement plans (TO IMPROVE AREAS WHERE GOALS OF THE DISTRICT EDUCATIONAL POLICY HAVE NOT BEEN MET). The school district improvement*

plans shall describe actions to be taken by the district to correct any weakness evident from the results of the district evaluation process.

Subd. (5) 6. (THE DISTRICT EDUCATIONAL POLICY, THE REPORTS OF THE ANNUAL EVALUATION INCLUDING SUMMARY TEST RESULTS, AND THE PLANS FOR SCHOOL IMPROVEMENT SHALL BE MADE AVAILABLE TO THE CITIZENS OF THE SCHOOL DISTRICT THROUGH MEDIA RELEASES AND OTHER MEANS OF COMMUNICATING WITH THE PUBLIC. THESE DOCUMENTS) *By September 1 of each year, the local school board shall adopt a report which shall include the following:*

- (a) annual instructional goals which were addressed for that year in the planning, evaluation, and reporting process;*
- (b) appropriate evaluation of the annual instructional goals;*
- (c) the results of the professional staff evaluation including local assessment data obtained pursuant to section 6, subdivision 2, and any additional appropriate test data;*
- (d) the results of the consumer evaluation; and*
- (e) the annual school district improvement plans.*

Every other year the report shall include an evaluation of the assessment program pursuant to subdivision 7.

The school board shall disseminate the report to all residents of the district by publication in the local newspaper with the largest circulation in the district, by newsletter, or through the United States postal service. The report shall (ALSO) be on file and available for inspection by the public. A (INFORMATION COPIES) copy of the (REPORTS) report which is disseminated to the community shall be sent to the (STATE BOARD OF EDUCATION) commissioner of education by September 1 of each year. All activities and reports pursuant to this section shall comply with chapter 13, and any other law governing data on individuals in school districts.

Subd. 7. [BIENNIAL EVALUATION; ASSESSMENT PROGRAM.] *At least once every two years the school board shall evaluate the testing program, using the following criteria:*

- (a) written objectives of the testing program;*
- (b) names of tests and grade levels tested; and*
- (c) utilization of test results.*

Sec. 6. Minnesota Statutes 1982, section 123.742, as amended by Laws 1983, chapter 258, section 26, is amended to read:

123.742 [ASSISTANCE TO LOCAL SCHOOL DISTRICTS; ASSESSMENT PROGRAMS.]

Subdivision 1. [TECHNICAL ASSISTANCE.] Insofar as possible, the (STATE BOARD) *department* of education and educational cooperative service units shall make technical assistance for planning and evaluation available to school districts upon request. The department shall collect the annual evaluation reports from local districts as provided in section 123.741, subdivision 5, and shall make this data available upon request to any district seeking to use it for purposes of comparisons of student performance.

Subd. 2. [LOCAL ASSESSMENT PROGRAM.] *Beginning in the 1984-1985 school year, as part of the planning, evaluation, and reporting process, each school district shall conduct an assessment program, utilizing the local assessment option developed by the state department of education. Every year each school district shall conduct an assessment for at least one curriculum area in at least three grade levels.*

Subd. 3. [PARTICIPATION IN STATEWIDE ASSESSMENT PROGRAM.] *Beginning in the 1984-1985 school year, each school district shall participate in the statewide assessment sampling process at least once every three years to provide normative data. The department of education shall determine which districts shall participate and which curriculum areas shall be assessed in a given school year.*

Subd. 4. [NEEDS OF HANDICAPPED PUPILS.] *School boards are encouraged to consider the needs of handicapped students in determining the extent of their participation in the assessment programs in subdivisions 2 and 3. The district policy may provide for modifications in the testing procedures for handicapped students.*

Subd. 5. [ASSESSMENT ITEM BANK.] *The department of education shall develop an assessment item bank for the purpose of providing assessment programs to individual districts which are tailored to the specific educational objectives of the district. Beginning in the 1984-1985 school year and each year thereafter, the department shall develop an item bank for at least two curriculum areas each year. The department shall develop an item bank for at least ten different curriculum areas.*

Subd. 6. [ADDITIONAL TESTING.] *The department upon written agreement with local school districts may perform additional testing and evaluation of students. The department may collect a reasonable fee not to exceed the actual cost of services.*

Subd. (3) 7. [CURRICULUM INFORMATION.] The department may provide available curriculum information for improving teaching practices at public elementary, secondary and post-secondary vocational schools. The information may be provided upon the request of a school district or an educational cooperative service unit with which the department has a written agreement. The department may collect reasonable fees not to exceed its actual costs for this service. The department may also accept money from any public or private source to defray the cost of this service.

Subd. (4) 8. [CAREER INFORMATION.] The department of education may provide career information to school districts and educational systems. The department may collect reasonable fees for subscriptions to the Minnesota career information service.

Sec. 7. Minnesota Statutes 1983 Supplement, section 123.743, is amended to read:

123.743 [APPROPRIATION.]

There is annually appropriated from the general fund to the department of education any and all amounts received by the department pursuant to section 123.742, subdivisions (2) 6, (3) 7, and (4) 8.

Sec. 8. [123.7431] [AID FOR PLANNING, EVALUATION, AND REPORTING PROCESS.]

Subdivision 1. [ELIGIBILITY.] Each school district which completes the planning, evaluation, and reporting process pursuant to the requirements of sections 123.741 and 123.742 and which receives approval from the commissioner of education is eligible to receive state aid. An eligible school district shall receive \$1 times average daily membership for the applicable school year. No district which is eligible for aid shall receive less than \$1,500.

Subd. 2. [PAYMENT OF AID.] The department of education shall pay aid to a district within 30 days of approving the district's planning, evaluation, and reporting process.

Sec. 9. [129B.10] [RESEARCH AND DEVELOPMENT GRANTS.]

Subdivision 1. [PURPOSE.] The purpose of this section is to support research on alternative educational structures and practices within public schools and to develop alternatives that are based on research.

Subd. 2. [ADVISORY TASK FORCE.] The council on quality education shall appoint an advisory task force on research and development for alternative educational structures and practices. The advisory task force shall consist of at least 11 members. All members shall have knowledge and experience in educational research, educational administration, or teaching. The advisory task force shall assist the council in carrying out its responsibilities under this section. The terms, compensation, and removal of members shall be governed by the provisions of section 15.059, subdivision 6.

Subd. 3. [RESEARCH AND DEVELOPMENT SUBJECTS.] The council shall select subjects for research and development focusing on alternative educational structures and practices. The subjects may include, but are not limited to, the following:

- (1) school site management;*
- (2) development of individualized education plans for all students;*
- (3) alternative staff compensation plans;*
- (4) alternative educational delivery systems;*
- (5) outcome based education; and*
- (6) provision of educational programs in school districts by contracting with professional partnerships composed of licensed teachers.*

Subd. 4. [PRELIMINARY STUDIES.] The council shall contract for preliminary studies to assist it in establishing research and development needs and selecting subjects for proposals. Preliminary studies shall include recommendations for evaluation procedures which the council may use if the council issues a grant for research and development in that particular subject.

Subd. 5. [REPORT TO LEGISLATURE; SUBJECTS.] By February 1, 1985, the council shall report to the education committees of the legislature on the research needs that the council has identified, the recommended subjects for proposals, and the potential need for changes in rules and laws to facilitate the research and development programs. The report shall include specific proposals for independent evaluation of research and development programs which will be funded under the provisions of this section. The legislature shall consider the recommendations of the council in determining the appropriation for grants to be disbursed under the provisions of this section.

Subd. 6. [RESEARCH AND DEVELOPMENT GRANTS.] By June 1, 1985, the council shall request proposals on three to six research and development subjects. Each request for proposals shall state the method by which a funded program will be evaluated. By September 1, 1985, the council shall review the proposals it receives and award grants.

Subd. 7. [REPORT TO LEGISLATURE; RESEARCH REPORTS.] By February 1, 1988, the council shall report to the education committees of the legislature. The report shall include the council's evaluation of each research and development program, recommendations for institutional changes in the structure of elementary and secondary education, and recommendations for other ways of improving elementary and secondary education.

Sec. 10. Minnesota Statutes 1983 Supplement, section 129B.32, subdivision 3, is amended to read:

Subd. 3. [COURSEWARE PACKAGE.] "Courseware package" means integrated videotape and videodisk, computer disk, (AND) software (AND ITS), supporting materials, such as workbooks and textbooks, and other computer support hardware that is an integral part of an educational software package, such as a printed circuit board, voice synthesizer which enables speech production and its speaker, tap master, valve simulator, and digital to analog converter board. It does not mean a central processing unit, disk drive, video monitor, printer, or similar items.

Sec. 11. Minnesota Statutes 1983 Supplement, section 129B.36, subdivision 7, is amended to read:

Subd. 7. [EVALUATION OF SITES.] The (STATE BOARD) advisory committee shall evaluate the technology demonstration sites. It may contract with independent evaluators for this purpose.

Sec. 12. [SHARED FACILITIES REPORT.]

The commissioner of education shall collect information on and evaluate methods for sharing public school facilities with other organizations including government agencies, social service agencies, and other nonprofit and for-profit organizations. By January 1, 1985, the commissioner shall prepare a written report and make it available in published form to school districts and other interested persons. In developing this report the commissioner shall consult with persons in school districts in Minnesota and other states that are sharing facilities.

Sec. 13. [STUDY OF TEACHER EDUCATION.]

Subdivision 1. [HIGHER EDUCATION COORDINATING BOARD.] The higher education coordinating board shall con-

duct a study, in cooperation with the board of teaching, of teacher education programs in public and private institutions of higher education. The study shall result in a report and recommendations on the number, enrollment, mission, and location of all teacher education programs. The report shall include information and recommendations on the need for in-service education and the relationship of in-service, preservice, and graduate education. It shall also include information and recommendations for improving the quality and efficiency of teacher education programs by the use of standardized tests for beginning teachers, alternative methods of teacher preparation and licensure, and other means. The report shall be submitted to the education committees of the legislature by January 1, 1985.

Subd. 2. [FACTORS.] In developing its recommendations, the higher education coordinating board shall consider factors including, but not limited to:

- (a) the existing pool of licensed but inactive teachers;
- (b) the demand for teachers in preschool, elementary, and secondary education;
- (c) the number of teacher education programs and the annual number of graduates;
- (d) admission criteria for teacher education programs;
- (e) access of students to special or unique programs;
- (f) procedures for licensing qualified, unlicensed individuals;
- (g) the feasibility of modifying state criteria for teacher licensure;
- (h) teacher preparation and licensure procedures in other states;
- (i) available information about the use and effectiveness of standardized tests for beginning teachers; and
- (j) possible alternative methods for licensure such as an undergraduate degree in a subject area plus an extended internship program.

Sec. 14. [COOPERATION OF BOARDS AND INSTITUTIONS.]

All higher education governing boards and public and private institutions are requested to cooperate fully with the higher

education coordinating board in the preparation of the teacher education study, pursuant to section 136A.05.

Sec. 15. [SCHOOL MANAGEMENT TASK FORCE.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of education shall appoint a task force to make recommendations about an assessment center and in-service training for principals and assistant principals. The task force shall consist of 13 members. One member shall be from the elementary school principals association, one member shall be from the secondary school principals association, one member shall represent the educational cooperative service units, and one member shall be from each of the following organizations: Minnesota association of school administrators, Minnesota school boards association, administrative women in education, Minnesota federation of teachers, and Minnesota education association. The commissioner shall appoint a member from the University of Minnesota or from another institution with a teacher preparation program, or both. Members of the task force shall receive expenses in the same manner and amount as state employees. The task force shall terminate on January 1, 1986.

Subd. 2. [DUTIES.] The task force shall make recommendations to the commissioner of education about the types of in-service training that are needed and how to provide effective in-service training for principals. The task force shall also make recommendations to the commissioner about an assessment center, including the costs of operation, staffing, manner of operation, services to be provided, fees for school districts, and other matters. The assessment center shall be located at the University of Minnesota.

Sec. 16. [SUMMER INSTITUTE STUDY.]

The academic excellence foundation shall report to the education committees of the legislature by January 15, 1985, on the availability of and need for summer institutes at or conducted by post-secondary institutions for secondary students who are outstanding in the areas of mathematics, science, and foreign languages.

Sec. 17. [DEPARTMENT OF EDUCATION APPROPRIATIONS.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section. The sums are available until June 30, 1985.

Subd. 2. [SUBJECT AREA IN-SERVICE TRAINING.] *The sum of \$270,000 is appropriated for subject area in-service training, according to section 121.601. This appropriation is in addition to the \$500,000 appropriated to provide subject area in-service training by Laws 1983, chapter 314, article 8, section 26, subdivision 2.*

(a) *Of the sum, \$210,000 shall be used for grants for in-service training in the following:*

Math \$ 65,000

Science \$105,000

Social Studies \$ 40,000

The in-service training shall emphasize academic content in each of the subject areas. The grants shall be in addition to those awarded in fiscal 1984.

(b) *The remaining \$60,000 shall be for the department to assess future needs for subject area in-service training and for planning grants. The assessment and planning grants shall emphasize the academic content of the subject area.*

Subd. 3. [INSTRUCTIONAL EFFECTIVENESS; EVALUATION INSTRUMENT.] *The sum of \$250,000 is appropriated for the development of the training models specified in section 121.609, subdivision 4, as amended, and for the development of a long-term evaluation instrument pursuant to section 121.609, subdivision 3.*

Subd. 4. [INSTRUCTIONAL EFFECTIVENESS; REGIONAL SERVICES.] *The sum of \$330,000 is appropriated for the purposes of section 121.609, subdivision 4, as amended. The department shall allocate this appropriation to the educational cooperative service unit regions based on a formula that takes into account the number of school buildings, number of participating staff, and geographic distance between the service provider and the participating school districts. Any educational cooperative service unit or other provider agency receiving funds pursuant to this section shall match the funds with an amount equal to 25 percent of the allocation.*

Subd. 5. [INSTRUCTIONAL EFFECTIVENESS; TRAINING.] *The sum of \$250,000 is appropriated for the purposes of section 121.609, subdivision 5, as amended. This amount shall be used to pay for the costs of providing instructional effective-*

ness training to school district staff, including the costs of stipends or substitute teachers.

Subd. 6. [INSTRUCTIONAL EFFECTIVENESS ADMINISTRATION.] The sum of \$70,000 is appropriated for the purposes of administering the instructional effectiveness program.

Subd. 7. [SHARED FACILITIES REPORT.] The sum of \$10,000 is appropriated for the purposes of preparing a report on methods for sharing public school facilities.

Subd. 8. [RESEARCH AND DEVELOPMENT GRANTS.] The sum of \$150,000 is appropriated for the council on quality education for the research and development grant program authorized in section 9. No more than \$80,000 of this appropriation shall be used for staff expenses. The department of education may increase its authorized complement for the council on quality education until June 30, 1985, by one professional and one clerical position to provide support for the grant program. At least \$50,000 of this appropriation shall be used for contracts for preliminary studies.

Subd. 9. [SCHOOL MANAGEMENT.] The sum of \$25,000 is appropriated for school management. Of this sum \$10,000 is for the school management task force. The remaining \$15,000 is to be used by the commissioner of education for initial administrative costs in establishing an assessment center.

Subd. 10. [LOCAL ASSESSMENT PROGRAM.] The sum of \$575,000 is appropriated for fiscal year 1985 for the purposes of implementing the requirements of section 6, subdivision 2. The department may use up to \$200,000 of the appropriation for initial costs of establishing the program. The department may use up to \$150,000 to increase the staff complement in the assessment section, \$50,000 of which shall be used for one additional professional position. The remaining \$100,000 is available for three positions in the assessment section and associated expenses currently funded with federal block grant dollars. This \$100,000 shall not be released until the commissioner of education has verified to the commissioner of finance that federal funding for these positions is no longer available and has not been transferred to another section in the department. In the event of a transfer from federal to state funding, the complement for the affected positions is also transferred from federal to state status.

Subd. 11. [DEVELOPMENT OF TEST ITEM BANK.] The sum of \$320,000 is appropriated for fiscal year 1985 for the purposes of section 6, subdivision 5. The department may use up to \$80,000 of the appropriation to increase the state complement by two positions in the assessment section.

Subd. 12. [PLANNING, EVALUATION, AND REPORTING PROCESS.] The sum of \$1,020,000 is appropriated for fiscal year 1985 for the purposes of section 8. Any unexpended balance remaining from this appropriation for fiscal year 1985 shall not cancel but shall be available for use in fiscal year 1986 until November 1, 1985.

Subd. 13. [TECHNOLOGY DEMONSTRATION SITES.] The sum of \$581,000 is appropriated to fund the technology demonstration site proposals under Minnesota Statutes, section 129B.36, which were the first, second, third, 12th, and 15th highest proposals rated by the advisory committee on technology in education. The grants awarded to each of the districts submitting these proposals shall be for use during the 1983-1984 and 1984-1985 school years and shall not exceed the actual amount of the grant proposal submitted to the state board of education or \$125,000, whichever is less.

Sec. 18. [HECB APPROPRIATION.]

The sum of \$20,000 is appropriated from the general fund to the higher education coordinating board to conduct a study of teacher education programs. A portion of this sum may be used for consultants. The sum shall be available until June 30, 1985.

Sec. 19. [EFFECTIVE DATE.]

Sections 1, 2, 3, 9, 12, 13, 14, 15, 17, and 18 are effective the day following final enactment.

ARTICLE 9

CASH FLOW

Section 1. Minnesota Statutes 1983 Supplement, section 121.904, subdivision 4a, is amended to read:

Subd. 4a. [LEVY RECOGNITION.] (a) "School district tax settlement revenue" means the current, delinquent, and manufactured home property tax receipts collected by the county and distributed to the school district, including distributions made pursuant to section 279.37, subdivision 7, and excluding the amount levied pursuant to section 275.125, subdivision 9a, and Laws 1976, chapter 20, section 4.

(b) In June of each year, the school district shall recognize as revenue, in the fund for which the levy was made, the lesser of:

(1) the June and July school district tax settlement revenue received in that calendar year; or

(2) the sum of the state aids and credits enumerated in section 124.155, subdivision 2 which are for the fiscal year payable in that fiscal year plus 32 percent of the amount of the levy certified in the prior calendar year according to section 275.125, subdivision 2d, plus or minus auditor's adjustments, not including levy portions that are assumed by the state; or

(3) thirty-two percent of the amount of the levy certified in the prior calendar year, plus or minus auditor's adjustments, not including levy portions that are assumed by the state, which remains after subtracting, by fund, the amounts levied for the following purposes:

(i) reducing or eliminating projected deficits in the appropriated fund balance accounts for unemployment insurance and bus purchases;

(ii) statutory operating debt pursuant to section 275.125, subdivision 9a, and Laws 1976, chapter 20, section 4; and

(iii) retirement and severance pay pursuant to section 275.125, subdivision 6a, and Laws 1975, chapter 261, section 4; and

(iv) amounts levied for bonds issued and interest thereon, amounts levied for debt service loans and capital loans, and amounts levied pursuant to section 275.125, subdivision 14a.

(c) In July of each year, the school district shall recognize as revenue that portion of the school district tax settlement revenue received in that calendar year and not recognized as revenue for the previous fiscal year pursuant to clause (b).

(d) All other school district tax settlement revenue shall be recognized as revenue in the fiscal year of the settlement. Portions of the school district levy assumed by the state, including prior year adjustments and the amount to fund the school portion of the reimbursement made pursuant to section 273.425, shall be recognized as revenue in the fiscal year beginning in the calendar year for which the levy is payable.

Sec. 2. Minnesota Statutes 1982, section 121.904, is amended by adding a subdivision to read:

Subd. 4c. [PROPERTY TAX SHIFT REDUCTION.] (a) For the purpose of this subdivision, "combined fund balance" means the sum of the fund balance determined by the commissioner of finance pursuant to section 9 of this article, after transfers to the education aids increase account, plus the balance in the education aids increase account.

(b) If the combined fund balance exceeds \$58,000,000, the levy recognition percent specified in subdivision 4a, clauses

(b)(2) and (b)(3), shall be reduced for taxes payable in 1985 and thereafter according to the provisions of this subdivision.

(c) The levy recognition percent shall equal the result of the following computation: 32 percent, times the ratio of

(1) the statewide total amount of levy recognized in June 1985 pursuant to subdivision 4a, clause (b), reduced by the amount of the combined fund balance in excess of \$50,000,000, to

(2) the statewide total amount of the levy recognized in June 1985 pursuant to subdivision 4a, clause (b).

The result shall be rounded up to the nearest whole percent. However, in no case shall the levy recognition percent be reduced below 24 percent.

Sec. 3. Minnesota Statutes 1983 Supplement, section 124.155, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT OF ADJUSTMENT.] (BEGINNING WITH) In fiscal year 1984 and each year thereafter, state aids and credits enumerated in subdivision 2 payable to any school district (IN A PARTICULAR FISCAL YEAR) for that fiscal year shall be adjusted, in the order listed, by an amount equal to (1) the amount the district recognized as revenue for the prior fiscal year pursuant to section 121.904, subdivision 4a, clause (b), (AS AMENDED BY LAWS 1982, THIRD SPECIAL SESSION CHAPTER 1, ARTICLE 3, SECTION 1;) minus (2) the amount the district recognizes as revenue for the current fiscal year pursuant to section 121.904, subdivision 4a, clause (b) (, AS AMENDED BY LAWS 1982, THIRD SPECIAL SESSION CHAPTER 1, ARTICLE 3, SECTION 1). (ANY LOAN AMOUNT AUTHORIZED FROM THE CASH FLOW LOAN FUND OR) For the purposes of making the aid adjustment under this subdivision, the amount the district recognizes as revenue for either the prior fiscal year or the current fiscal year pursuant to section 121.904, subdivision 4a, clause (b), shall not include any amount levied pursuant to section 275.125, subdivision 2d. Payment from the permanent school fund shall not be adjusted pursuant to this section. The school district shall be notified of the amount of the adjustment made to each payment pursuant to this section.

Sec. 4. Minnesota Statutes 1983 Supplement, section 124.195, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] This section applies to all aids or credits paid by the commissioner of education from the general fund (OF THE STATE OF MINNESOTA) to school districts (EXCEPT AS PROVIDED IN SECTION 124.5629. THE PROCEDURES DESCRIBED IN THIS SECTION FOR MAKING DISBURSEMENTS TO SCHOOL DISTRICTS WILL

BE USED STARTING IN FISCAL YEAR 1984, EXCEPT THAT FOR DISTRICTS THAT HAVE TAX ANTICIPATION CERTIFICATES OR AID ANTICIPATION CERTIFICATES WHICH WERE SOLD PRIOR TO JUNE 30, 1983, AND WHICH MATURE PRIOR TO JUNE 30, 1984, THE PAYMENT SCHEDULES SPECIFIED IN MINNESOTA STATUTES 1982 MAY CONTINUE TO BE USED IN FISCAL YEAR 1984 IF THE SCHOOL DISTRICT PROVIDES EVIDENCE TO THE COMMISSIONER OF EDUCATION THAT THE PAYMENT SCHEDULES ESTABLISHED IN THIS SECTION WOULD JEOPARDIZE REPAYMENT OF THESE CERTIFICATES OR PREVENT THE DISTRICT FROM MAKING PAYMENTS FOR OTHER SERVICES WITHOUT ADDITIONAL BORROWING.

Sec. 5. Minnesota Statutes 1983 Supplement, section 124.195, subdivision 9, is amended to read:

Subd. 9. [PAYMENT PERCENTAGE FOR CERTAIN AIDS.] The following aids shall be paid at 100 percent of the entitlement for the current fiscal year: school lunch aid, according to section 124.646; (TEACHER INSTITUTE AID, CAMPUS LABORATORY SCHOOL AID, AND HIGH TECHNOLOGY AIDS) *hearing impaired support services aid, according to section 121.201; and educational improvement aids, according to sections 121.601, 129B.33, 129B.34, and 129B.36.*

Sec. 6. Minnesota Statutes 1983 Supplement, section 124.195, is amended by adding a subdivision to read:

Subd. 11. [NONPUBLIC AIDS.] *The state shall pay to each school district 85 percent of its aid for pupils attending non-public schools, according to sections 123.931 to 123.947 by December 31. The final aid distribution shall be made by December 31 of the following school year.*

Sec. 7. Minnesota Statutes 1982, section 475.61, subdivision 1, is amended to read:

Subdivision 1. [DEBT SERVICE RESOLUTION.] The governing body of any municipality issuing general obligations shall, prior to delivery of the obligations, levy by resolution a direct general ad valorem tax upon all taxable property in the municipality to be spread upon the tax rolls for each year of the term of the obligations. The tax levies for all years for municipalities other than school districts shall be specified and such that if collected in full they, together with estimated collections of special assessments and other revenues pledged for the payment of said obligations, will produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the obligations. The tax levies for school districts shall be specified and such that if collected in full they, together with estimated collection of other revenues

pledged for the payment of the obligations, will produce between five and six percent in excess of the amount needed to meet when due the principal and interest payments on the obligations; except that, with the permission of the commissioner of education, a school board may specify a tax levy in a higher amount if necessary (BECAUSE OF) *either to meet an anticipated tax delinquency or for cash flow needs to meet the required payments from the debt redemption fund.* Such resolution shall irrevocably appropriate the taxes so levied and any special assessments or other revenues so pledged to the municipality's debt service fund or a special debt service fund or account created for the payment of one or more issues of obligations. The governing body may, in its discretion, at any time after the obligations have been authorized, adopt a resolution levying only a portion of such taxes, to be filed, assessed, extended, collected, and remitted as hereinafter provided, and the amount or amounts therein levied shall be credited against the tax required to be levied prior to delivery of the obligations.

Sec. 8. Minnesota Statutes 1983 Supplement, section 475.61, subdivision 3, is amended to read:

Subd. 3. [IRREVOCABILITY.] Tax levies so made and filed shall be irrevocable, except as provided in this subdivision.

In each year when there is on hand any excess amount in the debt (SERVICE) *redemption* fund of a school district at the time the district makes its property tax levies, the amount of the excess shall be certified by the school board to the county auditor and the auditor shall reduce the tax levy otherwise to be included in the rolls next prepared by the amount certified, unless the school board determines that the excess amount is necessary to ensure the prompt and full payment of the obligations and any call premium on the obligations, or will be used for redemption of the obligations in accordance with their terms. An amount shall be presumed to be excess for a school district in the amount that it, together with the levy required by subdivision 1, will exceed 106 percent of the amount needed to meet when due the principal and interest payments on the obligations due before the second following July 1. This subdivision shall not limit a school board's authority to specify a tax levy in a higher amount if necessary because of anticipated tax delinquency *or for cash flow needs to meet the required payments from the debt redemption fund.*

If the governing body, including the governing body of a school district, in any year makes an irrevocable appropriation to the debt service fund of moneys actually on hand or if there is on hand any excess amount in the debt service fund, the recording officer may certify to the county auditor the fact and amount thereof and the auditor shall reduce by the amount so certified the amount otherwise to be included in the rolls next thereafter prepared.

Sec. 9. [EDUCATION AIDS INCREASE ACCOUNT.]

Subdivision 1. [ESTABLISHMENT.] There is established an education aids increase account in the general fund of the state treasury for the deposit of funds to insure adequate funding for increases in aids to school districts for the biennium beginning July 1, 1985.

Subd. 2. [INITIAL TRANSFER.] The commissioner of finance shall transfer \$23,000,000 to the education aids increase account on July 1, 1984.

Subd. 3. [CONTINGENT TRANSFERS.] If forecasts of general fund revenues and expenditures prepared by the commissioner of finance pursuant to chapter 16A prior to December 1, 1984, indicate a projected general fund balance for the biennium ending June 30, 1985, the commissioner shall transfer the amount of the balance to the education aids increase account; however, in no case shall the cumulative total of all transfers according to this subdivision exceed \$27,000,000. Transfers to the education aids increase account shall remain in the account until expended.

Subd. 4. [EXPIRATION OF ACCOUNT.] The education aids increase account shall expire on June 30, 1987. Any unexpended moneys in the education aids increase account on June 30, 1987, shall be transferred to the general fund.

Sec. 10 [CERTIFICATION AND NOTICE OF PERCENT.]

The commissioner of finance shall certify to the commissioner of education the levy recognition percent computed under section 2 of this article by January 5, 1985. The commissioner of education shall notify school districts of any change by January 15, 1985.

Sec. 11. [TRANSFER IN FISCAL YEAR 1985 FOR ADDITIONAL AIDS.]

The commissioner of finance shall transfer from the general fund to the education aids appropriations specified by the commissioner of education, the amounts needed to finance the additional payments required because of the reduction pursuant to section 2 of this article of the levy recognition percentage in Minnesota Statutes, section 121.904, subdivision 4c. Payments to a school district of additional state aids resulting from a reduction in the levy recognition percentage pursuant to section 2 of this article, shall be added to the cash metering system, according to Minnesota Statutes, section 124.195, after January 15, 1985, and shall be paid in a manner consistent with the percentage specified in that section.

Sec. 12. [CASH FLOW EVALUATION.]

The commissioner of finance, in cooperation with the commissioner of education and the Minnesota association of school business officials, shall evaluate the impact on school districts of the cash flow provisions of Minnesota Statutes, chapter 124. The commissioner shall report the findings, along with recommendations, to the education committees of the legislature by February 15, 1985.

Sec. 13. [REPEALER.]

Minnesota Statutes 1982, sections 124.246, subdivision 5; 124.26, subdivision 5; 124.572, subdivision 8a; 124.573, subdivision 6; and 124.574, subdivision 8, are repealed. Minnesota Statutes 1983 Supplement, sections 124.225, subdivision 12; and 124.271, subdivision 6, are repealed.

Sec. 14. [APPROPRIATION.]

The appropriation for payment of support services for hearing impaired persons, according to Laws 1983, chapter 314, article 3, section 19, subdivision 8, for fiscal year 1985 is increased by \$6,000, from \$37,000 to \$43,000.

Sec. 15. [EFFECTIVE DATE.]

Sections 1 and 9 are effective the day following final enactment. Section 3 is effective the day following final enactment and shall apply to the adjustment made pursuant to Minnesota Statutes, section 124.155 in fiscal year 1984 and thereafter."

Delete the title and insert:

"A bill for an act relating to education; providing for aids to education, tax levies, and the distribution of tax revenues; modifying the foundation aid formula; granting certain powers and duties to school boards, school districts, the state board of education, the commissioner of education, the department of education, the state board of vocational technical education, the state director of vocational technical education, the higher education coordinating board, and others; providing for an equalized summer school aid and levy; increasing the community education aid and levy; providing for an equalized early childhood and family education aid and levy; establishing a programs of excellence program; requiring an arts education study; expanding in-service and instructional effectiveness training programs; improving the planning, evaluation, and reporting process; establishing assessment programs; establishing a research and development grant program; appropriating money; amending Minnesota Statutes 1982, sections 120.05, subdivision 2; 120.06;

121.09; 121.21; 121.212, subdivision 1; 121.213; 121.214; 121.215; 121.2155; 121.216; 121.218; 121.904, by adding a subdivision; 121.908, by adding a subdivision; 121.912, by adding a subdivision; 121.935, subdivisions 2 and 6; 121.936, subdivision 1; 123.36, subdivision 10; 123.74; 123.741, as amended; 123.742, as amended; 124.19, by adding a subdivision; 124.20; 124.201, subdivision 1; 124.214, subdivision 1; 124.245, subdivision 1; 124.564; 124.565, subdivisions 1, 6, and 7; 124.572, as amended; 124.573, subdivision 3; 125.12, subdivision 3; 125.17, subdivision 2; 125.611, by adding a subdivision; 125.185, subdivision 4; 136A.02, subdivision 6; 275.125, subdivision 9a, and by adding subdivisions; 465.721; 471.61, subdivisions 1 and 2a; and 475.61, subdivision 1; Minnesota Statutes 1983 Supplement, sections 120.17, subdivision 3b; 121.15, subdivision 1; 121.503, subdivision 5; 121.601; 121.608; 121.609; 121.904, subdivision 4a; 123.36, subdivision 13; 123.743; 124.155, subdivision 1; 124.195, subdivisions 1, 9, and by adding a subdivision; 124.201, subdivisions 2, 4, and 5; 124.2122, subdivisions 1 and 2; 124.2126, subdivision 3; 124.2138; 124.214, subdivision 2; 124.271, subdivision 2b; 124.5611; 124.5612; 124.5614; 124.5615; 124.5616; 124.5617; 124.5618; 124A.06, subdivision 1; 124A.12, subdivision 1; 124A.14; 124A.16; 125.032, subdivision 2a; 129B.02, subdivision 4; 129B.041, subdivisions 1 and 3; 129B.32, subdivision 3; 129B.36, subdivision 7; 136C.01; 136C.02, subdivision 3; 136C.04, subdivisions 7, 10, and by adding a subdivision; 275.125, subdivisions 2e, 2k, 8, 8a, 9b, 11a, 11b, and 11c; 298.28, subdivision 1; 466.06; and 475.61, subdivision 3; Laws 1976, chapter 20, section 5, subdivision 1; Laws 1983, chapter 314, article 6, section 34, subdivision 12; article 7, section 45; article 8, section 23; and article 9, section 14, subdivision 3; proposing new law coded in Minnesota Statutes, chapters 121; 123; 124; 126; 129B; and 136C; repealing Minnesota Statutes 1982, sections 121.217; 124.201, as amended; 124.212, subdivision 1; 124.245, subdivision 1a; 124.246, subdivisions 2a and 5; 124.26, subdivisions 1a and 5; 124.273, subdivisions 1a and 2a; 124.32, subdivisions 1a, 1e, and 2a; 124.565, subdivisions 3 and 4; 124.572, subdivisions 2a, 8, and 8a; 124.573, subdivisions 2a, 3b, 5, and 6; 124.574, subdivisions 2, 2a, 3a, and 8; 125.60, subdivision 2a; 129B.06; 129B.07; 129B.08; 129B.09, as amended; and 275.125, subdivisions 2g and 2h; Minnesota Statutes 1983 Supplement, sections 124.11, subdivisions 2a and 2b; 124.225, subdivision 12; 124.271, subdivision 6; 124.32, subdivision 5a; 124.5613, subdivision 1; 129B.041, subdivision 2; and 275.125, subdivisions 2i and 2j."

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

House Conferees: KEN NELSON, BOB MCEACHERN, BUZZ ANDERSON, CONNIE LEVI and GARY L. SCHAFER.

Senate Conferees: TOM A. NELSON, JAMES C. PEHLER and DARREL L. PETERSON.

Nelson, K., moved that the report of the Conference Committee on H. F. No. 1393 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1393, A bill for an act relating to education; providing for aids to education, tax levies, and the distribution of tax revenues; modifying the foundation aid formula; granting certain powers and duties to school boards, school districts, the state board of education, the commissioner of education, the department of education, the state board of vocational-technical education, the state director of vocational-technical education, the higher education coordinating board, and others; providing for an equalized summer school aid and levy; increasing the community education aid and levy; modifying the vocational instructional aid payment formula; establishing a schools of excellence program; requiring an arts education study; expanding in-service and instructional effectiveness training programs; improving the planning, evaluation, and reporting process; establishing assessment programs; establishing a research and development grant program; appropriating money; amending Minnesota Statutes 1982, sections 121.908, by adding a subdivision; 121.935, subdivisions 2 and 6; 121.936, subdivision 1; 122.532, by adding a subdivision; 123.36, subdivision 10; 123.74; 123.741, as amended; 123.742, as amended; 124.19, by adding a subdivision; 124.20; 124.201, subdivision 1; 124.214, subdivision 1; 124.565, subdivision 7; 136A.02, subdivision 6; 275.125, by adding subdivisions; 465.721; 471.61, subdivisions 1 and 2a; Minnesota Statutes 1983 Supplement, sections 120.17, subdivision 3b; 121.601; 121.608; 121.609; 121.904, subdivision 4a; 123.36, subdivision 13; 123.743; 124.155, subdivision 1; 124.195, subdivisions 1, 9, and 10; 124.201, subdivisions 2, 4, and 5; 124.2122; 124.2126, subdivision 3; 124.2138; 124.271, subdivision 2b; 124.5615, subdivision 5; 124.5629; 124A.06, subdivision 1; 124A.12, subdivision 1; 124A.14, subdivision 1; 124A.16, subdivision 4; 125.032, subdivision 2; 129B.32, subdivision 3; 129B.36, by adding a subdivision; 136C.04, by adding a subdivision; 275.125, subdivisions 2e, 2k, 8, 8a, 9b, 11a, and 11c; 298.28, subdivision 1; 466.06; 475.61, subdivision 3; Laws 1976, chapter 20, section 5, subdivision 1; Laws 1983, chapter 314, article 6, section 34, subdivision 12; article 7, section 45; article 8, section 23; and article 9, section 14, subdivision 3; proposing new law coded in Minnesota Statutes, chapters 121, 123, 124, and 136C; repealing Minnesota Statutes 1982, sections 124.201, as amended; 124.32, subdivisions 1a, 1e, and 2a; 125.60, subdivision 2a; and 275.125, subdivision 2g; and Minnesota Statutes 1983 Supplement, sections 124.32, subdivision 5a; and 275.125, subdivisions 2i and 2j.

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

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

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

There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Welker

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

Carlson, D., was excused while in conference.

MESSAGES FROM THE SENATE, Continued

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1532, A bill for an act relating to agriculture; designating milk as the official state drink; proposing new law coded in Minnesota Statutes, chapter 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Krueger moved that the House refuse to concur in the Senate amendments to H. F. No. 1532, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

S. F. No. 1441.

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. 1407, 1614, 2072 and 2178.

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. 1776 and 1813.

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. 1940 and 1943.

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. 1243 and 1980.

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. 1736 and 2138.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1441, A bill for an act relating to the operation of the department of economic security; funding sheltered workshop and work activity programs based on evaluated effectiveness; defining sheltered employee; requiring rulemaking and a report to the legislature; appropriating money; amending Minnesota Statutes 1982, sections 129A.01 and 129A.08.

The bill was read for the first time.

Greenfield moved that S. F. No. 1441 and H. F. No. 1667, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1407, A bill for an act relating to natural resources; making changes in certain forestry laws; amending Minnesota Statutes 1982, sections 88.065; 90.031, subdivision 3; 90.041, subdivision 2; 90.251, subdivision 1; and 90.301, by adding a subdivision.

The bill was read for the first time.

Battaglia moved that S. F. No. 1407 and H. F. No. 1865, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1614, A bill for an act relating to mental health; authorizing establishment of a demonstration project for treatment of compulsive gamblers; appropriating money; proposing new law coded in Minnesota Statutes, chapter 240.

The bill was read for the first time.

Coleman moved that S. F. No. 1614 and H. F. No. 1708, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2072, A bill for an act relating to local government; providing for the conduct of the business of towns; providing for certain town debt; revising various other town laws; providing penalties; amending Minnesota Statutes 1982, sections 6.54, as amended; 6.55; 117.011; 160.02, subdivision 6; 160.05, subdivision 1; 160.17, subdivisions 1 and 2; 164.06; 164.11; 164.14, by adding a subdivision; 340.14, subdivision 5; 365.10; 365.15; 365.37; 365.53; 366.01, subdivisions 2, 3, 4, 7, and by adding subdivisions; 366.015; 366.07; 367.02; 367.05, subdivision 1; 367.10; 367.15; 367.19; 367.23; 367.24; 367.30, subdivision 2; 367.31, subdivision 6; 368.01, subdivisions 1, 1a, 21, 22, and 26; 368.121; 450.19; and 624.51; Minnesota Statutes 1983 Supplement, sections 365.52; 366.20; and 367.11; proposing new law coded in Minnesota Statutes, chapters 365; 366; and 368; repealing Minnesota Statutes 1982, sections 365.105; 365.106; 365.12; 366.06; 367.035; 367.05, subdivision 2; 368.01, subdivisions 17 and 28; 368.02; 368.03; 368.04; 368.05; 368.06; 368.07; 368.08; 368.09; 368.10; 368.11; and 368.86.

The bill was read for the first time.

Schoenfeld moved that S. F. No. 2072 and H. F. No. 2185, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2178, A resolution memorializing the United States Environmental Protection Agency to adopt rules for a ban on leaded gasoline, and memorializing the Congress of the United States to enact legislation either prohibiting leaded gasoline or allowing the states to prohibit it.

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

S. F. No. 1776, A bill for an act relating to real property; providing that the mortgage and contract for deed moratorium shall not be repealed until May 1, 1985; allowing catastrophic medical expenses to be considered by a court when determining delay of foreclosure sale; providing that the equity in the property may be considered by a court; amending Minnesota Statutes 1983 Supplement, sections 47.20, subdivision 15; 559.21, subdivision 6; 580.031; 583.03; 583.05; and 583.08; Laws 1983, chapter 215, section 16.

The bill was read for the first time.

Elioff moved that S. F. No. 1776 and H. F. No. 2036, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1813, A bill for an act relating to motor fuels; setting standards for gasoline and gasoline-alcohol blends; providing testing authority for the weights and measures division of the department of public service; requiring alcohol content disclosure; providing for labeling; appropriating money; amending Minnesota Statutes 1982, sections 296.01, subdivision 3, and by adding a subdivision; 296.05, subdivisions 1, 4, 6, and by adding a subdivision; and 296.22, by adding a subdivision.

The bill was read for the first time.

Peterson moved that S. F. No. 1813 and H. F. No. 2113, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1940, A bill for an act relating to alcoholic beverages; allowing licensed premises to remain open after the hour sales of alcoholic beverages must cease; amending Minnesota Statutes 1982, sections 340.034, by adding a subdivision; and 340.14, by adding a subdivision.

The bill was read for the first time.

Kahn moved that S. F. No. 1940 and H. F. No. 1750, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1943, A bill for an act relating to the city of Oakdale; providing a temporary increase in the levy limit base.

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

S. F. No. 1243, A resolution memorializing the President and Congress to establish a National Academy of Peace and Conflict Resolution.

The bill was read for the first time.

Greenfield moved that S. F. No. 1243 and H. F. No. 1303, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1980, A bill for an act relating to corrections; providing for costs of transporting convicted persons and children adjudicated delinquent to correctional facilities; appropriating money; amending Minnesota Statutes 1983 Supplement, section 243.17, subdivision 1.

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

S. F. No. 1736, A bill for an act relating to education; creating the Minnesota educational computing corporation as a public corporation; transferring assets of the Minnesota educational computing consortium to the corporation; amending Minnesota Statutes 1983 Supplement, section 3.732, subdivision 1; 10A.01, subdivision 18; 15A.081, subdivision 1; 135A.07, subdivision 2; 352D.02, subdivision 1; and proposing new law coded as Minnesota Statutes, chapter 119; repealing Minnesota Statutes 1982, section 120.83; Minnesota Statutes 1983 Supplement, sections 120.801; 120.802; 120.803; 120.804; 120.805; 120.806; and 120.81.

The bill was read for the first time.

Kahn moved that S. F. No. 1736 and H. F. No. 1668, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2138, A bill for an act relating to sentencing; permitting courts to utilize a variety of noninstitutional sanctions as a condition of a stayed sentence; providing a preference for noninstitutional sanctions in certain cases; amending Minnesota Statutes 1982, sections 609.135, by adding a subdivision; 609.14, subdivisions 1 and 3; and Minnesota Statutes 1983 Supplement, section 609.135, subdivision 1.

The bill was read for the first time.

Ogren moved that S. F. No. 2138 and H. F. No. 2055, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

REPORTS FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Eken for the Committee on Rules and Legislative Administration offered the following report and moved its adoption:

Be It Resolved, that during the period of time between adjournment sine die in 1984 and convening of the House of Representatives in 1985, the House Chamber, House Retiring Room, House Hearing and Conference Rooms, House Offices, and the Chief Clerk's Offices shall be reserved for use by the House of Representatives as the Speaker of the House may authorize. The House Chamber and House Retiring Room may be made available for the annual meeting of the YMCA Youth In Government program and Girls' State, provided these organizations confirm dates with the Speaker of the House at least 30 days in advance.

The motion prevailed and the report was adopted.

Eken for the Committee on Rules and Legislative Administration offered the following report and moved its adoption:

Be It Resolved, that the House of Representatives retain those parts of parking lots B, C, D, E and the Mechanic Arts athletic field during the period of time between adjournment sine die in 1984 and convening of the House of Representatives in 1985 which are necessary for use of members and employees of the House of Representatives.

The motion prevailed and the report was adopted.

Eken for the Committee on Rules and Legislative Administration offered the following report and moved its adoption:

Be It Resolved, that the Chief Clerk of the House of Representatives be authorized and is hereby directed to correct and approve the Journal of the House for the last day of the 73rd Regular Session.

Be It Further Resolved, that the Chief Clerk of the House of Representatives be and is hereby authorized to include in the Journal of the House for the last day of the 73rd Regular Session any subsequent proceedings and any appointments to legislative interim committees or commissions.

The motion prevailed and the report was adopted.

Eken for the Committee on Rules and Legislative Administration offered the following report and moved its adoption:

Be It Resolved, that the Committee on Rules and Legislative Administration be and is hereby assigned all functions within its usual jurisdiction during the interim following adjournment sine die in 1984.

Be It Further Resolved, that the Committee on Rules and Legislative Administration shall contract for necessary printing of the House of Representatives for the 74th Regular Session and any special sessions held prior to the 75th Regular Session.

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

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

There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Beard	Bishop	Brandl	Carlson, D.
Anderson, G.	Begich	Blatz	Brinkman	Carlson, L.
Battaglia	Bennett	Boo	Burgr	Clark, J.

Clark, K.	Haukoos	Mann	Piper	Skoglund
Clawson	Heap	Marsh	Price	Solberg
Coleman	Heinitz	McDonald	Quist	Sparby
Dempsey	Himle	McKasy	Redalen	Swiggum
DenOuden	Hoffman	Metzen	Reif	Swanson
Dimler	Hokr	Minne	Riveness	Thiede
Eken	Jacobs	Munger	Rodosovich	Uphus
Elioff	Jennings	Murphy	Rodriguez, C.	Valan
Ellingson	Jensen	Nelson, D.	Rodriguez, F.	Valento
Erickson	Johnson	Nelson, K.	Rose	Vanasek
Evans	Kahn	Neuenschwander	St. Onge	Vellenga
Findlay	Kelly	Norton	Schafer	Waltman
Fjoslien	Knickerbocker	O'Connor	Scheid	Welch
Forsythe	Knuth	Ogren	Schoenfeld	Welker
Frerichs	Kostohryz	Olsen	Schreiber	Welle
Graba	Krueger	Omann	Seaberg	Wenzel
Greenfield	Kvam	Onnen	Segal	Wigley
Gruenes	Larsen	Otis	Shaver	Wynia
Gustafson	Levi	Pauly	Shea	Zaffke
Gutknecht	Long	Peterson	Sherman	Speaker Sieben
Halberg	Ludemann	Piepho	Simoneau	

The motion prevailed and the report was adopted.

MOTION TO TAKE FROM THE TABLE

Carlson, L., moved that H. F. No. 449 be taken from the table, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses.

A roll call was requested and properly seconded.

The question was taken on the Carlson, L., motion and the roll was called.

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

There were 65 yeas and 56 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed.

CALL OF THE HOUSE LIFTED

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

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

S. F. No. 1563, A bill for an act relating to labor; extending the statute of limitation on certain actions to recover wages or overtime; clarifying child labor penalties; amending Minnesota Statutes 1982, section 541.07; Minnesota Statutes 1983 Supplement, section 181A.12, subdivision 1.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Chmielewski, Frederick and Lessard.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

O'Connor moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1563. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1532:

Krueger, Graba and Uphus.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1347:

Segal; Clark, J., and Bishop.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 449:

Carlson, L.; Kostohryz and Osthoff.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1563:

O'Connor, Begich and Evans.

SPECIAL ORDERS, Continued

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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Brinkman	Dimler	Greenfield	Jennings
Anderson, G.	Burger	Eken	Gruenes	Jensen
Battaglia	Carlson, D.	Elioff	Gustafson	Johnson
Beard	Carlson, L.	Ellingson	Gutknecht	Kahn
Begich	Clark, J.	Erickson	Halberg	Kalis
Bennett	Clark, K.	Evans	Haukoos	Kelly
Bergstrom	Clawson	Findlay	Heap	Knickerbocker
Bishop	Cohen	Fjoslien	Himle	Knuth
Blatz	Coleman	Forsythe	Hoffman	Kostohryz
Boo	Dempsey	Frerichs	Hokr	Krueger
Brandl	DenOuden	Graba	Jacobs	Kvam

Larsen	Neuenschwander	Quist	Seaberg	Uphus
Levi	Norton	Redalen	Segal	Valan
Long	O'Connor	Reif	Shaver	Valento
Ludeman	Ogren	Rice	Shea	Vanasek
Mann	Olsen	Riveness	Sherman	Vellenga
Marsh	Omman	Rodosovich	Simoneau	Voss
McDonald	Onnen	Rodriguez, C.	Skoglund	Waltman
McEachern	Osthoff	Rodriguez, F.	Solberg	Welch
McKasy	Otis	Rose	Sparby	Welker
Metzen	Pauly	St. Onge	Staten	Welle
Minne	Peterson	Sarna	Sviggum	Wenzel
Munger	Piepho	Schafer	Swanson	Wigley
Murphy	Piper	Scheid	Thiede	Wynia
Nelson, D.	Price	Schoenfeld	Tomlinson	Zaffke
Nelson, K.	Quinn	Schreiber	Tunheim	Speaker Sieben

The bill was passed and its title agreed to.

S. F. No. 751, A resolution memorializing the Commission on Wartime Relocation and Internment of Civilians to recommend to the United States Congress to provide adequate compensation to internees.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

MESSAGES FROM THE SENATE, Continued

The following message was received from the Senate:

Mr. Speaker:

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

S. F. No. 1760, A bill for an act relating to governmental operations; requesting the regents of the University of Minnesota to conduct a job evaluation study and report to the legislature.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Ms. Reichgott and Messrs. Peterson, D. C., and Mrs. Brataas.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Carlson, L., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1760. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1760:

Carlson, L.; Swanson and Bishop.

SPECIAL ORDERS, Continued

S. F. No. 1559 was reported to the House.

Otis moved to amend S. F. No. 1559, as follows:

Page 1, line 21, after "enactment" delete "and"

Page 1, line 22, delete the new language before the period

The motion prevailed and the amendment was adopted.

S. F. No. 1559, A bill for an act relating to public utilities; permitting the public utilities commission to order reimbursement payments to intervenors in telephone rate proceedings; amending Minnesota Statutes 1982, section 237.075, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 68 yeas and 54 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bennett	Fjoslien	Jennings	Onnen	Sherman
Bishop	Forsythe	Johnson	Pauly	Sviggum
Blatz	Frerichs	Kalis	Piepho	Thiede
Boo	Graba	Knickerbocker	Quist	Uphus
Burger	Gruenes	Krueger	Redalen	Valan
Dempsey	Gutknecht	Ludeman	Reif	Valento
DenOuden	Halberg	Marsh	Rose	Waltman
Dimler	Haukoos	McDonald	Schafer	Welker
Erickson	Heap	McEachern	Schreiber	Wigley
Evans	Heinitz	McKasy	Seaberg	Zaffke
Findlay	Himle	Omman	Shaver	

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

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 third time and placed upon its final passage.

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1913, A bill for an act relating to state departments; providing statutory changes requested by commissioner of administration required by reorganization orders; amending Minnesota Statutes 1982, sections 60A.15, subdivisions 1, 2, 8, 9, 10, and by adding a subdivision; 69.021, subdivision 2; 69.031, subdivision 6; 116C.03, subdivision 4; 116J.64, subdivisions 5 and 7; and 161.20, subdivision 4; Minnesota Statutes 1983 Supplement, sections 60A.15, subdivision 12; 116C.03, subdivision 2; 116J.01, subdivision 3; 116J.42, subdivisions 4 and 9; 161.465; and 299A.-04; Laws 1983, chapter 289, section 115, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1982, section 116C.04, subdivisions 5 and 6.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bishop	Clark, K.	Ellingson	Graba
Anderson, G.	Blatz	Cohen	Erickson	Greenfield
Battaglia	Brandl	Coleman	Evans	Gruenes
Beard	Brinkman	Dempsey	Findlay	Gustafson
Begich	Burger	Dimler	Fjoslien	Gutknecht
Bennett	Carlson, L.	Eken	Forsythe	Halberg
Bergstrom	Clark, J.	Elioff	Frerichs	Haukoos

Heap	Long	Osthoff	Sarna	Tunheim
Heinitz	Mann	Otis	Scheid	Uphus
Himle	Marsh	Pauly	Schoenfeld	Valan
Hoffman	McEachern	Peterson	Schreiber	Valento
Hokr	McKasy	Piepho	Seaberg	Vanasek
Jacobs	Metzen	Piper	Segal	Vellenga
Jensen	Minne	Price	Shaver	Waltman
Johnson	Munger	Quinn	Shea	Weich
Kahn	Murphy	Quist	Sherman	Welle
Kalis	Nelson, D.	Redalen	Simoneau	Wenzel
Kelly	Nelson, K.	Reif	Skoglund	Wigley
Knickerbocker	Neuenschwander	Rice	Solberg	Wymia
Knuth	Norton	Riveness	Sparby	Zaffke
Kostohryz	O'Connor	Rodosovich	Staten	Speaker Sieben
Krueger	Ogren	Rodriguez, C.	Sviggum	
Kvam	Olsen	Rodriguez, F.	Swanson	
Larsen	Omann	Rose	Thiede	
Levi	Onnen	St. Onge	Tomlinson	

Those who voted in the negative were:

DenOuden Jennings Schafer Welker

The bill was passed and its title agreed to.

S. F. No. 1849 was reported to the House.

There being no objection S. F. No. 1849 was temporarily laid over on Special Orders.

S. F. No. 1114 was reported to the House.

Uphus moved to amend S. F. No. 1114, the unofficial engrossment, as follows:

Page 6, after line 29, insert a new section 6 to read:

"Sec. 6. [PROPERTY.]

Notwithstanding any law to the contrary, the commissioner of natural resources may convey to the city of Melrose the following real property: Part of the North Half of the Southwest Quarter of Section Thirty-five (35), Township One Hundred and Twenty-six (126), Range Thirty-three (33), Stearns County, containing 26.5 acres more or less as shown on the plat attached to lease agreement No. 144-15-256 executed June 30, 1983, on form BL-192 (7-75), between the commissioner of natural resources, on behalf of the state of Minnesota, and the city of Melrose.

Upon payment by the city of the commissioner's appraised value, the commissioner of natural resources shall deliver to the city quitclaim deeds conveying all of the state's interest in that land subject to a reservation of any minerals or mineral rights in the state of Minnesota."

Renumber the following section accordingly

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Findlay, Erickson, Piper and Redalen moved to amend S. F. No. 1114, the unofficial engrossment, as amended, as follows:

Page 6, after line 7, insert:

"Sec. 5. Minnesota Statutes 1982, section 86A.05, is amended by adding a subdivision to read:

Subd. 13. [ADDITIONAL PARKS; ADMINISTRATION.] All other state parks which, though not meeting the resource and site qualifications contained in subdivisions 2 and 3, were in existence on January 1, 1984, shall be administered by the commissioner of natural resources as units of the outdoor recreation system."

Renumber the remaining sections

Amend the title as follows:

Page 1, line 5, after "Lake County" insert "; amending 86A.-05, by adding a subdivision"

The motion prevailed and the amendment was adopted.

S. F. No. 1114, A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks and waysides; authorizing land acquisition in relation thereto.

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

The question was taken on the passage of the bill and the roll was called. There were 113 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Carlson, L.	Findlay	Himle	Krueger
Anderson, G.	Clark, J.	Fjoslien	Hoffman	Kvam
Battaglia	Clark, K.	Forsythe	Hokr	Larsen
Beard	Cohen	Frerichs	Jacobs	Levi
Begich	Coleman	Greenfield	Jensen	Long
Bennett	Dempsey	Gruenes	Johnson	Ludeman
Bergstrom	DenOuden	Gustafson	Kalis	Mann
Bishop	Eken	Gutknecht	Kelly	Marsh
Blatz	Elioff	Halberg	Knickerbocker	McEachern
Brandl	Ellingson	Heap	Knuth	McKasy
Brinkman	Erickson	Heinitz	Kostohryz	Metzen

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

Those who voted in the negative were:

Dimler Haukoos Jennings Onnen Welle

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

S. F. No. 1849 which was temporarily laid over earlier today was again reported to the House.

S. F. No. 1849, A bill for an act relating to crimes; prohibiting the purchase or sale of human organs; amending Minnesota Statutes 1982, section 145.422, subdivision 3.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1336 was reported to the House.

Vellenga moved to amend S. F. No. 1336, as follows:

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 hereinafter 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."

The motion prevailed and the amendment was adopted.

The Speaker called Wynia to the Chair.

S. F. No. 1336, as amended, was read for the third time.

Gustafson moved that S. F. No. 1336, as amended, be re-referred to the Committee on Judiciary.

A roll call was requested and properly seconded.

The question was taken on the Gustafson motion and the roll was called. There were 22 yeas and 98 nays as follows:

Those who voted in the affirmative were:

Beard	Haukoos	Ludeman	Quinn	Solberg
Brinkman	Jacobs	Norton	Redalen	Uphus
Dempsey	Jennings	O'Connor	St. Onge	Wenzel
Elioff	Jensen	Osthoff	Sherman	Wigley
Gustafson	Johnson			

Those who voted in the negative were:

Anderson, B.	Erickson	Larsen	Peterson	Sparby
Anderson, G.	Evans	Levi	Piepho	Staten
Battaglia	Findlay	Long	Piper	Sviggum
Begich	Fjoslien	Mann	Price	Swanson
Bennett	Forsythe	Marsh	Quist	Thiede
Bergstrom	Frerichs	McDonald	Reif	Tomlinson
Bishop	Graba	McEachern	Riveness	Tunheim
Blatz	Greenfield	McKasy	Rodosovich	Valan
Boo	Gruenes	Metzen	Rodriguez, C.	Valento
Brandl	Gutknecht	Minne	Rodriguez, F.	Vanasek
Burger	Heap	Munger	Rose	Vellenga
Carlson, L.	Himle	Murphy	Schafer	Waltman
Clark, J.	Hoffman	Nelson, D.	Scheid	Welch
Clark, K.	Hokr	Nelson, K.	Schoenfeld	Welker
Cohen	Kalis	Neuenschwander	Schreiber	Welle
Coleman	Kelly	Olsen	Seaberg	Wynia
DenOuden	Knickerbocker	Omann	Segal	Zaffke
Dimler	Knuth	Onnen	Shaver	Speaker Sieben
Eken	Krueger	Otis	Shea	
Ellingson	Kvam	Pauly	Skoglund	

The motion did not prevail.

Brinkman was excused for the remainder of today's session.

S. F. No. 1336, A bill for an act relating to crime; providing for criminal penalties and a one year driver's license revocation upon refusal by a driver suspected of driving under the influence of alcohol or a controlled substance to take a test; authorizing testing of a suspect who is unconscious or in a condition rendering the suspect incapable of refusal; restricting issuance of limited licenses for work purposes; clarifying provisions of the hit and run law; clarifying penalties imposed on certain persons convicted of driving while under the influence of alcohol or a controlled substance; clarifying provisions of the driving after revocation, suspension, or cancellation law; prescribing penalties for causing death or injury of another while operating a vehicle in a certain manner; providing for admission into evidence of certain convictions for driving offenses for impeachment purposes; authorizing issuance of limited licenses in certain circumstances; amending Minnesota Statutes 1982, sections 169.09, subdivision 4; 169.123, subdivisions 4, 5a, and 9, and by adding a subdivision; 171.24; and 171.30, subdivision 1; and Minnesota Statutes 1983 Supplement, sections 169.09, subdivisions 1, 14, and 15; 169.121, subdivision 3; 169.123, subdivisions 2 and 6; and 609.21, subdivisions 1 and 2; proposing new law coded in Minnesota Statutes, chapters 171 and 634; repealing Minnesota Statutes 1982, section 169.123, subdivision 9.

The bill was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 102 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Kvam	Piepho	Sparby
Anderson, G.	Findlay	Larsen	Piper	Staten
Battaglia	Fjoslien	Levi	Price	Sviggum
Begich	Forsythe	Long	Quist	Swanson
Bennett	Graba	Mann	Redalen	Thiede
Bergstrom	Greenfield	Marsh	Reif	Tomlinson
Bishop	Gruenes	McEachern	Riveness	Tunheim
Blatz	Gutknecht	McKasy	Rodosovich	Uphus
Brandl	Haukoos	Metzen	Rodriguez, C.	Valan
Burger	Heap	Minne	Rodriguez, F.	Valento
Carlson, D.	Himle	Munger	Rose	Vanasek
Carlson, L.	Hoffman	Murphy	Sarna	Vellenga
Clark, J.	Hokr	Nelson, D.	Schafer	Waltman
Clark, K.	Johnson	Nelson, K.	Scheid	Welch
Cohen	Kahn	Neuenschwander	Schreiber	Welker
Coleman	Kalis	Olsen	Seaberg	Wynia
DenOuden	Kelly	Omann	Segal	Zaffke
Dimler	Knickerbocker	Onnen	Shaver	Speaker Sieben
Elioff	Knuth	Otis	Shea	
Ellingson	Kostohryz	Pauly	Skoglund	
Erickson	Krueger	Peterson	Solberg	

Those who voted in the negative were:

Beard	Dempsey	Frerichs	Jacobs	Ludeman
Boo	Eken	Gustafson	Jennings	Norton

O'Connor
OsthoffQuinn
Sherman

Welle

Wenzel

Wigley

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

MESSAGES FROM THE SENATE, Continued

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1279, A bill for an act relating to crimes; clarifying the crime of contributing to the delinquency of a minor; providing for the admissibility of certain statements as evidence; expanding the definitions of sexual contact and coercion; increasing the age limit of minor victims protected under criminal sexual conduct offenses; clarifying certain terms; amending Minnesota Statutes 1982, sections 595.02; 609.341, subdivisions 11 and 14; 609.346; 609.347, subdivision 3; 609.364, subdivision 9; and 626.556, subdivision 8; and Minnesota Statutes 1983 Supplement, sections 260.315; 609.342; and 609.343; proposing new law coded in Minnesota Statutes, chapter 260.

The Senate has appointed as such committee Messrs. Petty, Merriam and Sieloff.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1405, A bill for an act relating to state monuments; adding the "Monument to the Living" in Ramsey County to the list of state monuments; amending Minnesota Statutes 1982, section 138.585, by adding a subdivision.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1743, A bill for an act relating to occupations and professions; removing an auctioneer's exemption from real estate brokers and salespersons licensing; amending Minnesota Statutes 1983 Supplement, section 82.18.

The Senate has appointed as such committee Messrs. Merriam; Johnson, D. E., and Stumpf.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1420, A bill for an act relating to public employment; regulating grievances of disciplinary actions; amending Minnesota Statutes 1983 Supplement, section 179.70, subdivision 1.

The Senate has appointed as such committee Messrs. Kroening, Chmielewski, Pehler, Nelson and Frank.

Said House File is herewith returned to the House.

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. 1884.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1884, A bill for an act relating to occupations and professions; establishing a task force to study the problem of sexual exploitation by counselors and therapists.

The bill was read for the first time.

Greenfield moved that S. F. No. 1884 and H. F. No. 2068, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

SPECIAL ORDERS, Continued

S. F. No. 1762 was reported to the House.

Clark, K., moved to amend S. F. No. 1762, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [363.031] [WAIVER PROHIBITED.]

Any provision, whether oral or written, of a lease, contract, or other agreement or instrument, which purports to be a waiver by an individual of any right or remedy provided in chapter 363 is contrary to public policy and void. Nothing in this section shall be construed to prevent a waiver given in full and final settlement of an existing, identified claim.

Sec. 2. Minnesota Statutes 1982, section 363.06, subdivision 1, is amended to read:

Subdivision 1. [CHARGE FILING.] Any person aggrieved by a violation of this chapter may bring a civil action as provided in section 363.14, subdivision 1, clause (a), or may file a verified charge with the commissioner or his designated agent, stating the name and address of the person alleged to have committed an unfair discriminatory practice, setting out the details of the practice complained of and, if applicable, providing witnesses, documents, and any other information required by the commissioner. The commissioner may dismiss a charge when the charging party fails to provide required information. The commissioner within five days of the filing shall serve a copy of the charge and a request for a response upon the respondent personally or by (REGISTERED OR CERTIFIED) first class mail. After the filing of a charge the commissioner shall notify the charging party in writing of any change in the status of the charge. A copy of the notice shall be mailed to the respondent.

Sec. 3. Minnesota Statutes 1982, section 363.06, subdivision 3, is amended to read:

Subd. 3. [TIME FOR FILING CLAIM.] A claim of an unfair discriminatory practice must be brought as a civil action pursuant to section 363.14, subdivision 1, clause (a), *filed in a charge with a local commission pursuant to section 363.116, or filed in a charge with the commissioner within (SIX MONTHS) 300 days after the occurrence of the practice. The*

running of the 300-day limitation period is suspended during the time a potential charging party and respondent are voluntarily engaged in a dispute resolution process involving a claim of unlawful discrimination under chapter 363, including arbitration, conciliation, mediation, or grievance procedures pursuant to a collective bargaining agreement or statutory, charter, or ordinance provisions for a civil service or other employment system. A potential respondent who participates in such a process with a potential charging party before a charge is filed or a civil action is brought shall notify the department and the charging party in writing of his or her participation in the process and the date the process commenced and shall also notify the department and the charging party of the ending date of the process. A respondent who fails to provide this notification is barred from raising the defense that the statute of limitations has run until the 300 days plus a period of time equal to the suspension period has passed.

Sec. 4. Minnesota Statutes 1983 Supplement, section 363.06, subdivision 4, is amended to read:

Subd. 4. [INQUIRY INTO CHARGE.] (1) Consistent with clause (7), the commissioner shall promptly inquire into the truth of the allegations of the charge. The commissioner shall make an immediate inquiry when (NECESSARY TO PREVENT A CHARGING PARTY FROM SUFFERING IRREPARABLE LOSS IN THE ABSENCE OF IMMEDIATE ACTION) *a charge alleges actual or threatened physical violence.* The commissioner shall also make an immediate inquiry when it appears that a charge is frivolous or without merit and shall dismiss those charges.

The commissioner shall then give priority to investigating and processing those charges which the commissioner determines have one or more of the following characteristics:

(a) *there is evidence that the respondent has intentionally engaged in a reprisal;*

(b) *there is evidence of irreparable harm if immediate action is not taken;*

(c) *there is potential for broadly promoting the policies of this chapter;*

(d) *a significant number of recent charges have been filed against the respondent;*

(e) *the respondent is a government entity;*

(f) *the charge is supported by substantial documentation, witnesses, or other evidence.*

The commissioner shall inform charging parties of these priorities and shall tell each party if their charge is a priority case or not.

On other charges the commissioner shall make a determination within 12 months after the charge was filed as to whether or not there is probable cause to credit the allegation of unfair discriminatory practices, and

(2) If the commissioner determines after investigation that no probable cause exists to credit the allegations of the unfair discriminatory practice, the commissioner shall, within ten days of the determination, serve upon the charging party and respondent written notice of the determination. Within ten days after receipt of notice, the charging party may request in writing on forms prepared by the department that the commissioner reconsider his determination. The request shall contain a brief statement of the reasons for and new evidence in support of the request for reconsideration. At the time of submission of the request to the commissioner, the charging party shall deliver or mail to the respondent a copy of the request for reconsideration. The commissioner shall either reaffirm or reverse his determination of no probable cause within 20 days after receipt of the request for reconsideration, and he shall within ten days notify in writing the charging party and respondent of his decision to reaffirm or reverse.

A decision by the commissioner that no probable cause exists to credit the allegations of an unfair discriminatory practice shall not be appealed to the court of appeals pursuant to section 363.072 or sections 14.63 to 14.68.

(3) If the commissioner determines after investigation that probable cause exists to credit the allegations of unfair discriminatory practices, the commissioner shall serve on the respondent and his attorney if he is represented by counsel, by first class mail, a notice setting forth a short plain written statement of the alleged facts which support the finding of probable cause and an enumeration of the provisions of law allegedly violated. If the commissioner determines that attempts to eliminate the alleged unfair practices through conciliation pursuant to subdivision 5 have been or would be unsuccessful or unproductive, the commissioner shall issue a complaint and serve on the respondent, by (REGISTERED OR CERTIFIED) first class mail, a written notice of hearing together with a copy of the complaint, requiring the respondent to answer the allegations of the complaint at a hearing before a hearing examiner at a time and place specified in the notice, not less than ten days after service of said complaint. A copy of the notice shall be furnished to the charging party and the attorney general.

(4) If, at any time after the filing of a charge, the commissioner has reason to believe that a respondent has engaged in any

unfair discriminatory practice, the commissioner may file a petition in the district court in a county in which the subject of the complaint occurs, or in a county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this chapter, including an order or decree restraining him from doing or procuring an act tending to render ineffectual an order the commissioner may enter with respect to the complaint. The court shall have power to grant temporary relief or a restraining order as it deems just and proper, but no relief or order extending beyond ten days shall be granted except by consent of the respondent or after hearing upon notice to the respondent and a finding by the court that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice. Except as modified by this section, the Minnesota Rules of civil procedure shall apply to an application, and the district court shall have authority to grant or deny the relief sought on conditions as it deems just and equitable. All hearings under this section shall be given precedence as nearly as practicable over all other pending civil actions.

(5) If a lessor, after he has engaged in a discriminatory practice defined in section 363.03, subdivision 2, clause (1), (a), leases or rents a dwelling unit to a person who has no knowledge of the practice or of the existence of a charge with respect to the practice, the lessor shall be liable for actual damages sustained by a person by reason of a final order as provided in this section requiring the person to be evicted from the dwelling unit.

(6) In any complaint issued under this section, the commissioner may seek relief for a class of individuals affected by an unfair discriminatory practice occurring on or after a date (SIX-MONTHS) 300 days prior to the filing of the charge from which the complaint originates.

(7) The commissioner may adopt policies to determine which charges are processed and the order in which charges are processed based on their particular social or legal significance, administrative convenience, difficulty of resolution, or other standard consistent with the provisions of this chapter.

(8) *The commissioner shall adopt sanctions for unreasonable delay caused by any charging party or respondent in an investigation, or any other aspect of proceedings before the department under this chapter. The sanctions adopted shall be exempt from the rulemaking provisions of chapter 14. In any proceeding before a judge or hearing examiner sanctions may be imposed against a charging party or respondent for unreasonable delay, including an increase or decrease in any award authorized under this chapter.*

Sec. 5. Minnesota Statutes 1982, section 363.071, is amended by adding a subdivision to read:

Subd. 1a. [HEARINGS 180 DAYS AFTER CHARGE.] At any time after 180 days from the filing of a charge, if there has been neither a finding of no probable cause nor of probable cause, the charging party may file a request with the commissioner to appear at a hearing on his own behalf or through a private attorney. Upon receipt of the request, the commissioner shall review the documents and information held in the department's files concerning the charge and shall release to the charging party and respondent all documents and information that is accessible to the charging party and respondent under sections 13.01 to 13.87. The commissioner shall forward the request for hearing to the office of administrative hearings, which shall promptly set the matter for hearing. If the charging party prevails at this hearing, the hearing examiner may require the respondent to reimburse the charging party for reasonable attorney's fees.

Sec. 6. Minnesota Statutes 1983 Supplement, section 363.071, subdivision 2, is amended to read:

Subd. 2. [DETERMINATION OF DISCRIMINATORY PRACTICE.] The hearing examiner shall make findings of fact and conclusions of law, and if the hearing examiner finds that the respondent has engaged in an unfair discriminatory practice, the hearing examiner shall issue an order directing the respondent to cease and desist from the unfair discriminatory practice found to exist and to take such affirmative action as in the judgment of the examiner will effectuate the purposes of this chapter. Such order shall be a final decision of the department. The examiner shall order any respondent found to be in violation of any provision of section 363.03 to pay a civil penalty to the state. This penalty is in addition to compensatory and punitive damages to be paid to an aggrieved party. The hearing examiner shall determine the amount of the civil penalty to be paid, taking into account the seriousness and extent of the violation, the public harm occasioned by the violation, whether the violation was intentional, and the financial resources of the respondent. Any penalties imposed under this provision shall be paid into the general fund of the state. In all cases where the examiner (MAY) finds that the respondent has engaged in an unfair discriminatory practice the examiner shall order the respondent to pay an aggrieved party, who has suffered discrimination, compensatory damages, including damages for mental anguish or suffering, in an amount three times the actual damages sustained; and, in all cases, may also order the respondent to pay an aggrieved party, who has suffered discrimination, punitive damages in an amount not more than \$6,000. Punitive damages shall be awarded pursuant to section 549.20. In any case where a political subdivision is a respondent the total of punitive damages awarded an aggrieved party may not exceed \$6,000 and in that case if there are two or more respondents the punitive damages may be apportioned among them. Punitive damages may only be assessed against a political subdivision in

its capacity as a corporate entity and no regular or ex officio member of a governing body of a political subdivision shall be personally liable for payment of punitive damages pursuant to this subdivision. In addition to the aforesaid remedies, in a case involving discrimination in

(a) employment, the examiner may order the hiring, reinstatement or upgrading of an aggrieved party, who has suffered discrimination, with or without back pay, admission or restoration to membership in a labor organization, or his admission to or participation in an apprenticeship training program, on-the-job-training program, or other retraining program, or any other relief the examiner deems just and equitable.

(b) housing, the examiner may order the sale, lease, or rental of the housing accommodation or other real property to an aggrieved party, who has suffered discrimination, or the sale, lease or rental of a like accommodation or other real property owned by or under the control of the person against whom the complaint was filed, according to terms as listed with a real estate broker, or if no such listing has been made, as otherwise advertised or offered by the vendor or lessor, or any other relief the examiner deems just and equitable.

The examiner shall cause the findings of fact, conclusions of law, and order to be served on the respondent (PERSONALLY,) and the charging party by (REGISTERED OR CERTIFIED) first class mail, and shall furnish copies to the attorney general and the commissioner.

Sec. 7. Minnesota Statutes 1983 Supplement, section 363.072, subdivision 1, is amended to read:

Subdivision 1. [APPEAL.] The commissioner or a person aggrieved by a final decision of the department reached after a hearing held pursuant to section 363.071 may seek judicial review in accordance with chapter 14. *The attorney general shall represent on appeal a charging party who prevailed at a hearing authorized by section 5, if the charging party requests representation within ten days after receipt of the petition for appeal.*

Sec. 8. Minnesota Statutes 1982, section 363.116, is amended to read:

363.116 [TRANSFER TO COMMISSIONER.]

A local commission may refer a matter under its jurisdiction to the commissioner.

The charging party has the option of filing a charge either with a local commission or the department. *Notwithstanding the provisions of any ordinance to the contrary, a charge may be filed with a local commission within 300 days after the occurrence of the practice.* The exercise of such choice in filing a charge with one agency shall preclude the option of filing the same charge with the other agency. At the time a charge comes to the attention of a local agency, the agency or its representative shall inform the charging party of this option, and of his rights under Laws 1967, Chapter 897.

The term "local commission" as used in this section has the same meaning given the term in section 363.115.

Sec. 9. Minnesota Statutes 1982, section 363.117, is amended to read:

363.117 [WITHDRAWAL FROM A LOCAL COMMISSION.]

Notwithstanding the provisions of any law or ordinance to the contrary, a person who has filed a charge with a local commission may bring a civil action as provided in section 363.14 at the following times:

(a) Within 45 days after the local commission has determined that there is no probable cause to credit the allegations contained in the charge; or

(b) After 45 days from the filing of the charge if a hearing has not been held or if the local commission has not entered into a conciliation agreement to which the charging party is a signator. The charging party shall notify the local commission of his intention to bring a civil action, which shall be commenced within 90 days of giving the notice.

A charging party bringing a civil action shall (MAIL BY REGISTERED OR CERTIFIED MAIL) *send* a copy of the summons and complaint to the local commission *by first class mail* and upon their receipt the local commission shall terminate all proceedings before the local commission relating to the charge. No charge shall be filed or reinstituted with the local commission after a civil action relating to the same unfair discriminatory practice has been brought unless the civil action has been dismissed without prejudice.

Sec. 10. Minnesota Statutes 1982, section 363.14, subdivision 1, is amended to read:

Subdivision 1. [COURT ACTIONS, SUITS BY PRIVATE PARTIES, INTERVENTION.] A person may bring a civil action seeking redress for an unfair discriminatory practice:

(a) Directly to district court; or

(b) Notwithstanding the provisions of any law to the contrary, (1) within 45 days after the commissioner has dismissed a charge because it is frivolous or without merit, because the charging party has failed to provide required information, *because the commissioner has determined that further use of department resources is not warranted*, or because the commissioner has determined that there is no probable cause to credit the allegations contained in a charge filed with the commissioner; (2) *within 45 days after the commissioner has reaffirmed his determination of no probable cause if the charging party requested a reconsideration of the probable cause determination*; or ((2)) (3) after 45 days from the filing of a charge pursuant to section 363.06, subdivision 1 if a hearing has not been held pursuant to section 363.071 or if the commissioner has not entered into a conciliation agreement to which the charging party is a signator. The charging party shall notify the commissioner of his intention to bring a civil action, which shall be commenced within 90 days of giving the notice;

(c) The commissioner may dismiss, without prejudice to the charging party, any case filed with the department on or before June 30, 1978. The commissioner shall notify a charging party by regular mail sent before August 1, 1981, that he has a right to bring a civil action pursuant to this section. Upon giving this notice the commissioner shall end all proceedings in the department relating to the charge. Notwithstanding any statutory period of limitation to the contrary, an individual notified pursuant to this clause may bring a civil action relating to his charge; provided that the action is filed on or before February 1, 1982.

A charging party bringing a civil action shall (MAIL BY REGISTERED OR CERTIFIED MAIL) send a copy of the summons and complaint to the commissioner *by first class mail*, and upon their receipt the commissioner shall terminate all proceedings in the department relating to the charge. No charge shall be filed or reinstituted with the commissioner after a civil action relating to the same unfair discriminatory practice has been brought unless the civil action has been dismissed without prejudice.

Upon application by the complaining party to the district court at a special term and under circumstances the court deems just, the court may appoint an attorney for the person and may au-

thorize the commencement of the action without payment of fees, costs, or security.

Upon timely application, the court may permit the department to intervene in a civil action brought pursuant to this section upon certification that the case is of general public importance.

Sec. 11. Minnesota Statutes 1982, section 363.14, subdivision 2, is amended to read:

Subd. 2. [DISTRICT COURT JURISDICTION.] Any action brought pursuant to this section shall be filed in the district court of the county wherein the unlawful discriminatory practice is alleged to have been committed or where the respondent resides or has his principal place of business.

Any action brought pursuant to this chapter shall be heard and determined by a judge sitting without a jury.

If the court finds that the respondent has engaged in an unfair discriminatory practice, it shall issue an order directing (SUCH) *appropriate* relief (AS IT DEEMS APPROPRIATE AND WHICH EFFECTUATES THE PURPOSE OF THIS CHAPTER. SUCH RELIEF SHALL BE LIMITED TO THAT PERMITTED) *as provided* by section 363.071, subdivision 2.

Sec. 12. [EFFECTIVE DATE; APPLICATION.]

Sections 1 to 11 are effective August 1, 1984. Section 5 applies only to charges filed with the department after the effective date of this act."

Delete the title and insert:

"A bill for an act relating to the human rights department; prohibiting waiver of legal rights; changing the statute of limitations; providing sanctions for intentional delays; permitting award of attorney fees in administrative hearings; changing damage awards; amending Minnesota Statutes 1982, sections 363.06, subdivision 3; 363.071, by adding a subdivision; 363.116; 363.117; 363.14, subdivisions 1 and 2; Minnesota Statutes 1983 Supplement, sections 363.06, subdivision 4; 363.071, subdivision 2; and 363.072, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 363."

The motion prevailed and the amendment was adopted.

Clark, K., moved to amend S. F. No. 1762, as amended, as follows:

Page 6, line 11, delete everything after the period

Page 6, delete lines 12 to 16

Page 7, line 24, after "*amount*" insert "*up to*"

Page 7, line 25, delete the semi-colon and strike "*and,*" and insert a period

Page 7, line 25, before "*may*" insert "*the examiner*"

Page 7, line 26, after the second comma insert "*reasonable attorney's fees in addition to*"

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Cohen moved to amend S. F. No. 1762, as amended, as follows:

Page 7, line 21, delete "*shall*" and insert "*may*"

Page 7, line 24, after "*actual*" insert "*out of pocket*"

The motion prevailed and the amendment was adopted.

Ludeman moved to amend S. F. No. 1762, as amended, as follows:

Page 7, line 24, delete "*three times*"

CALL OF THE HOUSE

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

Anderson, B.	DenOuden	Heap	Mann	Onnen
Anderson, G.	Dimler	Hoffman	Marsh	Osthoff
Beard	Eken	Hokr	McDonald	Otis
Begich	Elioff	Jacobs	McEachern	Pauly
Bennett	Ellingson	Jennings	McKasy	Peterson
Bergstrom	Erickson	Johnson	Metzen	Piepho
Bishop	Evans	Kelly	Minne	Piper
Blatz	Findlay	Knickerbocker	Munger	Price
Boo	Fjoslien	Knuth	Murphy	Reif
Brandl	Forsythe	Kostohryz	Nelson, K.	Riveness
Burger	Frerichs	Krueger	Neuenschwander	Rodosovich
Carlson, L.	Greenfield	Kvam	Norton	Rodriguez, C.
Clark, K.	Cruenes	Larsen	O'Connor	Rodriguez, F.
Cohen	Gustafson	Levi	Ogren	Rose
Coleman	Gutknecht	Long	Olsen	St. Onge
Dempsey	Haukoos	Ludeman	Omann	Sarna

Schafer	Shea	Swanson	Vanasek	Wigley
Scheid	Sherman	Thiede	Voss	Wynia
Schoenfeld	Skoglund	Tomlinson	Waltman	Zaffke
Schreiber	Solberg	Tunheim	Welch	Speaker Sieben
Seaberg	Sparby	Uphus	Welker	
Segal	Staten	Valan	Welle	
Shaver	Svigum	Valento	Wenzel	

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

The question recurred on the Ludeman amendment to S. F. No. 1762, as amended. The motion did not prevail and the amendment was not adopted.

S. F. No. 1762, A bill for an act relating to the human rights department; prohibiting waiver of legal rights; changing the statute of limitations; providing sanctions for intentional delays; permitting award of attorney fees in administrative hearings; changing damage awards; amending Minnesota Statutes 1982, sections 363.06, subdivision 3; 363.071, by adding a subdivision; 363.116; 363.14, subdivisions 1 and 2; Minnesota Statutes 1983 Supplement, sections 363.06, subdivision 4; 363.071, subdivision 2; and 363.072, subdivision 1; proposing new law coded in chapter 363.

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

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

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

There were 88 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Levi	Peterson	Sherman
Beard	Evans	Long	Piper	Skoglund
Begich	Fjoslien	Mann	Price	Solberg
Bennett	Graba	Marsh	Quinn	Sparby
Bergstrom	Greenfield	McEachern	Reif	Staten
Bishop	Gruenes	McKasy	Riveness	Swanson
Blatz	Gustafson	Metzen	Rodosovich	Tomlinson
Boo	Halberg	Minne	Rodriguez, C.	Tunheim
Brandl	Heap	Munger	Rodriguez, F.	Vanasek
Burger	Himle	Murphy	St. Onge	Voss
Carlson, L.	Hoffman	Nelson, D.	Sarna	Welch
Clark, J.	Jacobs	Neuenschwander	Scheid	Welle
Clark, K.	Kelly	Norton	Schoenfeld	Wenzel
Cohen	Knuth	O'Connor	Schreiber	Wynia
Coleman	Kostohryz	Ogren	Seaberg	Zaffke
Dempsey	Krueger	Omann	Segal	Speaker Sieben
Eken	Kvam	Onnen	Shaver	
Elioff	Larsen	Otis	Shea	

Those who voted in the negative were:

DenOuden	Haukoos	Ludeman	Redalen	Uphus
Dimler	Jennings	McDonald	Rose	Valento
Erickson	Johnson	Osthoff	Schafer	Waltman
Findlay	Kalis	Pauly	Sviggum	Welker
Frerichs	Knickerbocker	Piepho	Thiede	Wigley
Gutknecht				

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.

S. F. No. 1349 was reported to the House.

Wynia and Vellenga moved to amend S. F. No. 1349, the unofficial engrossment, as follows:

Page 4, delete lines 27 to 34

Renumber the remaining sections

Page 5, line 18, delete everything after "*sections*"

Page 5, line 19, delete "*; and Special Laws*"

Page 5, line 20, delete everything through "6"

Page 5, line 31, delete everything after the period

Page 5, delete line 32

Page 5, line 33, delete everything through the period

Page 5, line 34, delete "11" and insert "10"

Further, amend the title as follows:

Page 1, line 18, delete everything after the semicolon

Page 1, delete line 19

Page 1, line 20, delete everything through the semicolon

Page 1, line 23, delete "340.57;"

Page 1, line 24, delete "340.58; 340.59;"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called: There were 47 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Blatz	Erickson	Marsh	Piper	Thiede
Brandl	Evans	McDonald	Price	Uphus
Clark, J.	Fjoslien	Munger	Rodriguez, C.	Vellenga
Clark, K.	Forsythe	Murphy	Rose	Welker
Cohen	Greenfield	Nelson, D.	Schafer	Wynia
Coleman	Gutknecht	Nelson, K.	Seaberg	Zaffke
Dempsey	Hokr	Olsen	Segal	Speaker Sieben
DenOuden	Kahn	Omann	Simoneau	
Dimler	Levi	Onnen	Skoglund	
Ellingson	Long	Piepho	Sparby	

Those who voted in the negative were:

Anderson, B.	Gruenes	Krueger	Peterson	Sherman
Anderson, G.	Gustafson	Kvam	Quinn	Solberg
Battaglia	Halberg	Larsen	Redalen	Sviggum
Beard	Haukoos	Ludeman	Reif	Swanson
Begich	Heap	Mann	Riveness	Tomlinson
Bennett	Himle	McEachern	Rodosovich	Tunheim
Bergstrom	Jacobs	Metzen	Rodriguez, F.	Valan
Boo	Jennings	Minne	St. Onge	Valento
Burger	Johnson	Neuenschwander	Sarna	Voss
Carlson, L.	Kalis	Norton	Scheid	Waltman
Eken	Kelly	O'Connor	Schoenfeld	Wenzel
Elioff	Knickerbocker	Ogren	Schreiber	Wigley
Graba	Kostohryz	Osthoff	Shaver	

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

Osthoff moved to amend S. F. No. 1349, the unofficial engrossment, as follows:

Page 5, after line 16, insert a section to read:

"Sec. 12 [ST. PAUL LICENSES.]

City of Saint Paul; On-Sale Intoxicating Liquor Licenses in the Bandana Square area of the Energy Park Development District. Notwithstanding any contrary provision of law, charter or ordinance, the governing body of the City of Saint Paul may issue upon passage of this Act, four "On-Sale" Intoxicating Liquor Licenses in excess of the number authorized by Minnesota Statutes, section 340.11, subdivision 5a, for use in the Bandana Square area of the Energy Park Development District. For the purposes of this Act, the Energy Park Development District shall include all that portion of the city of Saint Paul described as follows:

All that part of the unplatted lands in Section 27, Township 29, Range 23 and Section 28 Township 29, Range 23; that part of Lot 1 Block 1 and Lot 1 Block 2 Kasota Addition; that part of

Blocks 23, 24, 25, and 31, St. Anthony Park; vacated Bartlett Court and vacated Beard Court; all lying within the following described line:

Commencing at the intersection of the North line of Kasota Avenue with the Westerly line, extended, of vacated Bartlett Court, thence Southerly along said Westerly line and its extension to the intersection of the North Right-of-Way line of the joint Great Northern, and the Saint Paul, Minneapolis and Manitoba Railway tracks; thence Southeasterly along said Northerly Right-of-Way line to its intersection with the East line of Lexington Parkway; thence Northerly along said Easterly line to its intersection with the Southerly Right-of-Way line of the St. Paul and Northern Pacific Railway Tracks; thence Westerly along said Southerly Right-of-Way line to its intersection with the Easterly line of Highway 51-125 (Snelling Avenue); thence Southerly and Southeasterly along said Right-of-Way and interchange to its intersection with the Westerly line of Flynn Street; thence Southerly along said Westerly line to its intersection with the Northerly line of Rosen Road; thence Northwesterly along said Northerly line to its intersection with the Northerly line of Kasota Avenue; thence continuing Northwesterly along the Northerly line of Kasota Avenue to its intersection with the Westerly lot line of Lot 1, Block 2, Kasota Addition; thence Northerly along said Westerly lot line to its intersection with the North line of said Addition, also being the Southerly Right-of-Way line of the St. Paul and Northern Pacific Railway tracks; thence Northwesterly along said southerly Right-of-Way line of Gibbs Avenue; thence southwestery along said Westerly line to its intersection with the Northerly line of Kasota Avenue; thence Northwesterly along said Northerly line to the point of beginning and there terminating.

Licenses issued and renewed pursuant to this act shall be governed by all applicable provisions of Minnesota Statutes, chapter 340, with the exception of Section 340.11, subd. 5a; section 340.13, subd. 9; and as may be provided herein to the contrary.

Effective date. This section is effective the day after compliance by the governing body of the City of St. Paul with Minnesota Statutes, Section 645.021, Subd. 3."

Amend the title as follows:

Page 1, line 20, after the semicolon insert: "authorizing the city of Saint Paul to issue on-sale intoxicating liquor licenses in excess of the statutory limit in the Bandana Square area of the Energy Park Development District;"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 14 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Beard	Coleman	Larsen	Rodriguez, F.	Tomlinson
Clark, J.	Kelly	Neuenschwander	Scheid	Vellenga
Cohen	Kostohryz	Osthoff	Schreiber	

Those who voted in the negative were:

Anderson, B.	Forsythe	Mann	Peterson	Sviggum
Battaglia	Graba	Marsh	Piepho	Swanson
Begich	Greenfield	McDonald	Piper	Thiede
Bennett	Gruenes	McEachern	Price	Tunheim
Blatz	Gustafson	McKasy	Redalen	Uphus
Brandl	Gutknecht	Metzen	Riveness	Valan
Burger	Halberg	Minne	Rodosovich	Valento
Carlson, L.	Haukoos	Munger	Rose	Vanasek
Dempsey	Heap	Murphy	St. Onge	Voss
DenOuden	Hoffman	Nelson, D.	Sarna	Waltman
Dimler	Hokr	Nelson, K.	Schafer	Welch
Eken	Jacobs	Norton	Seaberg	Welker
Elioff	Jennings	O'Connor	Segal	Welle
Ellingson	Kalis	Ogren	Shaver	Wenzel
Erickson	Knuth	Olsen	Sherman	Wigley
Evans	Krueger	Omann	Skoglund	Wynia
Findlay	Kvam	Onnen	Solberg	Zaffke
Fjoslien	Ludeman	Otis	Sparby	Speaker Sieben

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

S. F. No. 1349, A bill for an act relating to liquor; abolishing prohibition on furnishing liquor to certain persons and exclusion of certain persons from liquor establishments after notice; amending Minnesota Statutes 1982, section 340.601; repealing Minnesota Statutes 1982, sections 340.73, subdivision 2; 340.78; and 340.81.

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

The question was taken on the passage of the bill and the roll was called. There were 72 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Levi	Quinn	Swanson
Anderson, G.	Greenfield	McKasy	Redalen	Tomlinson
Battaglia	Gruenes	Metzen	Reif	Tunheim
Beard	Gustafson	Minne	Rodosovich	Valan
Begich	Gutknecht	Murphy	Rodriguez, F.	Valento
Bennett	Heap	Nelson, D.	Rose	Vanasek
Bergstrom	Himle	Neuenschwander	St. Onge	Voss
Blatz	Hoffman	Norton	Sarna	Waltman
Boo	Jacobs	O'Connor	Scheid	Welle
Burger	Johnson	Ogren	Schoenfeld	Wenzel
Carlson, L.	Kalis	Osthoff	Schreiber	Zaffke
Clark, J.	Kelly	Otis	Seaberg	Speaker Sieben
Coleman	Knuth	Peterson	Shaver	
Eken	Kostohryz	Piper	Solberg	
Elioff	Larsen	Price	Sparby	

Those who voted in the negative were:

Brandl	Fjoslien	Krueger	Omänn	Skoglund
Cohen	Forsythe	Kvam	Onnen	Thiede
Dempsey	Frerichs	Ludeman	Piepho	Uphus
DenOuden	Graba	Marsh	Riveness	Vellenga
Dimler	Halberg	McDonald	Rodriguez, C.	Welch
Erickson	Haukoos	Munger	Schafer	Welker
Evans	Jennings	Olsen	Sherman	Wynia

The bill was passed and its title agreed to.

Eken moved that the remaining bills on Special Orders for today be continued one day. The motion prevailed.

GENERAL ORDERS

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

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 11:00 a.m., Thursday, April 19, 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., Thursday, April 19, 1984.

EDWARD A. BURDICK, Chief Clerk, House of Representatives