

## TWENTY-SECOND DAY

St. Paul, Minnesota, Thursday, March 12, 1981

The Senate met at 11:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Allan O. Nelson.

The roll was called, and the following Senators answered to their names:

Ashbach	Dieterich	Langseth	Peterson, C.C.	Spear
Bang	Engler	Lantry	Peterson, D.L.	Stern
Belanger	Frank	Lessard	Peterson, R.W.	Stokowski
Benson	Frederick	Lindgren	Petty	Stumpf
Berg	Frederickson	Luther	Pillsbury	Taylor
Berglin	Hanson	Menning	Purfeerst	Tennessee
Bernhagen	Hughes	Merriam	Ramstad	Ulland
Bertram	Humphrey	Moe, D.M.	Renneke	Vega
Brataas	Johnson	Moe, R.D.	Rued	Waldorf
Chmielewski	Keefe	Nelson	Schmitz	Wegener
Dahl	Knoil	Nichols	Setzepfandt	Willett
Davies	Knutson	Olhoft	Sieloff	
Davis	Kroening	Pehler	Sikorski	
Dicklich	Kronebusch	Penny	Solon	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

June 25, 1980

The Honorable Edward J. Gearty  
President of the Senate

Dear Sir:

The following appointment as Chairperson of the Waste Management Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Robert G. Dunn, 708 Fourth Street South, Princeton, Mille Lacs County, has been appointed by me, effective July 1, 1980, for a term expiring June 30, 1984.

(Referred to the Committee on Agriculture and Natural Resources.)

February 5, 1981

The Honorable Jack Davies  
President of the Senate

Dear Sir:

The following appointments to the State University Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Dale A. Johnson, 695 Wildwood Place, Owatonna, Steele County, has been appointed by me, effective February 5, 1981, for a term expiring the first Monday in January, 1984.

Arnold C. Anderson, 1308 Ridgeview Drive, P.O. 512, Montevideo, Chippewa County, has been appointed by me, effective February 5, 1981, for a term expiring the first Monday in January, 1985.

Lee J. Krueger, 10044 Nicollet Avenue South, #106, Bloomington, Hennepin County, has been appointed by me, effective February 5, 1981, for a term expiring the first Monday in January, 1983.

John W. Borg, 5509 Columbus Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective February 5, 1981, for a term expiring the first Monday in January, 1984.

Rodney N. Searle, R.R. #1, Box 44, Waseca, Waseca County, has been appointed by me, effective February 5, 1981, for a term expiring the first Monday in January, 1985.

Bernard A. Miller, R.R. #2, Box 264M, Bemidji, Beltrami County, has been appointed by me, effective February 5, 1981, for a term expiring the first Monday in January, 1982.

Elizabeth A. Pegues, 27 Nord Circle Road, North Oaks, Ramsey County, has been appointed by me, effective February 5, 1981, for a term expiring the first Monday in January, 1982.

(Referred to the Committee on Education.)

February 20, 1981

The Honorable Jack Davies  
President of the Senate

Dear Sir:

The following appointments to the Cable Communications Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Rochelle Barnhart, 3322 Clinton Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective February 20, 1981, for a term expiring the first Monday in January, 1985.

John R. Stone, 608 East Minnesota, Glenwood, Pope County, has been appointed by me, effective February 20, 1981, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on Commerce.)

February 20, 1981

The Honorable Jack Davies  
President of the Senate

Dear Sir:

The following appointment to the State Designer Selection Board is hereby respectfully submitted to the Senate for confirmation as required by law:

John D. Nagel, 4127 York Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective February 20, 1981, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on Governmental Operations.)

February 25, 1981

The Honorable Jack Davies  
President of the Senate

Dear Sir:

The following appointment to the Tax Court is hereby respectfully submitted to the Senate for confirmation as required by law:

Carl A. Jensen, 209 First Avenue South, Sleepy Eye, Brown County, has been appointed by me, effective February 2, 1981, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Taxes and Tax Laws.)

Sincerely,

Albert H. Quie, Governor

March 11, 1981

The Honorable Jack Davies  
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. No. 102.

Sincerely yours,

Albert H. Quie, Governor

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 92 and 144.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 5, 1981

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 13, 79, 167, 276, 357 and 483.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 5, 1981

## FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 13: A bill for an act relating to criminal procedure; providing officers of the United States customs service and the immigration and naturalization service with the arrest powers of peace officers; amending Minnesota Statutes 1980, Sections 629.30; and 629.34.

Referred to the Committee on Judiciary.

H. F. No. 79: A bill for an act relating to commerce; providing for the regulation and licensing of precious metal dealers; establishing identification procedures and recording requirements; prohibiting certain transactions; providing for criminal and civil penalties; providing remedies; amending Minnesota Statutes 1980, Section 609.53, Subdivision 4, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapter 325F.

Referred to the Committee on Commerce.

H. F. No. 167: A bill for an act relating to cable communications; providing for resolution of certain pole attachment disputes; amending Minnesota Statutes 1980, Section 238.02, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 238.

Referred to the Committee on Commerce.

H. F. No. 276: A bill for an act relating to juveniles; prescribing the elements of a prima facie case for referring a child to adult court for criminal prosecution; amending Minnesota Statutes 1980, Section 260.125, Subdivision 3.

Referred to the Committee on Judiciary.

H. F. No. 357: A bill for an act relating to highway traffic regulation; authorizing and regulating the use of strobe lamps on school buses; correcting the applicability provision of a school bus law; authorizing and regulating flashing signals or school bus stop signal arms; imposing standards for the signal arms; restricting the meaning of "type three school bus"; prohibiting a type three school bus from being equipped and identified as certain other school buses; amending Minnesota Statutes 1980, Sections 169.44, Subdivisions 3 and 10, and by adding subdivisions; 169.64, by adding a subdivision.

Referred to the Committee on Transportation.

H. F. No. 483: A bill for an act relating to Ramsey county, providing for the administration of the soldiers' rest; amending Laws 1974, Chapter 435, Section 1.0212.

Referred to the Committee on Local Government and Urban Affairs.

## REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 264: A bill for an act relating to human rights; providing that certain statutes be equally applicable to all persons regardless of sex, including statutes related to the health department, suits for seduction, garnishment actions, and probate proceedings; providing for a penalty; amending Minnesota Statutes 1980, Sections 144.06; 242.47; 246.53; 510.06; 525.05; 525.082; 540.07; 540.08; 540.09; 550.37, Subdivision 10; and 576.08.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 46.09, Subdivision 1, is amended to read:

Subdivision 1. No person who is a bank examiner or other officer or employee of the division of banking shall be interested, either directly or indirectly, as a stockholder, director, officer, trustee, assignee, employee, or otherwise, in any bank, savings bank, trust company, financial institution, or corporation holding the stock of any such corporation within this state, or which carries on a banking business within this state, either directly or indirectly, or through an affiliated group or chain bank operating within this state. If the ~~wife~~ spouse, or any other member of the household of a bank examiner, or other officer or employee, shall be so interested, it shall be conclusively presumed that the bank examiner, or other officer or employee, is indirectly interested in the corporation within the meaning of this section; but the meaning of the words "directly or indirectly" is not otherwise qualified. The provisions of this section shall not apply to the commissioner of banks.

Sec. 2. Minnesota Statutes 1980, Section 144.06, is amended to read:

144.06 [STATE COMMISSIONER OF HEALTH TO PROVIDE INSTRUCTION.]

The state commissioner of health, hereinafter referred to as the commissioner, is hereby authorized to provide instruction and advice to expectant mothers ~~and fathers~~ during pregnancy ~~and confinement~~ and to mothers, fathers, and their infants after childbirth; and to employ such persons as may be necessary to carry out the requirements of sections 144.06 and 144.07. ~~Such~~ The instruction, advice, and care shall be given only to applicants residing within the state. No ~~woman~~ person receiving aid under sections 144.06, 144.07, and 144.09 shall for this reason be affected thereby in any civil or political rights, nor shall ~~her~~ the person's identity be disclosed except upon written order of the commissioner.

Sec. 3. Minnesota Statutes 1980, Section 181.07, is amended to read:

181.07 [ASSIGNMENT OF UNEARNED WAGES AS SECURITY.]

No assignment of or order for wages to be earned in the future to secure a loan of less than \$200 shall be valid against an employer of the person making the assignment or order until the assignment or order is accepted in writing by the employer and the assignment or order and the acceptance of the same have been filed and recorded with the clerk of the city or town where the party making the assignment or order resides, if a resident of this state, or in which ~~he~~ the person is employed if ~~not such resident~~ the person is a nonresident. No ~~such~~ assignment of or order for wages to be earned in the future shall be valid when made by a married ~~man~~ person unless the written consent of ~~his wife~~ the person's spouse to the making of ~~such~~ the assignment or order is attached

thereto.

Sec. 4. Minnesota Statutes 1980, Section 242.47, is amended to read:

242.47 [INTERFERENCE WITH INMATES.]

Every person who shall abduct, conceal, entice, carry away, or improperly interfere with, any *juvenile inmate of the a Minnesota correctional facility-Red Wing* shall be guilty of a misdemeanor.

Sec. 5. Minnesota Statutes 1980, Section 246.53, is amended to read:

246.53 [CLAIM AGAINST ESTATE OF DECEASED PATIENT.]

Upon the death of a patient, or a former patient, the total cost of care given ~~him to that patient~~, less the amount actually paid toward the cost of ~~such the~~ care by the patient and ~~his the patient's~~ relatives, shall be filed by the commissioner as a claim against the estate of ~~such the~~ patient with the court having jurisdiction to probate the estate and all proceeds collected by the state in ~~such the~~ case shall be divided between the state and county in proportion to the cost of care each has borne. If the commissioner of public welfare shall determine that the property or estate of any ~~such~~ patient is not ~~sufficient to more than~~ care for and maintain the ~~wife spouse~~ and minor or dependent children of ~~such the~~ deceased patient, he shall have the power to compromise the claim of the state in ~~such a~~ manner as he, in his judgment and upon investigation, may deem just and proper. Any statute of limitations which limits the commissioner in recovering the cost of care obligation incurred by a patient or former patient shall not apply to any claim against an estate made hereunder to recover cost of care.

Sec. 6. Minnesota Statutes 1980, Section 256.85, is amended to read:

256.85 [LIBERAL CONSTRUCTION.]

Sections 256.72 to 256.87 shall be liberally construed with a view to accomplishing their purpose, which is ~~hereby~~ declared to be to enable the state and its several counties to cooperate with responsible ~~mothers or relatives~~ *primary caretakers of children* in rearing future citizens, when ~~such the~~ cooperation is necessary on account of relatively permanent conditions, in order to keep the family together in the same household, reasonably safeguard the health of the ~~mother~~ *children's primary caretaker* and secure to the children during their tender years ~~her~~ personal care and training.

Sec. 7. Minnesota Statutes 1980, Section 290.28, Subdivision 3, is amended to read:

Subd. 3. [INCOME OF AN ESTATE OR TRUST IN CASE OF DIVORCE.] (1) There shall be included in the gross income of a ~~wife person~~ who is divorced or legally separated under a decree of divorce or of legal separation (or who is separated ~~from her husband under~~ *pursuant to a written separation agreement*) the amount of the income of any trust which ~~such wife the person~~ is entitled to receive and which, except for this subdivision, would be includible in the gross income of ~~her husband the person's spouse~~, and ~~such the~~ amount shall not, despite any other provision of this chapter, be includible in the gross income of ~~such husband the spouse~~. This paragraph shall not apply to that part of any ~~such~~ income of the trust which the terms of the decree, written separation agreement, or trust instrument fix, in terms of an amount of money or a portion of ~~such the~~ income, as a sum which is payable for the support of minor children of ~~such husband the spouse~~. In case ~~such the~~ income is less than the amount specified in the decree, agreement, or instrument, for the purpose of

applying the preceding sentence, ~~such~~ the income, to the extent of ~~such~~ the sum payable for ~~such~~ support, shall be considered a payment for ~~such~~ support.

(2) For purposes of computing the taxable income of the estate or trust and the taxable income of a ~~wife~~ person to whom paragraph (1) applies, ~~such wife~~ the person shall be considered as the beneficiary specified in sections 290.22 to 290.28. A periodic payment of maintenance, to any portion of which sections 290.22 to 290.28 applies, shall be included in the gross income of the beneficiary in the taxable year in which under sections 290.22 to 290.28 ~~such~~ the portion is required to be included.

Sec. 8. Minnesota Statutes 1980, Section 490.102, Subdivision 6, is amended to read:

Subd. 6. The ~~widow~~ spouse of every judge of the district or supreme court who dies, in active service, shall be paid one-half of the retirement compensation to which ~~such~~ the judge would have been entitled on the date of ~~his~~ death, if ~~he~~ the judge would have been otherwise eligible for retirement under the provisions of section 490.101 or under section 490.025, and had retired on that date, irrespective of whether ~~he~~ shall have the judge attained the age of retirement at the date of ~~his~~ death or not and irrespective of whether ~~he~~ the judge had served 15 years as ~~such~~ district judge or as a judge of a court of record, and irrespective of whether ~~he~~ the judge had previously been eligible to retire, but had not retired under the provisions of section 490.101, prior to ~~his~~ death, provided ~~she~~ the spouse had been married to ~~such~~ the judge for three years prior to ~~his~~ the judge's death. The ~~widow~~ spouse of every judge of the district court or supreme court who dies after retiring shall be paid one-half of the retirement compensation which ~~such~~ the judge was receiving at the date of ~~his~~ death.

Any judge who has heretofore retired and exercised the option previously set forth in section 490.102, shall, after July 1, 1961, be paid the full retirement compensation herein provided for, and ~~his~~ ~~widow~~ the judge's spouse shall upon ~~his~~ the judge's death be entitled to compensation as herein set forth.

The term "~~widow~~" "spouse" as used in this subdivision means the surviving ~~wife~~ spouse of a district or supreme court judge, but only if ~~she~~ the spouse was married to ~~him~~ the judge for a period of not less than three years immediately prior to the date of ~~his~~ the judge's retirement or of ~~his~~ death, whichever occurs first.

If ~~such~~ ~~widow~~ the spouse, either of a retired judge or a judge who dies in active service, who is otherwise qualified under this section, has not attained the age of 40 years at the time of ~~such~~ the judge's death, ~~such~~ ~~widow~~ the spouse will not become eligible for retirement compensation payments hereunder until ~~her~~ the spouse's 40th birthday but shall receive ~~such~~ the payments thereafter.

A ~~widow~~ spouse who is entitled to a retirement compensation under the provisions of this subdivision and subdivision 7 shall be paid ~~such~~ the retirement compensation for the period of ~~her~~ the spouse's life, unless ~~she~~ the spouse remarries, in which event ~~such~~ the retirement compensation is to cease and terminate. ~~Every judge~~ All judges of the district court and ~~every judge~~ of the supreme court shall contribute four percent of ~~his~~ their state salary salaries, which amount shall be deducted from ~~his~~ salary their salaries at least once each month and paid to the state treasurer to be deposited in a special survivor retirement account. This contribution shall be for the purpose of providing the survivor benefits established by this subdivision and subdivision 7 and such amount as may be necessary to carry out this purpose is hereby appropriated

from ~~such~~ the special retirement account. It is declared to be the policy of the legislature that the survivor benefits provided for herein shall be wholly paid from contributions by the judges to ~~said~~ the special retirement account. To implement this policy the rate of contribution by the judges shall be reviewed periodically and contributions adjusted to make this account sufficient to cover all benefits.

Sec. 9. Minnesota Statutes 1980, Section 490.102, Subdivision 7, is amended to read:

Subd. 7. In addition to the provisions of Minnesota Statutes 1961, Section 490.102, Subdivisions 1 to 6, inclusive, and notwithstanding the limitations thereof, the ~~widow~~ surviving spouse of every judge of the district or supreme court who died in active service prior to May 19, 1961, who had been married to ~~such~~ the judge for five years prior to ~~his~~ the judge's death and who has now attained the age of 49 years, shall be paid during ~~her~~ the spouse's life one-half of the retirement compensation to which ~~such~~ the judge would have been entitled, if ~~he~~ the judge had been retired as of date of death. For the purposes of this subdivision, the ~~said~~ judge shall be deemed to have been entitled to full retirement and to have retired as of the day of ~~his~~ death. If retirement of a district judge from active service was by executive order prior to enactment of Laws 1949, Chapter 640, ~~his~~ the judge's unremarried ~~widow~~ surviving spouse who would otherwise qualify under this section will receive one-half of the compensation ~~such~~ the judge would have received if ~~his~~ the judge's retirement occurred in 1949 after enactment of that law and ~~he~~ the judge was eligible for compensation thereunder.

Sec. 10. Minnesota Statutes 1980, Section 510.06, is amended to read:

510.06 [EXEMPTION NOT LOST BY DEATH OR DESERTION.]

If the owner ~~shall die~~ dies leaving a spouse or minor children constituting ~~his~~ the owner's family surviving, the homestead exemption shall not be affected by ~~such~~ the death. If a ~~husband~~ the owner shall abscond, or otherwise desert ~~his~~ the family, ~~his~~ wife the spouse and the minor children comprising ~~such~~ the family may retain the homestead, with all the rights of owners therein. They shall not have power to sell or mortgage ~~the same~~ it, except in cases expressly provided for by law.

Sec. 11. Minnesota Statutes 1980, Section 525.05, is amended to read:

525.05 [JUDGE OR REFEREE; GROUNDS FOR DISQUALIFICATION.]

The following shall be grounds for disqualification of any judge or referee from acting in any matter: (1) That ~~he or his wife~~ the judge or the judge's spouse or any of ~~his or her~~ either person's kin nearer than first cousin ~~shall be~~ is interested as representative, heir, devisee, legatee, ward, or creditor in the estate involved therein; (2) that it involves the validity or interpretation of a will drawn or witnessed by ~~him~~ the judge; (3) that ~~he~~ the judge may be a necessary witness in ~~such~~ the matter; (4) that it involves a property right in respect to which ~~he~~ the judge has been engaged or is engaged as an attorney; or (5) that ~~he~~ the judge was engaged in a joint enterprise for profit with the decedent at the time of death or that ~~he~~ the judge is then engaged in a joint enterprise for profit with any person interested in ~~such~~ the matter as representative, heir, devisee, legatee, ward, or creditor. When grounds for disqualification exist, the judge may, and upon proper petition of any person interested in the estate must, request the probate judge of another county or a probate judge who has retired as provided in section 490.12, subdivision 2, to act in his



stead in ~~such the~~ matter.

Sec. 12. Minnesota Statutes 1980, Section 525.082, is amended to read:

**525.082 [JUDICIAL OFFICERS, INCREASE IN COMPENSATION.]**

Notwithstanding any law to the contrary, or any provision of Laws 1971, Chapter 951, the salaries of all judges of probate as provided under section 525.081, subdivisions 1 and 2, who do not become county court judges, but who are eligible to serve out the balance of their term as judicial officers of the county district court as provided in Laws 1971, Chapter 951, shall be increased by 10 percent of the amount provided for and received by ~~said the~~ judge under the provisions of section 525.081, subdivisions 1 and 2, which salary shall be the salary for the balance of the term for which they are elected, and which salary shall determine any retirement and ~~widow's spouse's~~ survivorship to which the judge and ~~his wife~~ *the judge's spouse* may be entitled to under the laws pertaining thereto.

Sec. 13. Minnesota Statutes 1980, Section 540.07, is amended to read:

**540.07 [PARENT OR GUARDIAN MAY SUE FOR SEDUCTION.]**

~~A father, or, in case of his death or desertion of his family, the mother,~~ parent may maintain an action for the seduction of the son or daughter, and the guardian ~~may maintain an action~~ for the seduction of the ward, though ~~such the~~ son or daughter or ward is not living with, or in the service of, the plaintiff at the time of the seduction or afterwards, and there is no loss of service.

Sec. 14. Minnesota Statutes 1980, Section 540.08, is amended to read:

**540.08 [INJURY TO CHILD OR WARD; SUIT BY PARENT OR GUARDIAN.]**

~~A father parent may maintain an action for the injury of his a minor child son or daughter. When such father has deserted his family or is dead the mother of such minor child may maintain the action. When custody of the injured child has been granted to either parent by a court having jurisdiction, that parent may maintain the action.~~ A general guardian may maintain an action for ~~the an~~ injury of his to the ward. A guardian of a dependent, neglected, or delinquent child, appointed by a court having jurisdiction, may maintain an action for the injury of ~~such the~~ child. If no ~~such~~ action is brought by the father or mother, an action for the injury may be brought by a guardian ad litem, either before or after the death of ~~such the~~ parent. Before any ~~such~~ parent receives any property as a result of any such action, ~~he the~~ parent shall file ~~such a~~ bond as the court prescribes and approves as security therefor. In lieu of this bond, upon petition of the parent, the court may order that the property ~~so received shall~~ be invested in securities issued by the United States, which shall be deposited pursuant to the order of the court, or ~~such that the~~ property ~~shall~~ be invested in a savings account, savings certificate, or certificate of deposit, in a bank, savings and loan association, or trust company, subject to the order of the court. A copy of the court's order and the evidence of ~~such the~~ deposit shall be filed with the clerk of ~~such the~~ court. No settlement or compromise of any such action is valid unless it is approved by a judge of the court in which the action is pending.

Sec. 15. Minnesota Statutes 1980, Section 540.09, is amended to read:

**540.09 [DESERTED WIFE SPOUSE MAY SUE AND DEFEND IN HUSBAND'S ABSENT SPOUSE'S NAME.]**

When a husband *or wife* has deserted his *or her* family, the ~~wife~~ *deserted*

spouse may prosecute or defend, in ~~his name~~ *the name of the absent spouse*, any action which ~~he the absent spouse~~ might have prosecuted or defended, and shall have the same powers and rights therein as ~~he the absent spouse~~ might have had.

Sec. 16. Minnesota Statutes 1980, Section 558.28, is amended to read:

558.28 [~~WIFE MAY~~ RELEASE OF CONTINGENT INTEREST.]

A Married ~~woman~~ *people* may release to ~~her husband~~ *her* ~~her~~ *their* spouse a contingent interest in ~~his~~ real estate by a writing executed and acknowledged in the same manner as a conveyance, and, upon the filing of ~~such the~~ instrument with the clerk, the whole proceeds arising from ~~such the~~ sale shall be paid to the ~~husband spouse to whom the interest was released.~~ *Such* The release shall bar ~~her the releaser's~~ contingent interest in ~~such the~~ real estate.

Sec. 17. Minnesota Statutes 1980, Section 576.08, is amended to read:

576.08 [HEARING BY COURT; DISMISSAL OF PROCEEDING; APPOINTMENT AND BOND OF RECEIVER.]

The absentee, or any person who claims an interest in any of the property, may appear and show cause why the prayer of the petition should not be granted. The court may, after hearing, dismiss the petition and order the property in possession of the officer to be returned to the person entitled thereto, or it may appoint a receiver of the property which is in the possession of the officer and named in his schedule. If a receiver is appointed, the court shall find and record the date of the disappearance or absconding of the absentee; and ~~such the~~ receiver shall give a bond to the state in such sum and with such condition as the court orders, to be approved by the court. In the appointment of the receiver the court shall give preference to the ~~wife spouse~~ of the absentee, if ~~she the spouse~~ is competent and suitable.

Sec. 18. Minnesota Statutes 1980, Section 609.375, is amended to read:

609.375 [NON-SUPPORT OF ~~WIFE SPOUSE~~ OR CHILD.]

Subdivision 1. Whoever is legally obligated to provide care and support to ~~his wife a spouse~~ who is in necessitous circumstances, or ~~his child~~, whether or not its custody has been granted to another, and knowingly omits and fails without lawful excuse to do so is guilty of non-support of ~~said wife the spouse~~ or child, as the case may be, and upon conviction thereof may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$300.

Subd. 2. If the knowing omission and failure without lawful excuse to provide care and support to a *spouse*; a minor child, or a pregnant wife continues for a period in excess of 90 days ~~such the~~ person is guilty of a felony and may be sentenced to imprisonment for not more than five years.

Subd. 3. Upon conviction, the court may provide by order for the care and support of ~~such the~~ child or *wife spouse* for a period not to exceed five years, require bond or other security to the state to secure performance thereof, and suspend sentence or execution thereof, conditioned upon compliance with ~~such the~~ order.

Subd. 4. If, upon order to show cause duly made, the court finds that an order made pursuant to subdivision 3 has been violated, the suspension may be revoked and sentence imposed or executed, and the obligors of ~~such the~~ bond or security shall become liable pursuant to the terms thereof, and, with leave of

the court, the ~~wife~~ spouse, or child; or any public agency which furnished care or support to ~~such wife~~ the spouse or child while ~~such the~~ order for care and support was in force, may recover thereon.

Sec. 19. Minnesota Statutes 1980, Section 629.55, is amended to read:

**629.55 [REFUSAL TO RECOGNIZE.]**

~~Every witness~~ Witnesses required to recognize, with or without sureties, who ~~shall~~ refuse so to do, shall be committed by the magistrate until ~~he~~ they shall comply with ~~such the~~ order, or be otherwise discharged according to law. Every person held as a witness shall receive such compensation during confinement as the court before whom the case is pending shall direct, not exceeding regular witness fees. When a ~~married woman~~ or a minor shall be a material witness, any other person may recognize for the appearance of ~~such the~~ witness, or the magistrate may take recognizance of ~~such the~~ witness in a sum of not more than \$50, which shall be valid and binding in law notwithstanding ~~such the~~ disability.

Sec. 20. Minnesota Statutes 1980, Section 631.09, is amended to read:

**631.09 [JURY; HOW AND WHERE KEPT WHILE DELIBERATING; SEPARATE ACCOMMODATIONS FOR WOMEN JURORS.]**

After hearing the charge the jury may either decide in court, or retire for deliberation, if it shall not agree without retiring, one or more officers shall be sworn to take charge of it, and it shall be kept together in some private and convenient place, without food or drink except water, unless otherwise ordered by the court, and no person shall be permitted to speak to or communicate with it or any one of its number unless by order of court, nor listen to the deliberations; and it shall be returned into court when agreed, or when so ordered by the court. In case of mixed juries counties shall provide adequate, separate quarters for ~~women~~ male and female jurors with proper accommodations and, in the event the county shall so fail to provide ~~such the~~ proper accommodations, the court shall order ~~such women~~ the jurors kept in a suitable hotel for the night.

This section shall apply only in cases where the jury has failed to agree."

Delete the title and insert:

"A bill for an act relating to human rights; providing that certain statutes be equally applicable to all persons regardless of sex, including statutes related to the health department, suits for seduction, garnishment actions, judicial pensions, and probate proceedings; providing for penalties; amending Minnesota Statutes 1980, Sections 46.09, Subdivision 1; 144.06; 181.07; 242.47; 246.53; 256.85; 290.28, Subdivision 3; 490.102, Subdivisions 6 and 7; 510.06; 525.05; 525.082; 540.07; 540.08; 540.09; 558.28; 576.08; 609.375; 629.55; and 631.09."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 345: A bill for an act relating to crimes; increasing the penalty for certain forms of cruelty to animals; amending Minnesota Statutes 1980, Section 346.29.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, strike "bear-baiting," and insert "or"

Page 1, line 14, after "one" insert "domestic"

Page 1, line 14, strike ", or"

Page 1, line 15, strike "any other similar cruelty to animals"

Page 1, line 17, strike the third comma and insert a semicolon

Page 1, line 18, after the stricken word "shall" insert "(3)"

Page 1, line 21, delete "(3)" and insert "(4)"

Page 2, line 2, strike "knowingly"

Page 2, line 3, after "admission" insert "or otherwise gains admission"

Page 2, line 4, delete "or is" and strike "present at"

Page 2, line 5, delete "it"

Page 2, after line 5, insert:

"Sec. 2. [EFFECTIVE DATE.]

*This act is effective the day following final enactment. The increased penalties provided in section 1 shall apply to all violations occurring on or after the effective date."*

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 329: A bill for an act relating to probate; providing that certain mobile homes are homesteads; amending Minnesota Statutes 1980, Section 525.145.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 11 and 12 and insert "including a mobile home which is the family residence."

Page 1, lines 14 and 20, strike "such" and insert "the"

Page 1, line 19, strike "his" and insert "the spouse's"

Page 2, line 7, strike "such" and insert "the"

Page 2, line 10, delete "for estates of decedents dying" and insert "the day"

Page 2, line 11, delete "the date of"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 182: A bill for an act relating to probate; increasing the surviving spouse's share of certain personal property; amending Minnesota Statutes 1980, Section 525.15.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, delete "\$4,000" and insert "\$6,000"

Page 1, line 16, delete "\$2,000" and insert "\$3,000"

Page 2, delete line 10 and insert "July 31, 1981."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 454: A bill for an act relating to crimes; redefining criminal sexual conduct; amending Minnesota Statutes 1980, Sections 609.342; 609.343; and 609.345.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1980, Section 609.341, Subdivision 11, is amended to read:

Subd. 11. "Sexual contact" includes any of the following acts committed without the complainant's consent, if the acts can reasonably be construed as being for the purpose of satisfying the actor's sexual or aggressive impulses, except in those cases where consent is not a defense:

(i) The intentional touching by the actor of the complainant's intimate parts, or

(ii) The ~~coerced~~ touching by the complainant of the actor's, the complainant's, or another's intimate parts *effected by coercion or the use of a position of authority*, or

(iii) The ~~coerced~~ touching by another of the complainant's intimate parts *effected by coercion or the use of a position of authority*, or

(iv) In any of the cases above, of the clothing covering the immediate area of the intimate parts."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "Sections" insert "609.341, Subdivision 11:"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 95: A bill for an act relating to public improvements; permitting deferral of special assessments in instances of hardship; amending Minnesota Statutes 1980, Section 435.193.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 375: A bill for an act relating to Hennepin county; providing for the administration of health care and related services of the county; providing for the administration of the duties and the appointment of the county medical

examiner; repealing Laws 1963, Chapter 738, as amended; and Laws 1963, Chapter 848, as amended.

Reports the same back with the recommendation that the bill be amended as follows:

Page 12, delete lines 3 to 6

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 275: A bill for an act relating to counties; permitting escalation clauses or negotiated price changes in county contracts; clarifying advertising requirements; amending Minnesota Statutes 1980, Section 375.21, Subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 88: A bill for an act relating to the city of St. James; authorizing the issuance of revenue bonds for the acquisition and betterment of an airport facility.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 347: A bill for an act relating to Hennepin county; providing for the administration of the county library system; repealing Laws 1957, Chapter 788, as amended; and Extra Session Laws 1967, Chapter 24, as amended.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which was re-referred

S. F. No. 331: A bill for an act relating to the military; expanding the authorized uses of the military land fund to include reseeding and tree spraying on military lands and to acquire services for the morale of troops serving at Camp Ripley; amending Minnesota Statutes 1980, Section 190.25, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 22, delete "*tree reseeding and tree spraying*" and insert "*forest management*"

Page 1, line 23, after the semicolon, insert "*and*"

Page 1, line 24, delete everything after "*center*"

Page 1, delete line 25

Page 1, line 26, delete everything before the period

Amend the title as follows:

Page 1, lines 3 and 4, delete "reseeding and tree spraying" and insert "forest management"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which was referred

S. F. No. 400: A bill for an act relating to peace officers; changing the designation of part-time officers and reserve officers; removing the hours of work limitation for certain part-time peace officers; permitting reserve peace officers to carry firearms in emergencies; providing for two additional members on the peace officers standards and training board; authorizing the board to provide for training for certain part-time peace officers; authorizing the board to obtain criminal history data; amending Minnesota Statutes 1980, Sections 214.10, Subdivision 7; 626.84; 626.841; 626.843, Subdivision 1; 626.845, Subdivision 1; 626.846, Subdivisions 1 and 2; 626.8461; 626.8462; 626.8463; 626.8464; 626.8465, Subdivisions 1 and 2; 626.851, Subdivision 1; and 626.852.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 18, insert:

"Section 1. Minnesota Statutes 1980, Section 214.10, Subdivision 7, is amended to read:

Subd. 7. [PEACE OFFICERS STANDARDS AND TRAINING BOARD; DEFINITIONS.] For purposes of subdivisions 4 to 6 the term "appropriate law enforcement agency" means the agency ~~employing the peace officer who is a party to the complaint. In the event all of the peace officers employed by the agency are parties to the complaint, the board shall designate the appropriate law enforcement agency designated by the subcommittee of the board.~~

Page 10, delete lines 22 to 30

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "additional"

Page 1, line 7, delete "on" and insert "to"

Page 1, line 8, after "board" and before the semicolon, insert "from among elected city officials"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 277: A bill for an act relating to public welfare; authorizing the department of vocational rehabilitation to provide funds for power assisted wheelchairs to handicapped persons under certain circumstances; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 129A.

Reports the same back with the recommendation that the bill be amended as

follows:

Page 1, line 19, delete "two years" and insert "six months"

Page 2, line 18, after "be" insert "held"

Amend the title as follows:

Page 1, lines 2 and 3, delete "department of vocational rehabilitation" and insert "commissioner of economic security"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 34: A bill for an act relating to public welfare; allowing the commissioner of public welfare to grant a variance related to operators of licensed facilities whose licenses have been previously revoked; amending Minnesota Statutes 1980, Section 245.801, Subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 14 to 18, delete the new language and insert "*except that the commissioner may grant a variance to this provision for family day care after two years following the revocation or denial of a family day care license and issue a license according to criteria established by rules adopted under the administrative procedure act*"

Amend the title as follows:

Page 1, line 4, delete "operators of licensed facilities" and insert "certain license holders"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 441: A bill for an act relating to public welfare; providing for actions against parents for contributions on behalf of certain children; providing for withholding from income for the enforcement of a court order for child support and maintenance of a parent of a dependent child; amending Minnesota Statutes 1980, Sections 256.87, Subdivision 1; 256.872; and 256.873.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 302: A bill for an act relating to crimes; changing the amount of pecuniary gain on damage sustained incident to a violation of law requisite to being categorized as a felony; amending Minnesota Statutes 1980, Sections 609.27, Subdivision 2; 609.52, Subdivision 3; 609.53, Subdivision 1; and 609.563, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, delete "\$100" and reinstate the stricken "\$300"



And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 249: A bill for an act relating to watershed districts; requiring a public hearing before district managers adopt a budget; amending Minnesota Statutes 1980, Section 112.611, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 10 and 11, delete the new language

Page 1, line 13, after the period, insert "*Before adopting a budget the managers shall hold a public hearing on the proposed budget. The managers shall publish a notice of the hearing together with a summary of the proposed budget in one or more newspapers of general circulation in each county into which the watershed district extends. The notice and summary shall be published once each week for two successive weeks before the hearing. The last publication shall be at least two days before the hearing.*"

Page 1, line 13, begin a new paragraph with the word "After"

Amend the title as follows:

Page 1, line 2, after "requiring" insert "published notice and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 244: A bill for an act relating to agriculture; consolidating certain promotional fund accounts; regulating deposit of certain funds; appropriating money; amending Minnesota Statutes 1980, Sections 17.59, Subdivisions 3, 4 and by adding a subdivision; 29.17; and 30.469.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, delete "state"

Page 1, delete line 17

Page 1, line 18, delete "*shall constitute a separate*" and insert "*commodity research and promotion*"

Page 2, delete line 14

Page 2, line 15, delete "*deposited, but shall constitute*"

Page 2, line 16, delete "*Minnesota commodities*" and insert "*commodity*"

Page 2, line 17, after "*appropriated*" insert "*to the department*"

Page 2, after line 19, insert:

"Sec. 4. Minnesota Statutes 1980, Section 21A.09, Subdivision 1, is amended to read:

Subdivision 1. Fees collected pursuant to sections 21A.01 to 21A.19 shall be deposited in a ~~bank or banks or other depository approved by the commis-~~

~~tioner of banks~~ *federally insured depository institution* and shall be disbursed by ~~such the~~ officers and employees ~~as may be~~ approved by the commissioner, with the advice and consent of the council, for the necessary expenses incurred in the administration of sections 21A.01 to 21A.19, and said funds are hereby appropriated for the purposes of sections 21A.01 to 21A.19."

Page 4, after line 10, insert:

"Sec. 7. Minnesota Statutes 1980, Section 30.47, is amended to read:

30.47 [FINANCING REFERENDUMS.]

Any petitioners for a referendum to organize under sections 30.461 to 30.479 filing such petition after June 30, 1969, shall deposit with the commissioner of agriculture sufficient funds to pay the costs of ~~such the~~ referendum ~~and such funds shall be used by the commissioner for that purpose.~~ *Funds received for that purpose shall be deposited in the commodity research and promotion account.* If an area council is created pursuant to such a referendum it may reimburse petitioners for the amount of such deposit from any funds received by the council.

Sec. 8. Minnesota Statutes 1980, Section 32B.07, is amended to read:

32B.07 [PROSPECTIVE FEES; MILK MARKETING PROGRAM.]

Fees collected pursuant to sections 32B.01 to 32B.13 shall be deposited in a ~~bank or banks or other depository approved by the commissioner of banks~~ *federally insured depository institution* and shall be disbursed by ~~such the~~ officers and employees ~~as may be~~ approved by the commissioner of agriculture with the advice and consent of the council for the necessary expenses incurred with respect to sections 32B.01 to 32B.13. All persons authorized to control, handle, or deposit these fees shall be bonded. The amount, manner and payment of ~~such the~~ bonds shall be the responsibility of the council. All fees collected by the first buyer of milk must be remitted within 30 days of collection of same.

Sec. 9. Minnesota Statutes 1980, Section 32B.12, is amended to read:

32B.12 [ACCEPTANCE OF FUNDS; ~~APPROPRIATION.~~]

The commissioner of agriculture may accept funds, private and public, for the purpose of conducting a referendum or doing any other act or thing required under the terms and provisions of sections 32B.01 to 32B.13, ~~and any moneys so received by the commissioner.~~ *Funds received for those purposes shall be deposited in the state treasury and are hereby appropriated annually for the purpose set forth herein commodity research and promotion account."*

Page 4, line 11, after "received" insert "by the department of agriculture"

Page 4, line 14, delete "Minnesota commodities" and insert "commodity"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, before "29.17" insert "21A.09, Subdivision 1;"

Page 1, line 6, delete "and" and before the period insert "30.47; 32B.07; and 32B.12"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 2: A bill for an act relating to Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison Counties; authorizing a joint board to prepare and implement a land use plan for the upper Mississippi River and adjacent lands.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [114B.01] [PURPOSE AND INTENT.]

*The legislature finds that:*

*(a) The Mississippi River from its outlet at Lake Itasca, Clearwater County, to the southerly boundary of Morrison County, Minnesota, possesses outstanding and unique natural, scientific, historical, recreational and cultural values deserving of protection and enhancement;*

*(b) The counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison have entered into a joint powers agreement pursuant to law for the purpose of developing a plan for the protection and enhancement of the foregoing values; and*

*(c) The plan adopted by the counties pursuant to the joint powers agreement establishes guidelines and minimum standards for cooperative local management of this segment of the Mississippi River.*

*It is the intent of sections 1 to 7 to authorize and direct the joint board and the counties to implement this comprehensive plan for the Mississippi headwaters area.*

Sec. 2. [114B.02] [MISSISSIPPI HEADWATERS BOARD.]

*Subdivision 1. [DEFINITIONS.] For the purpose of sections 1 to 6, the following terms have the meanings given them in this subdivision unless the context clearly requires otherwise.*

*(a) [BOARD.] “Board” means the Mississippi headwaters board established pursuant to subdivision 2 of this section.*

*(b) [COUNTIES.] “Counties” means the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison.*

*Subd. 2. [ESTABLISHMENT.] The Mississippi headwaters board established by the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison by agreement entered into on February 22, 1980, pursuant to section 471.59, is hereby established as a permanent board with authority to prepare, adopt and implement a comprehensive land use plan designed to protect and enhance the Mississippi River and related shoreland areas situated within the counties.*

*Subd. 3. [MEMBERSHIP; TERMS; VACANCIES.] The board shall consist of eight members. The governing body of each county shall appoint one of its members to serve on the board. The members appointed to the board and serving on the effective date of this section shall constitute the first board as provided in this subdivision. The term of a member serving on the board on the effective date of this section shall expire on the first Monday in January of*

1983. Thereafter, the terms of board members shall be two years commencing on the first Monday in January of odd numbered years. Vacancies on the board shall be filled for the remainder of the term by the governing body that made the original appointment. The governing body of a county may designate another member of the governing body or a county officer to act as an alternate for the member appointed by that county.

**Subd. 4. [OFFICERS.]** The board shall annually appoint from among its members a chairman, vice-chairman and secretary-treasurer who shall serve for concurrent one year terms.

The chairman shall preside over all meetings of the board and may call special meetings at reasonable times and upon adequate notice when necessary. The vice-chairman shall preside over the meetings of the board in the absence of the chairman. The secretary-treasurer or his designee shall keep a record of all proceedings of the board. The secretary-treasurer shall provide for the proper receipt and disbursement of funds.

**Subd. 5. [MEETINGS.]** The regular meetings of the board shall be held at times and places prescribed by it. A majority of all members of the board shall constitute a quorum and a majority vote of all members shall be required for actions taken by the board.

### **Sec. 3. [114B.03] [COMPREHENSIVE PLAN.]**

**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 2, subdivision 2, and shall be implemented by the board as provided in this section and section 4. 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. The board may amend the plan in any way that does not reduce the minimum standards set forth in the plan approved on February 12, 1981.

**Subd. 2. [ADVISORY COMMITTEES; HEARINGS.]** The board may appoint advisory committees and conduct public meetings and hearings necessary to afford the public an opportunity to become fully informed of all deliberations in the preparation and implementation of the plan.

**Subd. 3. [GOVERNMENTAL AGENCIES.]** The board shall initiate and maintain contacts with governmental agencies as necessary to properly prepare the plan and shall negotiate cooperative management agreements with the United States forest service and bureau of land management and the state department of natural resources. The board, Beltrami, Cass, Hubbard, and Itasca Counties shall initiate and maintain contacts with the governing body of the Leech Lake Indian Reservation and shall negotiate a cooperative management and jurisdiction agreement with the reservation governing body on or before September 1, 1981.

**Subd. 4. [LEECH LAKE INDIAN RESERVATION.]** Sections 1 to 7 shall not be construed to alter or expand the zoning jurisdiction of the counties within the exterior boundaries of the Leech Lake Indian Reservation. The comprehensive plan of the board and the county ordinances adopted pursuant to section 3, subdivision 1, shall apply only to areas within the zoning juris-

diction of the counties as provided by law in effect prior to the enactment of sections 1 to 7.

**Subd. 5. [IMPLEMENTATION.]** The board shall develop and establish a schedule for implementation and common administration of the plan by the counties. The schedule shall be binding upon the counties subject to approval by the governing bodies of the respective counties.

**Subd. 6. [FUNDS.]** The board shall annually submit to each county for its approval an estimate of the funds it will need from that county in the next fiscal year to prepare and implement the plan and otherwise carry out the duties imposed upon it by sections 1 to 6. Each county shall, upon approval of the estimate by its governing body, furnish the necessary funds to the board. The board may apply for, receive and disburse federal, state and other grants and donations.

**Subd. 7. [CONTRACTS.]** The board may employ staff and contract for goods and services as necessary to implement sections 1 to 6. Contracts are subject to the statutory procedures and restrictions applicable to county contracts.

#### **Sec. 4. [114B.04] [REVIEW AND CERTIFICATION OF LAND USE ACTIONS.]**

**Subdivision 1. [PURPOSE.]** In order to insure that the comprehensive land use plan prepared by the board is not nullified by unjustified exceptions in particular cases and to promote uniformity in the treatment of applications for exceptions, a review and certification procedure is established for the following categories of land use actions taken by the counties and directly or indirectly affecting land use within the area covered by the plan:

(a) The adoption or amendment of an ordinance regulating the use of land, including rezoning of particular tracts of land;

(b) The granting of a variance from provisions of the land use ordinance; and

(c) The approval of a plat which is inconsistent with the land use ordinance.

**Subd. 2. [CERTIFICATION.]** Notwithstanding any provision of chapter 394 to the contrary no action of a type specified in subdivision 1, clauses (a) to (c) is effective until the board has reviewed the action and certified that it is consistent with the comprehensive plan of the board. In determining consistency of ordinances and ordinance amendments, the provisions of the comprehensive land use plan shall be considered minimum standards. An aggrieved person may appeal a decision of the type specified in subdivision 1, clauses (a) to (c) which is reviewed by the board under this section in the same manner as provided for review of a decision of a board of adjustment in section 394.27, subdivision 9, but only after the procedures prescribed under this section have been completed.

**Subd. 3. [PROCEDURE FOR CERTIFICATION.]** A copy of all notices of public hearings or, when a hearing is not required, a copy of the application to consider any actions of a type specified in subdivision 1, clauses (a) to (c) shall be forwarded to the board by the county at least 30 days prior to the hearing or meetings to consider the actions. The county shall notify the board of its final decision on the proposed action within ten days of the decision. No later than 30 days from the time it receives the notice, the board shall notify the county and the applicant of its approval or disapproval of the proposed action.

*Subd. 4. [DISAPPROVAL OF ACTIONS; HEARING.] In the case of notice of disapproval issued by the board, either the county or the applicant may, within 30 days of notice, file with the board a demand for a hearing. If no demand is filed during that period, the disapproval becomes final. If a demand is filed during that period, a hearing shall be held within 60 days of demand and shall be preceded by two weeks published notice. Within 30 days after the hearing, the board shall either affirm its disapproval of the proposed action or certify its approval thereof.*

**Sec. 5. [114B.05] [INCORPORATION AND ANNEXATION.]**

*When land subject to the comprehensive land use plan of the board is annexed, incorporated or otherwise subjected to the land use planning authority of a home rule charter or statutory city, a moratorium shall exist on all subdivision platting and building permits on that land until zoning regulations are adopted for that land which comply with the provisions of the comprehensive plan of the board. The moratorium shall also apply to construction, grading and filling, and vegetative cutting as those activities are defined in the comprehensive plan. This section does not apply to work done pursuant to lawful permits issued before the land became subject to the land use planning authority of the city.*

**Sec. 6. [114B.06] [BIENNIAL REPORT.]**

*During the first year of each biennial legislative session, the board shall prepare and present to the appropriate policy committees of the legislature a report concerning the actions of the board in exercising the authority granted by the legislature pursuant to sections 1 to 5. The report shall include an assessment of the effectiveness of the board's comprehensive land use plan and its implementation in protecting and enhancing the natural, scientific, historical, recreational and cultural values of the Mississippi River and related shorelands situated within the member counties.*

**Sec. 7. [114B.07] [APPLICABILITY.]**

*Sections 1 to 6 apply to the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison.*

**Sec. 8. [EFFECTIVE DATE.]**

*Sections 1 to 7 are effective upon approval by all the respective governing bodies of the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison, and upon compliance with Minnesota Statutes, Section 645.021, Subdivision 3. Sections 1 to 7 shall not be effective unless all of the counties approve and comply with Minnesota Statutes, Section 645.021, Subdivision 3, by September 1, 1981."*

Amend the title as follows:

Page 1, delete lines 2 to 6 and insert:

*"relating to the Mississippi River headwaters area; establishing a joint board of counties to prepare, adopt and implement a comprehensive land use plan for the Mississippi River headwaters area; imposing a temporary moratorium on the use of certain lands subject to city land use controls; proposing new law coded as Minnesota Statutes, Chapter 114B."*

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennesen from the Committee on Commerce, to which was referred.

S. F. No. 352: A bill for an act relating to commerce; providing for the regulation of motor vehicle franchises; prohibiting certain practices by motor vehicle manufacturers; removing motor vehicle franchises from the general statutory provisions regarding franchises; prescribing penalties; providing remedies; amending Minnesota Statutes 1980, Section 80C.01, Subdivision 4; proposing new law coded as Minnesota Statutes, Chapter 80E; repealing Minnesota Statutes 1980, Sections 168.27, Subdivision 21; and 325D.17 to 325D.29.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

**"Section 1. [80E.01] [LEGISLATIVE PURPOSE AND INTENT.]**

*The legislature finds and declares that the distribution and sale of motor vehicles within this state vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate and license motor vehicle manufacturers, distributors or wholesalers, and factory or distributor representatives, and to regulate dealers of motor vehicles doing business in this state in order to prevent fraud, impositions, and other abuses upon its citizens and to protect and preserve the investments and properties of the citizens of this state.*

**Sec. 2. [80E.02] [APPLICABILITY.]**

*The provisions of sections 1 to 18 shall apply to all new motor vehicle dealers and contracts existing between new motor vehicle dealers and manufacturers on the effective date of sections 1 to 18 and to all subsequent contracts between new motor vehicle dealers and manufacturers.*

**Sec. 3. [80E.03] [DEFINITIONS.]**

*Subdivision 1. [TERMS.] As used in sections 1 to 18, unless the context otherwise requires, the following terms have the meanings given them.*

*Subd. 2. [MOTOR VEHICLE.] "Motor vehicle" is as defined in Minnesota Statutes, Section 168.011, Subdivision 4, but does not include farm implements or machinery.*

*Subd. 3. [DEALER.] "New motor vehicle dealer" or "dealer" means a person who in the ordinary course of business is engaged in the business of selling new motor vehicles to consumers or other end users and who holds a valid sales and service agreement, franchise, or contract, granted by a manufacturer, distributor, or wholesaler for the sale of its motor vehicles.*

*Subd. 4. [MANUFACTURER.] "Manufacturer" means any person who manufactures or assembles new motor vehicles or any person, partnership, firm, association, joint venture, corporation, or trust which is controlled by the manufacturer.*

*Subd. 5. [DISTRIBUTOR.] "Distributor" means any person who in whole or in part offers for sale, sells, or distributes any new motor vehicle to new motor vehicle dealers, or who maintains factory representatives or who controls any person who in whole or in part offers for sale, sells, or distributes any new motor vehicle to new motor vehicle dealers.*

*Subd. 6. [FACTORY BRANCH.] "Factory branch" means a branch office*

*maintained by a manufacturer for the purpose of selling, or offering for sale, motor vehicles to a distributor or new motor vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives.*

**Subd. 7. [NEW MOTOR VEHICLE.]** "New motor vehicle" means a motor vehicle which is in the possession of a manufacturer, distributor, or wholesaler, or has been sold only to the holders of a valid sales and service agreement, franchise, or contract, granted by the manufacturer, distributor, or wholesaler for the sale of the new motor vehicle and which is in fact new and on which the original title has not been issued from the franchised dealer.

**Subd. 8. [FRANCHISE.]** "Franchise" means the agreement of contract between any new motor vehicle manufacturer, written or otherwise, and any new motor vehicle dealer which purports to fix the legal rights and liabilities of the parties to the agreement or contract.

**Subd. 9. [GOOD FAITH.]** "Good faith" means honesty in fact and the observation of reasonable commercial standards of fair dealing in the trade as is defined and interpreted in Minnesota Statutes, Section 336.2-103, Clause 1)(b).

**Subd. 10. [DESIGNATED FAMILY MEMBER.]** "Designated family member" means the spouse, child, grandchild, parent, brother, or sister of the owner of a new motor vehicle dealer who, in the case of the owner's death, is entitled to inherit the ownership interest in the new motor vehicle dealer under the terms of the owner's will or who, in the case of an incapacitated owner of a new motor vehicle dealer, has been appointed by a court as the legal representative of the new motor vehicle dealer's property.

**Subd. 11. [RELEVANT MARKET AREA.]** "Relevant market area" means the area within a radius of ten miles around an existing new motor vehicle dealer.

#### **Sec. 4. [80E.04] [WARRANTY OBLIGATIONS TO DEALERS.]**

**Subdivision 1. [REQUIREMENTS.]** Each new motor vehicle manufacturer shall specify in writing to each of its new motor vehicle dealers licensed in this state the dealer's obligations for preparation, delivery, and warranty service on its products. The manufacturer shall also compensate the new motor vehicle dealer for warranty service and parts required of the dealer by the manufacturer, and shall provide the dealer the schedule of compensation to be paid the dealer for parts, work, and service in connection with warranty services, and the time allowance for the performance of the work and service.

**Subd. 2. [REASONABLE COMPENSATION FOR SERVICES.]** In no event shall the schedule of compensation fail to include reasonable compensation for diagnostic work, as well as repair service, parts, and labor. Time allowances for the diagnosis and performance of warranty work and service shall be reasonable and adequate for the work to be performed. In the determination of what constitutes reasonable compensation under this section, the principal factors to be given consideration shall be the prevailing wage rates paid by the dealer in the community in which the dealer is doing business, and in no event shall the hourly labor rate paid to a dealer for warranty services be less than the rate charged by the dealer for like service to nonwarranty customers for nonwarranty service and repairs.

**Subd. 3. [VIOLATIONS.]** It is a violation of this section for any new motor vehicle manufacturer to fail to: (a) perform any warranty obligations that it



undertakes under the motor vehicle manufacturer's warranty; (b) include in written notices of factory recalls to new motor vehicle owners and dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of the defects; or (c) to compensate any of the motor vehicle dealers licensed in this state for repairs effected by a recall.

**Subd. 4. [PAYMENT OF CLAIMS.]** All claims made by new motor vehicle dealers pursuant to this section for labor and parts shall be paid within 30 days of their approval. Claims shall be either approved or disapproved within 30 days after they are submitted to the manufacturer in the manner and on the forms it prescribes, and any claims not specifically disapproved in writing within 30 days after the manufacturer receives them shall be construed to be approved and payment must follow within 30 days; provided, however, that the manufacturer retains the right to audit the claims for a period of two years and to charge back any amounts paid on unsubstantiated or fraudulent claims.

**Subd. 5. [PRODUCT LIABILITY; LIMITATION.]** As between the dealer and the manufacturer, the obligations imposed by this section shall constitute the dealer's only responsibility for product liability based in whole or in part on strict liability in tort.

#### **Sec. 5. [80E.05] [INDEMNIFICATION REQUIRED.]**

Notwithstanding the terms of any franchise agreement to the contrary, it shall be a violation of sections 1 to 18 for any new motor vehicle manufacturer to fail to indemnify and hold harmless its franchised dealers against any judgment for damages, including, but not limited to, those based on strict liability, negligence, misrepresentation, warranty (express or implied), or revocation of acceptance as is defined in Minnesota Statutes, Section 336.2-608, where the complaint, claim, or lawsuit relates solely to the alleged defective or negligent manufacture, assembly, or design of new motor vehicles, parts or accessories or other functions by the manufacturer, beyond the control of the dealer.

#### **Sec. 6. [80E.06] [CANCELLATIONS; TERMINATIONS.]**

**Subdivision 1. [REQUIREMENTS.]** Notwithstanding the terms of any franchise agreement or waiver to the contrary, no manufacturer shall cancel or terminate any franchise relationship with a licensed new motor vehicle dealer unless the manufacturer has:

- (a) Satisfied the notice requirement of section 8;
- (b) Acted in good faith as defined in section 3, subdivision 9; and
- (c) Good cause for the cancellation, termination, nonrenewal, or noncontinuance.

**Subd. 2. [CIRCUMSTANCES CONSTITUTING GOOD CAUSE.]** Notwithstanding the terms of any franchise agreement or waiver to the contrary, good cause exists for the purposes of a termination or cancellation, when the new motor vehicle dealer fails to comply with a provision of the franchise which is both reasonable and of material significance to the franchise relationship; provided, that the dealer has been notified in writing of the failure within 180 days after the manufacturer first acquired knowledge of the failure; and

If failure by the new motor vehicle dealer relates to the performance of the new motor vehicle dealer in sales or service, then good cause shall be defined as the failure of the new motor vehicle dealer to comply with reasonable

performance criteria established by the manufacturer; provided, that the new motor vehicle dealer was apprised by the manufacturer in writing of the failure; the notification stated that notice was provided for failure of performance pursuant to sections 1 to 18; the new motor vehicle dealer was afforded a reasonable opportunity in no event less than six months to comply with the criteria; and the dealer did not demonstrate substantial progress towards compliance with the manufacturer's performance criteria during the period.

Sec. 7. [80E.07] [CANCELLATION, TERMINATION; LIMITATIONS.]

*Subdivision 1. [CIRCUMSTANCES NOT CONSTITUTING GOOD CAUSE.] Notwithstanding the terms of any franchise agreement or waiver to the contrary, the following examples represent circumstances which do not by themselves constitute good cause for the termination or cancellation of a franchise:*

*(a) A change of ownership of the new motor vehicle dealer's dealership. This paragraph does not authorize any change in ownership which would have the effect of the sale of the franchise without the manufacturer's or distributor's consent, but consent shall not in any case be unreasonably withheld. The burden of establishing the reasonableness is on the franchisor;*

*(b) The fact that the new motor vehicle dealer refused to purchase or accept delivery of any new motor vehicle parts, accessories, or any other commodity or services not ordered by the new motor vehicle dealer, other than parts necessary to conduct recall campaigns; or*

*(c) The fact that the new motor vehicle dealer owns, invests in, participates in the management of, holds a license for the sale of another make or line of new motor vehicle, or has established another make or line of new motor vehicle in the same dealership facilities as those of the manufacturer; provided, that the new motor vehicle dealer maintains a reasonable line of credit for each make or line of new motor vehicle, and that the new motor vehicle dealer remains in substantial compliance with the terms and conditions of the franchise and with any reasonable facilities' requirements of the manufacturer.*

*Subd. 2. [BURDEN OF PROOF.] The manufacturer has the burden of proving that it acted in good faith; that the notice requirements have been complied with; and that there was good cause for the franchise termination or cancellation.*

Sec. 8. [80E.08] [NOTICE OF TERMINATION OR CANCELLATION.]

*Subdivision 1. [REQUIREMENTS.] Notwithstanding the terms of any franchise agreement or waiver to the contrary, prior to the termination or cancellation of any franchise, the manufacturer shall furnish notice of the termination, cancellation, or nonrenewal to the new motor vehicle dealer as provided in subdivision 2.*

*Subd. 2. [GENERALLY.] Notice shall be in writing and except as provided in subdivision 3 shall be given not less than 90 days prior to the effective date of the termination or cancellation.*

*Subd. 3. [SPECIFIC EXCEPTIONS.] (1) At least 15 days notice must be provided with respect to terminations or cancellations involving the following circumstances:*

*(a) Conviction of or plea of nolo contendere of a franchised motor vehicle dealer, or one of its principal owners, of a crime which constitutes a felony as*

defined in Minnesota Statutes, Section 609.02, Subdivision 2;

(b) The business operations of the franchised motor vehicle dealer have been abandoned or closed for seven consecutive business days unless the closing is due to an act of God, strike or labor difficulty, or other cause over which the dealer has no control;

(c) A significant misrepresentation by the new motor vehicle dealer; or

(d) The suspension, revocation, or refusal to renew the franchised motor vehicle dealer's license pursuant to Minnesota Statutes, Section 168.27.

(2) Not less than 180 days notice must be provided prior to the effective date of cancellation or termination where the manufacturer or distributor is discontinuing the sale of the product line.

Subd. 4. [CONTENTS AND DELIVERY.] The notice shall be sent by certified mail or personally delivered to the new motor vehicle dealer. The notice shall contain the following information:

(a) A statement of intention to terminate or cancel the franchise;

(b) A statement of the reasons for the termination or cancellation; and

(c) The date on which the termination or cancellation takes effect.

Sec. 9. [80E.09] [PAYMENTS REQUIRED UPON TERMINATION.]

Subdivision 1. [REQUIREMENTS.] Upon the termination or cancellation of any franchise, the new motor vehicle dealer shall, in the time prescribed, be allowed fair and reasonable compensation by the manufacturer for the following items:

(a) New motor vehicle inventory which was originally acquired from the manufacturer;

(b) Equipment and furnishings if the new motor vehicle dealer purchased them from the manufacturer;

(c) Special tools;

(d) Supplies, including parts, purchased from the manufacturer. Fair and reasonable compensation as applied to parts means that the manufacturer shall reimburse the dealer for 100 percent of the net cost of all current unused automobile and truck parts, including transportation charges, and 85 percent of the current net prices on repair parts, including superseded parts listed in current price lists or catalogs plus five percent of the current net price of all parts returned to compensate the dealer for the handling, packing, and loading of the parts;

(e) Except as provided in clause (f), dealership facilities if the facilities were required to be purchased or constructed as a precondition to obtaining the franchise or its renewal by the manufacturer. If the facilities described in this clause were leased and the lease was required by the manufacturer as a precondition to obtaining the franchise or to its renewal, then the manufacturer is liable for one year's payment of the rent or the remainder of the term of the lease, whichever is less. The manufacturer has no obligations under this clause if the termination or cancellation was for good cause based on the conviction or a plea of nolo contendere of the dealer or one of its principal owners for a crime which constitutes a felony as defined in Minnesota Statutes, Section 609.02, Subdivision 2, or where it has been demonstrated at the

hearing that the new motor vehicle dealer has repeatedly exhibited a course of conduct constituting fraud with respect to the manufacturer or the general public;

(f) In the event the termination or cancellation is due to a failure of performance of the dealer in sales or service as described in section 6, subdivision 2, the manufacturer shall have no obligation to purchase facilities owned by the dealer but shall be required to pay the dealer a sum equivalent to the reasonable rental value of the facilities for one year. In all other respects the provisions of clause (e) shall apply.

Subd. 2. [TIME IN WHICH PAYMENTS MUST BE MADE.] Fair and reasonable compensation shall be paid by the manufacturer when possible within 90 days of the effective date of termination or cancellation as long as this period will allow compliance with the notification requirements of Minnesota Statutes, Sections 336.6-101 to 336.6-111 or any other state or federal laws relating to creditor notification.

Subd. 3. [VOLUNTARY TERMINATIONS OR CANCELLATIONS.] For the purposes of reimbursement under this section, termination or cancellation includes a voluntary termination or cancellation by the dealer.

Sec. 10. [80E.10] [NONRENEWALS.]

Subdivision 1. [GENERAL PROVISIONS.] No manufacturer, distributor, or factory branch shall fail or refuse to renew a franchise unless the manufacturer or distributor provides the new motor vehicle dealer at least 12 months written notice of its intention not to renew and clearly indicating therein the specific grounds for nonrenewal and unless during the 12 months prior to expiration of the franchise, the manufacturer or distributor permits the dealer to sell or transfer his business to a purchaser meeting the manufacturer's or distributor's then current requirements for granting new franchises and in accordance with the provisions of section 12, subdivision 1, clause (j).

Subd. 2. [PERMITTED IN CERTAIN CIRCUMSTANCES.] A manufacturer or distributor may fail or refuse to renew a franchise where:

- (a) Termination would be permitted pursuant to sections 1 to 19; or
- (b) The dealer and the manufacturer or distributor agree not to renew the franchise;
- (c) The manufacturer discontinues distribution of the franchise product at the dealership location, and does not establish a replacement dealer at or within two miles of that location for a period of at least four years;
- (d) The manufacturer discontinues production or distribution of the franchise product;
- (e) The manufacturer discontinues distribution of the franchise product in a geographic area due to federal, state or local laws;
- (f) The dealer and the manufacturer fail to agree to changes or additions to the terms and conditions of the franchise agreement if the changes or additions would result in renewal of the franchise agreement on substantially the same terms and conditions which the manufacturer or distributor is then customarily granting renewal franchises. The manufacturer or distributor may give the new motor vehicle dealer written notice of a date which is at least 60 days subsequent to the notice, on or before which a proposed written agreement of the terms and conditions of the renewal franchise must be accepted in writing by

*the dealer; or*

*(g) The business relationship between the parties has deteriorated to the point that a reasonably harmonious association does not exist; provided the deterioration is the result of actions of a serious and significant nature by the dealer which were not caused by or attributable to unlawful acts or unfair practices of the manufacturer or distributor as described in sections 4, 11 and 12, or any federal law, and provided the manufacturer or distributor has made a good faith effort to advise the dealer of the problems contributing to the deterioration and thereby improve the business relationship in the 12 months prior to expiration of the franchise.*

*Subd. 3. [RESTRICTIONS.] Nonrenewal shall not be permitted where the refusal to renew is for the purpose of converting the new motor vehicle dealer's business premises to operation by employees or agents of the manufacturer or distributor. Operation of the premises by employees or agents of the manufacturer or distributor shall be prima facie evidence of intent to convert unless the operation is temporary for a reasonable period or pending sale to any qualified independent person at a fair and reasonable price, or in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions.*

*Subd. 4. [PAYMENTS.] In the event of nonrenewal or failure to renew, the manufacturer or distributor shall be obligated to make the same payments to the dealer and in the same manner, subject to the same limitations and restrictions, as are set forth in section 9.*

*Subd. 5. [CERTAIN FRANCHISES ONLY.] This section applies only when the franchise agreement has a term of at least five years. However, nothing in this section shall prohibit a manufacturer from offering or agreeing before expiration of the current franchise term to extend the term of the franchise for a limited period in order to satisfy the time of notice or nonrenewal requirement contained herein.*

#### **Sec. 11. [80E.11] [SURVIVORSHIP.]**

*Subdivision 1. [AUTHORIZATION.] Any designated family member of a deceased or incapacitated owner of a new motor vehicle dealer may succeed to the ownership of the new motor vehicle dealer under the existing franchise or distribution agreement if: (a) the designated family member gives the manufacturer, distributor, factory branch, or importer of new motor vehicles written notice of the intention to succeed to ownership of the dealership within 120 days of the owner's death or incapacity; (b) agrees to be bound by all of the terms and conditions of the existing franchise; and (c) unless there exists good cause for refusal to honor the succession on the part of the manufacturer, factory branch, distributor, or importer.*

*Subd. 2. [PERSONAL AND FINANCIAL DATA.] At the time of serving notice under subdivision 1, the designated family member shall provide, upon the request of the manufacturer, distributor, factory branch, or importer, personal and financial data that is reasonably necessary to determine whether the succession should be honored.*

*Subd. 3. [NOTICE OF DISCONTINUANCE OR REFUSAL TO HONOR SUCCESSION.] If a manufacturer, distributor, factory branch, or importer believes that good cause exists for refusing to honor the succession to the ownership and operation of a new motor vehicle dealer by a family member of a*

deceased or incapacitated owner of a new motor vehicle dealer under the existing franchise agreement, the manufacturer, distributor, factory branch, or importer may, within 60 days after receipt of the personal and financial data requested under subdivision 2, serve notice upon the designated family member of its refusal to honor the succession and of its intent to discontinue the existing franchise agreement with the new motor vehicle dealer no sooner than 90 days from the date the notice is served.

Subd. 4. [CONTENTS OF NOTICE.] The notice must state the specific grounds for the refusal to honor the succession and discontinue the existing franchise agreement with the new motor vehicle dealer.

Subd. 5. [EFFECT OF NOTICE NOT TIMELY SERVED.] If notice of refusal and discontinuance is not timely served upon the family member, the franchise agreement shall continue in effect subject to termination only as otherwise permitted by sections 1 to 18.

Subd. 6. [BURDEN OF PROOF.] In determining whether good cause for the refusal to honor the succession exists, the manufacturer, distributor, factory branch, or importer has the burden of proving that the successor is a person who is not of good moral character or does not meet the franchisor's existing and reasonable standards and, considering the volume of sales and service of the new motor vehicle dealer, uniformly applied minimum business experience standards in the market area.

Subd. 7. [SUCCESSION AGREEMENTS.] Notwithstanding the foregoing, in the event the new motor vehicle dealer and franchisor have duly executed an agreement concerning succession rights prior to the dealer's death, the agreement shall be observed, even if it designates an individual other than the surviving spouse or heirs of the franchised motor vehicle dealer.

## Sec. 12. [80E.12] [UNLAWFUL ACTS BY MANUFACTURERS, DISTRIBUTORS, OR FACTORY BRANCHES.]

Subdivision 1. [ENUMERATION.] It shall be unlawful for any manufacturer, distributor, or factory branch to require a new motor vehicle dealer to do any of the following:

(a) Order or accept delivery of any new motor vehicle, part or accessory thereof, equipment, or any other commodity not required by law which has not been voluntarily ordered by the new motor vehicle dealer;

(b) Order or accept delivery of any new motor vehicle, part or accessory thereof, equipment, or any other commodity not required by law in order for the dealer to obtain delivery of any other motor vehicle ordered by the dealer or to qualify for or participate in any rebate, refund, or similar program offered by the manufacturer;

(c) Order or accept delivery of any new motor vehicle with special features, accessories, or equipment not included in the list price of the motor vehicles as publicly advertised by the manufacturer or distributor;

(d) Participate monetarily in an advertising campaign or contest, or to purchase any promotional materials, showroom, or other display decorations or materials at the expense of the new motor vehicle dealer;

(e) Enter into any agreement with the manufacturer or to do any other act prejudicial to the new motor vehicle dealer by threatening to cancel a franchise or any contractual agreement existing between the dealer and the manufac-

turer. Notice in good faith to any dealer of the dealer's violation of any terms of the franchise agreement shall not constitute a violation of sections 1 to 18;

(f) Change the capital structure of the new motor vehicle dealer or the means by or through which the dealer finances the operation of the dealership; provided, that the new motor vehicle dealer at all times meets any reasonable capital standards agreed to by the dealer; and also provided, that no change in the capital structure shall cause a change in the principal management or have the effect of a sale of the franchise without the consent of the manufacturer or distributor as provided in section 12, subdivision 1(j);

(g) Prevent or attempt to prevent, by contract or otherwise, any motor vehicle dealer from changing the executive management control of the new motor vehicle dealer unless the franchisor proves that the change of executive management will result in executive management control by a person who is not of good moral character or who does not meet the franchisor's existing reasonable capital standards and, with consideration given to the volume of sales and services of the new motor vehicle dealer, uniformly applied minimum business experience standards in the market area; provided, that where the manufacturer, distributor, or factory branch rejects a proposed change in executive management control, the manufacturer, distributor, or factory branch shall give written notice of its reasons to the dealer;

(h) Refrain from participation in the management of, investment in, or the acquisition of, any other line of new motor vehicle or related products; provided, however, that this clause does not apply unless the new motor vehicle dealer maintains a reasonable line of credit for each make or line of new motor vehicle; and that the new motor vehicle dealer remains in substantial compliance with the terms and conditions of the franchise and with any reasonable facilities requirements of the manufacturer;

(i) During the course of the agreement, change the location of the new motor vehicle dealership or make any substantial alterations to the dealership premises during the course of the agreement, when to do so would be unreasonable; or

(j) Prospectively assent to a release, assignment, novation, waiver, or estoppel which would relieve any person from liability imposed by sections 1 to 18 or to require any controversy between a new motor vehicle dealer and a manufacturer, distributor, or factory branch to be referred to any person or tribunal other than the duly constituted courts of this state, the United States, or the commissioner, if the referral would be binding upon the new motor vehicle dealer.

### Sec. 13. [80E.13] [UNFAIR PRACTICES BY MANUFACTURERS, DISTRIBUTORS, FACTORY BRANCHES.]

*Subdivision 1. [ENUMERATION.] It is unlawful and an unfair practice for a manufacturer, distributor, or factory branch to engage in any of the following practices:*

(a) To delay, refuse, or fail to deliver new motor vehicles or new motor vehicle parts or accessories in reasonable time and in reasonable quantity relative to the new motor vehicle dealer's facilities and sales potential in the dealer's relevant market area, after having accepted an order from a new motor vehicle dealer having a franchise for the retail sale of any new motor vehicle sold or distributed by the manufacturer or distributor, if the new motor vehicle or new motor vehicle parts or accessories are publicly advertised as

being available for delivery or actually being delivered. This clause is not violated, however, if the failure is caused by acts or causes beyond the control of the manufacturer;

(b) To refuse to disclose to any new motor vehicle dealer handling the same line make, the manner and mode of distribution of that line make within the relevant market area;

(c) To obtain money, goods, service, or any other benefit from any other person with whom the dealer does business, on account of, or in relation to, the transaction between the dealer and the other person, other than for compensation for services rendered, unless the benefit is promptly accounted for, and transmitted to, the new motor vehicle dealer;

(d) To increase prices of new motor vehicles which the new motor vehicle dealer had ordered for private retail consumers prior to the dealer's receiving the written official price increase notification. A sales contract signed by a private retail consumer shall constitute evidence of each order if the vehicle is in fact delivered to that customer. In the event of manufacturer price reductions, the amount of any reduction received by a dealer shall be passed on to the private retail consumer by the dealer if the retail price was negotiated on the basis of the previous higher price to the dealer;

(e) To offer any refunds or other types of inducements to any new motor vehicle dealer for the purchase of new motor vehicles of a certain line make to be sold to the state or any political subdivision thereof without making the same offer to all other new motor vehicle dealers in the same line make within the relevant market area;

(f) To release to any outside party, except under subpoena or in an administrative or judicial proceeding involving the manufacturer or dealer, any business, financial, or personal information which may be provided by the dealer to the manufacturer, without the express written consent of the dealer or unless pertinent to judicial or governmental administrative proceedings or to arbitration proceedings of any kind;

(g) To deny any new motor vehicle dealer the right of free association with any other new motor vehicle dealer for any lawful purpose;

(h) To unfairly discriminate among its new motor vehicle dealers with respect to warranty reimbursement or authority granted its new vehicle dealers to make warranty adjustments with retail customers;

(i) To compete with a new motor vehicle dealer in the same line make operating under an agreement or franchise from the same manufacturer in the relevant market area. A manufacturer shall not, however, be deemed to be competing when operating a dealership either temporarily for a reasonable period, or in a bona fide retail operation which is for sale to any qualified independent person at a fair and reasonable price, or in a bona fide relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions; or

(j) To prevent a new motor vehicle dealer from receiving fair and reasonable compensation for the value of the new motor vehicle dealership. There shall be no transfer, assignment of the franchise, or major change in the executive management of the dealership, except as is otherwise provided in sections 1 to 18, without consent of the manufacturer, which shall not be unreasonably



*withheld. Denial of the request must be in writing and delivered to the new motor vehicle dealer within 60 days after the manufacturer receives the information necessary to evaluate the proposed transfer. If a denial is not sent within this period, the manufacturer shall be deemed to have given its consent to the proposed transfer or change.*

**Sec. 14. [80E.14] [LIMITATIONS ON ESTABLISHING OR RELOCATING DEALERSHIPS.]**

*Subdivision 1. [NOTIFICATION; PROTEST; HEARING.] In the event that a manufacturer seeks to enter into a franchise establishing an additional new motor vehicle dealership or relocating an existing new motor vehicle dealership within or into a relevant market area where the line make is then represented, the manufacturer shall, in writing, first notify each new motor vehicle dealer in this line make in the relevant market area of the intention to establish an additional dealership or to relocate an existing dealership within or into that market area. The relevant market area is a radius of ten miles around an existing dealership. Within 15 days of receiving the notice or within 15 days after the end of any appeal procedure provided by the manufacturer, the new motor vehicle dealership may commence a civil action in a court of competent jurisdiction pursuant to section 18 challenging the establishing or relocating of the new motor vehicle dealership. An action brought under this section shall be placed on the calendar ahead of other civil actions to be heard and determined as expeditiously as possible. Thereafter the manufacturer shall not establish or relocate the proposed new motor vehicle dealership unless the court has determined that there is good cause for permitting the establishment or relocation of the motor vehicle dealership.*

*For the purposes of this section, the reopening in a relevant market area of a new motor vehicle dealership within two miles of a location at which a former dealership of the same line make had been in operation within the previous two years shall not be deemed the establishment of a new motor vehicle dealership.*

*The relocation of an existing dealer within its area of responsibility as defined in the franchise agreement shall not be subject to this section, if the proposed relocation site is not within five miles of an existing dealer of the same line make.*

*Subd. 2. [GOOD CAUSE.] In determining whether good cause has been established for not entering into or relocating an additional franchise for the same line make, the court shall take into consideration the existing circumstances, including, but not limited to:*

- (a) The permanency of the investment;*
- (b) The effect on the retail new motor vehicle business and the consuming public in the relevant market area;*
- (c) Whether it is injurious to the public welfare for an additional new motor dealership to be established;*
- (d) Whether the new motor vehicle dealers of the same line make in that relevant market area are providing adequate competition and convenient consumer care for the motor vehicles of the line make in the market area including the adequacy of motor vehicle sales and service facilities, equipment, supply of motor vehicle parts, and qualified service personnel;*
- (e) Whether the new motor vehicle dealers of the same line make in the relevant market area are providing adequate market penetration and repre-*

sensation; provided, that good cause shall not be shown solely by a desire for further market penetration;

(f) Whether the establishment of an additional new motor vehicle dealership would increase competition, and therefore be in the public interest; and

(g) the growth or decline in population and new car registrations in the relevant market area.

**Sec. 15. [80E.15] [MANUFACTURERS, DISTRIBUTORS, FACTORY BRANCHES ACTING AS LESSORS.]**

*A manufacturer, distributor or factory branch acting in the capacity of lessor of buildings or facilities to a new motor vehicle dealer may not include in a lease agreement relating to those buildings or facilities any provisions which would be in contravention of or prohibited by sections 1 to 18.*

**Sec. 16. [80E.16] [ENFORCEMENT.]**

*Subdivision 1. [CIVIL PENALTY.] Any person who violates sections 4, 11, or 12 shall be subject to a fine of not more than \$2,000 for each violation. Any person who fails to comply with a final judgment or order rendered by a court of competent jurisdiction, issued for a violation of sections 1 to 18, shall be subject to a fine of not more than \$25,000. The fines authorized by this subdivision shall be imposed in a civil action brought by the attorney general on behalf of the state of Minnesota, and shall be deposited into the state treasury.*

*Subd. 3. [REMEDIES CUMULATIVE.] Nothing in this section shall be construed to limit the power of the state to punish any person for any conduct which constitutes a crime under any other statute.*

**Sec. 17. [80E.17] [CIVIL REMEDIES.]**

*Notwithstanding the terms of any franchise agreement or waiver to the contrary, any person who is injured in his business or property by a violation of sections 1 to 18; or any person injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of sections 1 to 18, may bring a civil action to enjoin further violations and to recover the actual damages sustained; together with costs and disbursements, including reasonable attorney's fees.*

**Sec. 18. Minnesota Statutes 1980, Section 80C.01, Subdivision 4, is amended to read:**

**Subd. 4.** "Franchise" means a contract or agreement, either express or implied, whether oral or written, for a definite or indefinite period, between two or more persons:

(a) by which a franchisee is granted the right to engage in the business of offering or distributing goods or services using the franchisor's trade name, trademark, service mark, logotype, advertising, or other commercial symbol or related characteristics;

(b) in which the franchisor and franchisee have a community of interest in the marketing of goods or services at wholesale, retail, by lease, agreement, or otherwise; and

(c) for which the franchisee pays, directly or indirectly, a franchise fee:

"Franchise" shall include a contract, lease, or other agreement whereby the

franchisee is granted the right to market (1) ~~automobiles, motorcycles, trucks, truck tractors, or self propelled motor homes or campers if the foregoing are designed primarily for the transportation of persons or property on the public highways or~~ (2) motor vehicle fuel.

"Franchise" does not include any business which is operated under a lease on the premises of the lessor as long as such business is incidental to the business conducted by the lessor on such premises, including, without limitation, leased departments and concessions.

*"Franchise" does not include a contract, lease or other agreement whereby the franchisee is granted the right to market automobiles, motorcycles, trucks, truck tractors, or self-propelled motor homes or campers if the foregoing are designed primarily for the transportation of persons or property on public highways.*

Sec. 19. [REPEALER.]

*Minnesota Statutes 1980, Sections 168.27, Subdivision 21; 325D.17; 325D.18; 325D.19; 325D.20; 325D.21; 325D.22; 325D.23; 325D.24; 325D.25; 325D.26; 325D.27; 325D.28; and 325D.29 are repealed.*

Sec. 20. [EFFECTIVE DATE.]

*Sections 1 to 19 are effective the day following final enactment."*

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 318: A bill for an act relating to taxation; increasing the deduction for tuition, textbooks, and transportation of dependents attending certain schools; amending Minnesota Statutes 1980, Section 290.09, Subdivision 22.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 390: A bill for an act relating to education; requiring the board of education to establish and fill the position of specialist for industrial arts education and to prescribe the duties of the specialist; appropriating money; amending Minnesota Statutes 1980, Section 121.11, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 549: A bill for an act relating to elections; clarifying and correcting certain provisions and eliminating certain obsolete provisions of the ethics in government act; amending Minnesota Statutes 1980, Sections 10A.25, Subdivision 2; 10A.255, by adding a subdivision; 10A.31, Subdivision 2; 10A.32, Subdivision 3b; and 10A.335; repealing Minnesota Statutes 1980, Section 10A.25, Subdivision 7.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 3, insert:

"Sec. 2. Minnesota Statutes 1980, Section 10A.25, Subdivision 6, is amended to read:

Subd. 6. In any year following an election year for the office held or sought, the aggregate amount of expenditures by and approved expenditures on behalf of a candidate for or holder of that office shall not exceed 20 percent of the expenditure limit set forth in subdivision 2 *except for calendar year 1981, in which the aggregate amount of expenditures by and approved expenditures on behalf of a candidate for or holder of that office shall not exceed 40 percent of the expenditure limit set forth in subdivision 2.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "Subdivision" and insert "Subdivisions"

Page 1, line 6, after "2" insert "and 6"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

H. F. No. 71: A bill for an act relating to elections; revising, reorganizing and recodifying major portions of the Minnesota election law; modernizing and improving language, organization and style; clarifying certain ambiguities; removing certain obsolete terms and provisions; restating guidelines for determining voter eligibility; providing for voter registration, absentee voting, the conduct of elections and the counting and canvassing of election returns; defining terms; providing penalties; making necessary technical amendments, corrections and other revisions; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 12; 40.05, Subdivision 3; 123.32, Subdivision 7; 200.01; 200.02; 201.01; 201.021; 201.061; 201.071; 201.081; 201.091; 201.11; 201.12; 201.121; 201.13; 201.14; 201.15; 201.161; 201.171; 201.18; 201.211; 201.221; 201.27; 201.275; 202A.11; 202A.16, Subdivision 1; 205.01; 205.03; 205.11, Subdivision 4a; 205.13, Subdivision 1; 205.14, Subdivision 4; 205.15; 205.17, Subdivision 2; 205.20, Subdivisions 2 and 5; 206.026, Subdivision 5; 206.07, Subdivision 1; 206.185, Subdivisions 1 and 5; 206.20, Subdivision 2; 206.21, Subdivisions 1 and 2; 208.04, Subdivisions 1 and 2; 210A.07; 210A.26, Subdivision 4; 210A.28; 210A.34, Subdivision 4; 290.06, Subdivision 11; 290.21, Subdivision 3; 365.51; 365.52; 375.20; 382.28; and 487.03, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapters 200, 201, 205, and 210A; proposing new law coded as Minnesota Statutes, Chapters 203B, 204B, 204C, and 204D; repealing Minnesota Statutes 1980, Sections 201.231; 201.26; 201.33; 202A.21 to 202A.721; and 210.22; and Chapters 203A, 204A, and 207.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 588: A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Section 11; removing certain restrictions on highway bonds.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 291: A bill for an act relating to sheriffs; repealing the law prohibiting persons elected to the office of sheriff from holding public office; amending Minnesota Statutes 1980, Section 387.13.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1980, Section 375.09, is amended to read:

**375.09 [MAY NOT HOLD OTHER OFFICE; NO INTEREST IN CONTRACT; VIOLATION; MALFEASANCE.]**

No county commissioner shall be appointed or elected by the board of which he is a member to any office or position of trust or emolument *nor employed by the county in which he is a commissioner*, and no commissioner shall receive any money or other valuable thing as a condition of voting or inducement to vote for any contract or other thing under consideration by the board, or become a party to, or directly or indirectly interested in, any contract made by the board; and every appointment or election made and every contract or payment voted for or made contrary to the provisions of this section shall be void. Any violation of the provisions of this section shall be a malfeasance in office."

Page 1, line 12, after "counselor" insert "at law"

Page 1, line 17, reinstate the stricken "nor shall any sheriff"

Page 1, line 17, reinstate the stricken "be eligible to any"

Page 1, line 18, reinstate the stricken "other"

Page 1, line 18, after "other" insert "elective"

Page 1, line 18, reinstate the stricken "office"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "sheriffs" and insert "counties"

Page 1, line 3, delete "elected to" and insert "holding"

Page 1, line 3, after "of" insert "deputy"

Page 1, line 4, after the semicolon insert "prohibiting county commissioners from being employed by their counties;"

Page 1, line 5, delete "Section" and insert "Sections 375.09; and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 253: A bill for an act relating to the town of Great Scott; granting the town certain powers of a municipality.

Reports the same back with the recommendation that the bill do pass. Report

adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 459: A bill for an act relating to the city of Edina; providing for the purchasing and contracting authority of the city manager and council.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, after "The" insert "city"

Page 1, line 11, after "exceed" insert "\$2,000, provided that the council, by resolution, may from time to time increase such amount as it shall determine but not in excess of"

Page 1, line 15, before "manager" insert "city"

Page 1, line 18, before "manager" insert "city"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 323: A bill for an act relating to certain towns in St. Louis County; providing a method for determining whether to open or maintain certain town roads.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, delete everything after "towns"

Page 1, line 10, delete everything before "in"

Page 1, line 20, delete "a" and insert "each"

Page 1, line 20, delete "named"

Page 1, line 20, delete "section 1" and insert "St. Louis County"

Amend the title as follows:

Page 1, line 2, delete "certain"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 537: A bill for an act relating to highway traffic regulations; establishing permit fees for certain oversize vehicles; amending Minnesota Statutes 1980, Section 169.86, Subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1980, Section 169.81, Subdivision 3, is amended to read:

Subd. 3. [LENGTH OF COMBINATIONS AND SEMITRAILERS AND

TRUCK-TRACTORS.] (a) No combination of vehicles coupled together unladen or with load, including truck-tractor and semitrailers, shall consist of more than two units unless the combination consists of a truck-tractor and semitrailer drawing one additional semitrailer equipped with an auxiliary dolly, and no combination of vehicles shall exceed a total length of 60 feet. The limitation shall not apply to the transportation of telegraph poles, telephone poles, electric light and power poles, piling, or pole length pulpwood, and is subject to the following further exceptions: The length limitations shall not apply to vehicles when transporting pipe, or other objects by a public utility when required for emergency or repair of public service facilities or when operated under special permits as provided in this subdivision, but with respect to night transportation a vehicle and the load shall be equipped with a sufficient number of clearance lamps and marker lamps on both sides and upon the extreme ends of a projecting load to clearly mark the dimensions of the load. Mount combinations may be drawn but the combinations may not exceed 60 feet in length. The limitation on the number of units shall not apply to vehicles used for transporting milk from point of production to point of first processing, in which case no combination of vehicles coupled together unladen or with load, including truck-tractor and semitrailers, shall consist of more than three units and no combination of those vehicles shall exceed a total length of 60 feet. For the purpose of registration, trailers coupled with a truck-tractor, semitrailer combination shall be considered the same as semitrailers. The state, as to state trunk highways, and a city or town, as to roads or streets located within the city or town, may issue permits authorizing the transportation of combinations of vehicles exceeding the limitations in this subdivision over highways, roads or streets within their boundaries. Combinations of vehicles authorized by this subdivision may be restricted as to the use of highways by the commissioner, as to state trunk highways, and a road authority, as to highways or streets subject to its jurisdiction. Nothing in this subdivision shall be deemed to alter or change the authority vested in local authorities under the provisions of section 169.04. This subdivision shall not apply to the operation of combinations of vehicles subject to the provisions of section 169.861.

(b) No single semitrailer or trailer shall have an overall length, exclusive of rear protective bumpers which do not increase the overall length by more than six inches and further exclusive of accessory equipment mounted or located on the end of the semitrailer or trailer adjacent to the truck or truck-tractor, in excess of 45 feet, except for those semitrailers governed by subdivisions 3a, 3b and 7. For purposes of determining compliance with the provisions of this subdivision, the length of the semitrailer or trailer shall be determined separate from the overall length of the combination of vehicles."

Page 1, line 9, strike everything after "[FEES.]"

Page 1, line 10, delete the new language and strike "permits,"

Page 1, line 19, after the stricken "\$50" reinstate the stricken language

Page 1, line 20, reinstate the stricken language

Page 1, line 21, reinstate the stricken language and insert a period after "fund"

Page 1, line 25, delete "\$60" and insert "\$12"

Page 1, line 25, delete the first "seasonal" and insert "job"

Page 1, line 25, delete everything after the period and insert "A job permit

may be issued for like loads carried on a specific route for a period not to exceed one month."

Page 1, delete line 26

Page 2, delete lines 1 to 14

Page 2, line 15, delete the new language and insert:

"(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months or 40 authorizations for movement from the commissioner, whichever occurs first. After 40 authorizations the permit must be renewed. Annual permits shall be issued for:

(1) truck cranes;

(2) contractors who move their own construction machinery;

(3) the movement of similar commodities;

(4) refuse compactor vehicles that carry a gross weight up to but not in excess of 22,000 pounds on a single rear axle and not in excess of 38,000 pounds on a tandem rear axle;

(5) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(6) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a

Sec. 3. Minnesota Statutes 1980, Section 169.86, is amended by adding a subdivision to read:

*Subd. 7. [TRUCK WEIGHT STUDY.] The commissioner of transportation shall conduct a study of truck weight and dimension to determine the size and weight of loads that should be carried on Minnesota highways. The study shall consider:*

(a) *The effect of truck weight on highways, safety, and traffic movement; and*

(b) *The economic effects of weight and size restrictions.*

*The commissioner shall report the conclusions of the study to the standing committees on transportation of both houses of the legislature before January 1, 1982.*

Sec. 4. Minnesota Statutes 1980, Section 169.861, is amended to read:

169.861 ~~[PERMITS FOR OPERATION OF CERTAIN COMBINATIONS; FEES.]~~

~~Subdivision 1. [APPLICATIONS.] The commissioner shall issue an annual permit to enable~~ A combination of vehicles consisting of a truck and semitrailer or a truck-tractor and semitrailer drawing one additional semitrailer equipped with an auxiliary dolly between 55 and 65 feet in length to ~~may~~ operate on the public highways. ~~The permit shall entitle the combination of vehicles to operate~~ only on divided highways having four or more lanes of travel, and on such other highways as may be designated by the commissioner of transportation subject to section 169.87, subdivision 1, and subject to the approval of the authority having jurisdiction over such highway, for the purpose of providing access between such divided highways of four or more lanes of travel and truck terminals and marshalling yards or for the purpose of providing continuity of route. All vehicles operated under the provisions of this section shall conform



to the standards for such vehicles as prescribed by the United States Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, and as may be amended.

Subd. 2. [DISPLAY.] The permit issued under this section shall at all times be carried in or upon the vehicle supplying the mode of power for the combination of vehicles for which it has been issued.

Subd. 3. [FEES.] The commissioner is authorized to charge a fee of \$75 for such annual permit for each combination exceeding 55 but not more than 60 feet in length; and \$200 for each combination exceeding 60 but not more than 65 feet in length. All such fees for permits issued by the commissioner shall be deposited in the state treasury and credited to the highway user tax distribution fund. This fee may be prorated in the same manner as registration fees are prorated pursuant to section 168.187. For those vehicles not covered by section 168.187 or reciprocal agreements pursuant to section 168.181, a trip fee of \$10 for combinations exceeding 55 but not more than 60 feet in length and \$20 for combinations exceeding 60 but not more than 65 feet in length may be charged."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after "regulations" insert "increasing the length of certain vehicles"

Page 1, line 3, after "vehicles" insert "directing the commissioner of transportation to conduct certain studies; clarifying the operation of certain combination vehicles"

Page 1, line 4, delete "Section" and insert "Sections 169.81, Subdivision 3;"

Page 1, line 4, after "5" insert "and by adding a subdivision; and 169.861"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 370: A bill for an act relating to transportation; including motels within the specific information signing program; amending Minnesota Statutes 1980, Sections 160.292; 160.293, Subdivisions 1 and 3; and 160.295, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, after "area" insert "motel, or resort"

Page 2, line 21, strike everything after the period

Page 2, strike lines 22 and 23

Page 2, after line 23, insert:

"Sec. 3. Minnesota Statutes 1980, Section 160.293, Subdivision 2, is amended to read:

Subd. 2. [SPECIFIC SERVICE SIGNS ON NONFREEWAY HIGHWAYS.] A specific service sign may ~~not be included in the signing of trunk highway intersections erected at the intersection of a trunk highway with a~~

*local road, on bypasses of outstate municipalities, and subject to prior approval of the federal highway administration at the intersection of two trunk highways. A specific service sign may not be erected if the place of business is readily visible or effective directional advertising is visible or the sign can be legally and effectively located near the intersection. Specific service signs may be placed on the approaches of a trunk highway intersection with a local road.*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "1" insert ", 2,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S. F. No. 620: A bill for an act relating to economic development; extending the date on which the report of the conference on small business is due; extending the life of certain appropriations; amending Laws 1980, Chapter 613, Sections 4 and 5.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S. F. No. 416: A bill for an act relating to labor and employment; status of certain tenured private college employees under compulsory retirement laws; amending Minnesota Statutes 1980, Section 181.811.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S. F. No. 164: A bill for an act relating to workers' compensation; regulating insurance companies reserves for claims; providing the possibility of premium refunds for non-experience rated employers; amending Minnesota Statutes 1980, Section 79.071, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 79.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 1980, Section 79.071, is amended by adding a subdivision to read:

*Subd. 4a. The Legislature finds that in the enactment of Laws 1975, Chapter 359, Section 20, it did not require identical inflationary assumptions to be applied both to probable required levels of compensation and to probable reserve necessary to meet those compensation payments.*

*Thus, in any case where an insurer bases its estimate of the amounts required to be reserved in any part on the operation of section 176.645, any assumption as to reserves required due to the operation of that section shall be offset by an*

*assumption that the amount initially reserved shall be invested and yield a return equal to the assumption as to the annual increase in the statewide average weekly wage, subject to a limitation of six percent a year. In addition, the commissioner shall, in determining rates, fully reflect the investment earnings of insurers which arise from the sale of workers' compensation insurance, either by use of at least a six percent discount rate in determining the reserves necessary for all claims, or by the use of an alternative methodology which the commissioner finds is more appropriate. Insurers shall provide the commissioner with any information he requests so as to arrive at the determination required by this subdivision. This provision is remedial in nature and is to be liberally construed in achieving its end."*

Pages 1 to 2, delete section 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "providing the"

Page 1, delete line 4

Page 1, line 5, delete "rated employers"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred

H. F. Nos. 87 and 201 for comparison with companion Senate Files, reports the following House Files were found not identical with their companion Senate Files as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
87	66				
201	202				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 87 be amended as follows:

Page 2, line 18, after the first "of" insert "a"

And when so amended H. F. No. 87 will be identical to S. F. No. 66, and further recommends that H. F. No. 87 be given its second reading and substituted for S. F. No. 66, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 201 be amended as follows:

Page 1, line 18, reinstate the stricken "transportation or department of"

Page 2, delete lines 28 and 29

Amend the title as follows:

Page 1, lines 3 and 4, delete "department of public safety" and insert "public safety department"

And when so amended H. F. No. 201 will be identical to S. F.No. 202, and further recommends that H. F. No. 201 be given its second reading and substituted for S. F. No. 202, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Veterans' Affairs, to which was referred the following appointment as reported in the Journal for February 16, 1981:

**DEPARTMENT OF VETERANS' AFFAIRS  
COMMISSIONER**

Charles T. Pinkham

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R. D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Tennessen from the Committee on Commerce, to which was referred the following appointment as reported in the Journal for March 5, 1981:

**PUBLIC UTILITIES COMMISSION**

Marcelle (Terry) Hoffman

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R. D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Tennessen from the Committee on Commerce, to which was referred the following appointment as reported in the Journal for January 19, 1981:

**DEPARTMENT OF PUBLIC SERVICE  
DIRECTOR, ADMINISTRATIVE DIVISION**

Richard L. Auld

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R. D. moved that the foregoing committee report be laid on the table. The motion prevailed.

**SECOND READING OF SENATE BILLS**

S. F. Nos. 264, 345, 329, 182, 454, 95, 375, 275, 88, 347, 331, 400, 34, 302, 249, 244, 2, 352, 549, 291, 253, 459, 323, 537, 370, 620, 416 and 164 were read the second time.

**SECOND READING OF HOUSE BILLS**

H. F. Nos. 71, 87 and 201 were read the second time.

**MOTIONS AND RESOLUTIONS**

Mr. Wegener moved that the name of Mr. Hanson be stricken and Mr. Pehler be added as co-author to S. F. No. 73. The motion prevailed.

Mr. Knutson moved that his name be stricken as co-author to S. F. No. 138. The motion prevailed.

Mr. Pillsbury moved that the name of Mr. Ulland be added as co-author to S. F. No. 219. The motion prevailed.

Mrs. Lantry moved that the name of Mr. Sikorski be added as co-author to S. F. No. 263. The motion prevailed.

Mr. Olhoft moved that the name of Mr. Dahl be added as co-author to S. F. No. 286. The motion prevailed.

Mr. Wegener moved that the name of Mr. Ramstad be added as co-author to S. F. No. 331. The motion prevailed.

Mr. Pehler moved that the name of Mr. Dahl be added as co-author to S. F. No. 480. The motion prevailed.

Mr. Kroening moved that the name of Mr. Dahl be added as co-author to S. F. No. 562. The motion prevailed.

Mr. Solon moved that the names of Messrs. Sikorski and Ulland be added as co-authors to S. F. No. 573. The motion prevailed.

Mr. Kroening moved that the names of Mrs. Stokowski and Mr. Dahl be added as co-authors to S. F. No. 597. The motion prevailed.

Mr. Menning moved that the name of Mr. Bertram be added as co-author to S. F. No. 600. The motion prevailed.

Mr. Merriam moved that the name of Mr. Purfeerst be added as co-author to S. F. No. 623. The motion prevailed.

Mr. Davies, for Mr. Keefe, introduced—

Senate Concurrent Resolution No. 4: A Senate concurrent resolution relating to commemoration of the centennial of the appointment of William Mitchell as Associate Justice of the Minnesota Supreme Court.

WHEREAS, William Mitchell was born on November 19, 1832, at Stamford, Ontario, Canada; and,

WHEREAS, he graduated from Jefferson College in 1853, where he was known as a "determined scholar" in Latin, Greek, logic, and mathematics; and,

WHEREAS, he read law in Virginia and was admitted to the Virginia bar in 1857; and,

WHEREAS, he came to Winona, Minnesota, by steamboat in 1857 to open a law office; and,

WHEREAS, he practiced law until 1873 when he was elected to the district court bench; and,

WHEREAS, he was appointed as an associate justice of the Minnesota Supreme Court on March 9, 1881, and served until he retired in 1899; and,

WHEREAS, during his service on the Minnesota Supreme Court he wrote over 1,600 opinions known for their conciseness and clarity and which formed the basis of much of Minnesota's common law especially in the areas of contracts, agency, and torts; and,

WHEREAS, he was also active in the business of banking and railroading

during Minnesota's formative years; and,

WHEREAS, he served in Minnesota's 2nd Legislature and was active in many other civic and service projects; and,

WHEREAS, William Mitchell died on August 21, 1900, at the age of 67;  
NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota, the House concurring, that, on the centennial of his appointment as Associate Justice of the Minnesota Supreme Court, it commends to the people of the State of Minnesota the record of Justice William Mitchell as a life, work, and spirit worth emulation. It recognizes his contribution to the law and life of Minnesota.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare two enrolled copies of this resolution, to be authenticated by his signature and those of the President, the Chief Clerk of the House of Representatives, and Speaker of the House of Representatives, and to present one to a representative of the descendants of Justice Mitchell and one to the Dean of William Mitchell College of Law.

Mr. Davies moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Bertram introduced—

Senate Concurrent Resolution No. 5: A Senate concurrent resolution relating to the proclamation of Minnesota Agriculture Day in connection with National Agriculture Day.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Menning introduced—

Senate Resolution No. 23: A Senate resolution calling for a moratorium on the Department of Natural Resources public waters and wetlands survey.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Johnson moved that S. F. No. 95, on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

### CONFIRMATION

Mr. Tennesen moved that the report from the Committee on Commerce, reported February 26, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Tennesen moved that the foregoing report be now adopted. The motion prevailed.

Mr. Tennesen moved that in accordance with the report from the Committee on Commerce, reported February 26, 1981, the Senate, having given its advice, do now consent to and confirm the appointment of:

### PUBLIC UTILITIES COMMISSION

Leo G. Adams, 7200 39th Avenue North, New Hope, Hennepin County, effective June 19, 1980, for a term expiring the first Monday in January, 1986.

The motion prevailed. So the appointment was confirmed.

### CONFIRMATION

Mr. Spear moved that the report from the Committee on Public Employees and Pensions, reported March 2, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Spear moved that the foregoing report be now adopted. The motion prevailed.

Mr. Spear moved that in accordance with the report from the Committee on Public Employees and Pensions, reported March 2, 1981, the Senate, having given its advice, do now consent to and confirm the appointments of:

### PUBLIC EMPLOYMENT RELATIONS BOARD

Thomas G. Arneson, 1159 Pike Lake Drive, New Brighton, Ramsey County, effective June 12, 1980, for a term expiring the first Monday in January, 1984.

Don L. Bye, 609 West Second Street, Duluth, St. Louis County, effective June 12, 1980, for a term expiring the first Monday in January, 1981.

The motion prevailed. So the appointments were confirmed.

### CONFIRMATION

Mr. Solon moved that the report from the Committee on Health, Welfare and Corrections, reported February 26, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Solon moved that the foregoing report be now adopted. The motion prevailed.

Mr. Solon moved that in accordance with the report from the Committee on Health, Welfare and Corrections, reported February 26, 1981, the Senate, having given its advice, do now consent to and confirm the appointment of:

### GILLETTE HOSPITAL BOARD

Judge Sidney P. Abramson, 1690 Bohland Avenue, St. Paul, Ramsey County, effective April 7, 1980, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointment was confirmed.

### CONFIRMATION

Mr. Merriam moved that the report from the Committee on Agriculture and Natural Resources, reported March 5, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Merriam moved that the foregoing report be now adopted. The motion prevailed.

Mr. Merriam moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported March 5, 1981, the Senate, having given its advice, do now consent to and confirm the appointments of:

### STATE SOIL AND WATER CONSERVATION BOARD

Neil Saxton, Route 1, Box 224, Fairmont, Martin County, effective Febru-

ary 8, 1980, for a term expiring the first Monday in January, 1984.

Wayne C. Haglin, Route 2, Staples, Wadena County, effective October 8, 1980, for a term expiring the first Monday in January, 1982.

### **MINNESOTA WATER RESOURCES BOARD**

Glenn A. Kinneberg, Route 1, Spring Grove, Houston County, effective February 1, 1980, for a term expiring the first Monday in January, 1984.

### **MINNESOTA POLLUTION CONTROL AGENCY**

Virgil C. Herrick, 477 Rice Creek Terrace, Fridley, Anoka County, effective January 7, 1980, for a term expiring the first Monday in January, 1984.

Dr. Wallace W. Nelson, Box 428, Lamberton, Redwood County, effective January 7, 1980, for a term expiring the first Monday in January, 1983.

Dr. Howard Andersen, 1072 Plummer Lane, Rochester, Olmsted County, effective April 13, 1979, for a term expiring the first Monday in January, 1983.

### **STATE LIVESTOCK SANITARY BOARD**

Jerry Rypka, Box 5, 18th Street SE, Owatonna, Steele County, effective April 16, 1979, for a term expiring the first Monday in January, 1983.

Dr. Robert L. Mersch, 301 E. Lincoln, Fairfax, Renville County, effective June 3, 1980, for a term expiring the first Monday in January, 1984.

### **ENVIRONMENTAL EDUCATION BOARD**

Lee H. Grim, P.O. Box 494A, Route 8, Forest Point, International Falls, Koochiching County, effective June 3, 1980, for a term expiring the first Monday in January, 1982.

The motion prevailed. So the appointments were confirmed.

### **CONFIRMATION**

Mr. Olhoft moved that the report from the Committee on General Legislation and Administrative Rules, reported February 26, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Olhoft moved that the foregoing report be now adopted. The motion prevailed.

Mr. Olhoft moved that in accordance with the report from the Committee on General Legislation and Administrative Rules, reported February 26, 1981, the Senate, having given its advice, do now consent to and confirm the appointments of:

### **CRIME CONTROL PLANNING BOARD**

Elwood Bissett, 851 McKinley Place South, St. Cloud, Stearns County, effective February 1, 1980, for a term expiring the first Monday in January, 1984.

Helen I. Kelly, 3006 Kellogg Square, St. Paul, Ramsey County, effective September 22, 1980, for a term expiring the first Monday in January, 1981.



John D. Wunsch, 4540 Aldrich Avenue South, Minneapolis, Hennepin County, effective February 1, 1980, for a term expiring the first Monday in January, 1984.

The motion prevailed. So the appointments were confirmed.

### CONFIRMATION

Mr. Olhoft moved that the report from the Committee on General Legislation and Administrative Rules, reported February 26, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Olhoft moved that the foregoing report be now adopted. The motion prevailed.

Mr. Olhoft moved that in accordance with the report from the Committee on General Legislation and Administrative Rules, reported February 26, 1981, the Senate, having given its advice, do now consent to and confirm the appointment of:

### CRIME CONTROL PLANNING BOARD

Charlton Dietz, 1 Birch Lane, North Oaks, Ramsey County, effective May 1, 1980, for a term expiring the first Monday in January, 1981.

The motion prevailed. So the appointment was confirmed.

### CONFIRMATION

Mr. Olhoft moved that the report from the Committee on General Legislation and Administrative Rules, reported March 5, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Olhoft moved that the foregoing report be now adopted. The motion prevailed.

Mr. Olhoft moved that in accordance with the report from the Committee on General Legislation and Administrative Rules, reported March 5, 1981, the Senate, having given its advice, do now consent to and confirm the appointments of:

### BOARD OF THE ARTS

Philip Brunelle, 4211 Glencrest Road, Golden Valley, Hennepin County, effective March 17, 1980, for a term expiring the first Monday in January, 1984.

Mary E. Leach, 424 Prospect, Owatonna, Steele County, effective March 17, 1980, for a term expiring the first Monday in January, 1984.

Daniel K. Peterson, 5200 Drew Avenue South, Minneapolis, Hennepin County, effective March 17, 1980, for a term expiring the first Monday in January, 1984.

The motion prevailed. So the appointments were confirmed.

### CONSENT CALENDAR

H.F. No. 44: A bill for an act relating to health; repealing a certain administrative rule of the department of health unconditionally prohibiting double beds

in nursing homes and boarding care homes; exempting out of state physicians from licensing regulations under certain conditions; amending Minnesota Statutes 1980, Section 147.09.

Mr. Penny moved that H. F. No. 44, No. 1 on the Consent Calendar, be stricken and placed at the top of General Orders. The motion prevailed.

H. F. No. 45: A bill for an act relating to health; repealing a certain administrative rule of the department of health unconditionally prohibiting the use of locks on patient room doors in nursing homes.

Mr. Penny moved that H. F. No. 45, No. 2 on the Consent Calendar, be stricken and placed second on General Orders. The motion prevailed.

### GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Menning in the chair.

After some time spent therein, the committee arose, and Mr. Menning reported that the committee had considered the following:

S. F. No. 52, which the committee recommends to pass.

S. F. No. 142, which the committee recommends be returned to the Committee on Local Government and Urban Affairs.

S. F. No. 46, which the committee recommends be returned to the Committee on Judiciary.

On motion of Mr. Menning, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Dieterich, Johnson and Mrs. Lantry introduced—

S.F. No. 636: A bill for an act relating to taxation; providing that the disallowance of income tax deductions relating to substandard housing shall not expire; amending Laws 1975, Chapter 226, Section 4, as amended.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Wegener, Chmielewski, Davis, Rued and Lessard introduced—

S.F. No. 637: A bill for an act relating to state departments; providing for maintaining museums of Minnesota military history at Fort Snelling and Camp Ripley; appropriating money.

Referred to the Committee on Governmental Operations.

Mr. Pillsbury introduced—

S.F. No. 638: A bill for an act relating to local government; providing conditions for the establishment and dissolution of charter commissions; amending Minnesota Statutes 1980, Section 410.05, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Schmitz, Vega, Hughes, Engler and Sikorski introduced—

S.F. No. 639: A bill for an act relating to metropolitan government; requiring that metropolitan council districts be apportioned after the 1980 federal census; amending Minnesota Statutes 1980, Section 473.123, Subdivision 2.

Referred to the Committee on Elections and Reapportionment.

Messrs. Knutson, Ramstad, Mrs. Kronebusch, Messrs. Merriam and Lesard introduced—

S.F. No. 640: A bill for an act relating to crimes; prohibiting the possession, manufacture, or delivery of drug paraphernalia; prohibiting the delivery of drug paraphernalia to minors; prohibiting the advertisement of drug paraphernalia; providing for civil forfeiture of drug paraphernalia; prohibiting the sale of cigarette paper or the means for making cigarettes if there is knowledge or reason to believe that the items will be used in violation of the controlled substance law; prohibiting owners of real property to lease or otherwise permit the use of their property for the retail sale of drug paraphernalia; prescribing penalties; amending Minnesota Statutes 1980, Sections 152.01, by adding subdivisions; 152.19, Subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, Chapter 152.

Referred to the Committee on Judiciary.

Messrs. Tennessen, Petty, Stern, Davies and Keefe introduced—

S.F. No. 641: A bill for an act relating to financial institutions; providing for uniform administration of liquidity reserve requirements among deposit institutions; amending Minnesota Statutes 1980, Sections 46.04, Subdivision 1; 50.175; and 52.17; proposing new law coded in Minnesota Statutes, Chapters 48; and 51A; and repealing Minnesota Statutes 1980, Sections 48.22; and 51A.36.

Referred to the Committee on Commerce.

Messrs. Tennessen, Petty, Stern, Davies and Keefe introduced—

S.F. No. 642: A bill for an act relating to financial institutions; authorizing establishment of detached facilities resulting from mergers and consolidations; amending Minnesota Statutes 1980, Sections 49.34; 49.36; and 49.45.

Referred to the Committee on Commerce.

Mr. Frank introduced—

S.F. No. 643: A bill for an act relating to commerce; prohibiting producers or refiners of petroleum from operating retail service stations with company personnel; providing exceptions; defining certain terms; providing for enforcement; proposing new law coded in Minnesota Statutes, Chapter 325E.

Referred to the Committee on Commerce.

Mr. Sieloff introduced—

S.F. No. 644: A bill for an act relating to taxation; providing that certain

debts may be satisfied by set-off of income tax refunds; proposing new law coded in Minnesota Statutes, Chapter 518.

Referred to the Committee on Judiciary.

Messrs. Rued, Humphrey, Taylor and Olhoft introduced—

S.F. No. 645: A bill for an act relating to cemeteries; requiring public cemeteries having permanent care and improvement funds to file a notice and an annual report with the county auditor; amending Minnesota Statutes 1980, Section 306.761.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Engler introduced—

S.F. No. 646: A bill for an act relating to transportation; delaying the effective date of the laws establishing and prescribing the powers and duties of the transportation regulation board; amending Laws 1980, Chapter 534, Section 87.

Referred to the Committee on Transportation.

Mr. Sieloff introduced—

S.F. No. 647: A bill for an act relating to taxation; providing that the rate of interest on delinquent taxes other than property taxes shall be adjusted according to the prime rate charged by banks; providing that the rate of interest on refunds on overpayments of taxes other than property taxes shall be adjusted according to the prime rate charged by banks; amending Minnesota Statutes 1980, Sections 270.75, by adding a subdivision; 290.50, Subdivision 1; 290.92, Subdivisions 11 and 13; 290.93, Subdivision 9; 290.936; 290A.07, Subdivision 4; 291.18; 293.09; 293.11; 294.09, Subdivision 1; 297A.35, Subdivision 1; 299.08; 299.10; and 340.492; proposing new law coded in Minnesota Statutes, Chapter 270.

Referred to the Committee on Taxes and Tax Laws.

Mr. Sieloff introduced—

S.F. No. 648: A bill for an act relating to marriage dissolution; adopting the revised uniform reciprocal enforcement of support act; proposing new law coded as Minnesota Statutes, Chapter 518C; repealing Minnesota Statutes 1980, Sections 518.41 to 518.53.

Referred to the Committee on Judiciary.

Mr. Sieloff introduced—

S.F. No. 649: A bill for an act relating to probate; limiting benefits under life insurance policies payable to corporations to portion of shares not owned by person who killed decedent; establishing procedures for distribution of unpaid benefits; amending Minnesota Statutes 1980, Section 524.2-803.

Referred to the Committee on Judiciary.

Messrs. Pehler, Willet and Penny introduced—

S.F. No. 650: A bill for an act relating to education; providing for the

inclusion of certain community college and state university faculty members in the definition of an employee under the public employee labor relations act of 1971; amending Minnesota Statutes 1980, Section 179.63, Subdivision 7.

Referred to the Committee on Public Employees and Pensions.

Messrs. Langseth, Olhoft, Dicklich and Davis introduced—

S.F. No. 651: A bill for an act relating to education; clarifying and removing references to a school district building energy report; repealing an obsolete provision requiring a study and report on school district energy management personnel; amending Minnesota Statutes 1980, Section 116H.126, Subdivisions 2, 4, and 5; repealing Minnesota Statutes 1980, Section 116H.126, Subdivisions 1 and 7.

Referred to the Committee on Energy and Housing.

Mr. Langseth introduced—

S.F. No. 652: A bill for an act relating to education; authorizing Independent School District No. 152 to place proceeds from the sale of buildings and real property in the capital expenditure fund.

Referred to the Committee on Education.

Messrs. Dicklich, Ulland, Solon and Johnson introduced—

S.F. No. 653: A bill for an act relating to courts; authorizing the judges of the sixth judicial district to set the salaries of court reporters.

Referred to the Committee on Judiciary.

Messrs. Langseth and Hanson introduced—

S.F. No. 654: A bill for an act relating to the city of Moorhead; authorizing imposition of a tax on the gross receipts from the furnishing of certain lodging.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Spear, Tennessen, Johnson, Solon and Bang introduced—

S.F. No. 655: A bill for an act relating to financial institutions; authorizing demand deposits for members of credit unions; permitting the purchase and sale of loans; amending Minnesota Statutes 1980, Section 52.04.

Referred to the Committee on Commerce.

Mr. Sieloff, Mrs. Lantry and Mr. Waldorf introduced—

S.F. No. 656: A bill for an act relating to coroners; eliminating the requirement of filing a certificate of no inquest; amending Minnesota Statutes 1980, Section 390.17.

Referred to the Committee on Judiciary.

Messrs. Merriam, Tennessen, Peterson, R.W.; Sieloff and Davies introduced—

S.F. No. 657: A bill for an act relating to courts; providing for additional clerk and administrator duties in conciliation court; providing for a procedure

to assist in collection of conciliation court judgments; changing certain deadlines; providing penalties; amending Minnesota Statutes 1980, Sections 487.30, by adding a subdivision; 488A.13, Subdivision 2; 488A.14, Subdivisions 4 and 5; 488A.16, Subdivisions 2, 5, 6 and 8; 488A.17, Subdivisions 2 and 3; 488A.30, Subdivision 2; 488A.31, Subdivisions 4 and 5; 488A.33, Subdivisions 2, 5, 7 and 8; 488A.34, Subdivisions 2 and 12.

Referred to the Committee on Judiciary.

Messrs. Sieloff, Knutson and Ramstad introduced —

S.F. No. 658: A bill for an act relating to taxation; income; providing a 60 percent exclusion of capital gain from the sale of a residence; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20; and 290.091.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Tennesen, Solon, Bang, Stern and Mrs. Brataas introduced —

S.F. No. 659: A bill for an act relating to financial institutions; providing a usury exemption on open end credit extended in the use of bank credit cards; detailing certain notice requirements; regulating the charges for certain types of insurance issued in connection with the extension of such credit; amending Minnesota Statutes 1980, Section 48.185, Subdivisions 3 and 4, and by adding a subdivision; repealing Minnesota Statutes 1980, Section 48.185, Subdivision 4a.

Referred to the Committee on Commerce.

Messrs. Schmitz and Renneke introduced —

S.F. No. 660: A bill for an act relating to counties; providing correct references to certain civil service procedures; amending Minnesota Statutes 1980, Sections 375.58, Subdivision 3; and 375.62.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Pehler, Bertram, Davis, Willet and Bernhagen introduced —

S.F. No. 661: A bill for an act relating to county courts; establishing the responsibility for prosecution of violations; establishing the manner of disposition of fines, fees and other moneys; amending Minnesota Statutes 1980, Sections 487.25, Subdivision 10; and 487.33, Subdivision 5; repealing Minnesota Statutes 1980, Section 487.33, Subdivision 6.

Referred to the Committee on Judiciary.

Messrs. Petty, Frank and Bang introduced —

S.F. No. 662: A bill for an act relating to commerce; providing for examinations of financial institutions; providing for the proportioning of annual assessments; providing uniform retention periods for records; clarifying the definition of financial institution; clarifying the distance drive-in or walk-up facilities may be located from a detached facility under certain circumstances; clarifying the notice and approval procedures and judicial review procedures for detached facilities; providing that voting equity in a bank's holding company satisfies the stock requirement of a director; providing additional time for submitting certain bank reports and authorizes acceptance of certain substitute

reports; clarifying certain withdrawal provisions applicable to savings associations; requiring credit unions to obtain a commitment for insurance of accounts prior to approval of its application for organization; expanding the exemption from the licensing requirement for sales finance companies to include certain other financial institutions; providing for a compliance exam of sales finance companies once every two years instead of annually; removing certain obsolete provisions, including one in recognition of those statutory provisions which authorize full service detached facilities; amending Minnesota Statutes 1980, Sections 46.04, Subdivision 1; 46.131, Subdivision 4; 46.21; 47.015, Subdivision 1; 47.52; 47.54; 48.06; 48.48; 51A.33; 52.01; 168.67; and 168.705; repealing Minnesota Statutes 1980, Sections 46.131, Subdivision 6; 47.17; and 48.34.

Referred to the Committee on Commerce.

Mr. Petty, Ms. Berglin, Messrs. Pehler, Dahl and Bang introduced—

S.F. No. 663: A bill for an act relating to taxation; real property; decreasing the classification ratio on apartments; amending Minnesota Statutes 1980, Section 273.13, Subdivision 19.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Luther, Purfeerst, Setzepfandt and Peterson, C.C. introduced—

S.F. No. 664: A bill for an act relating to water resources; altering certain provisions concerning the regulation of shoreland use and development in municipalities; amending Minnesota Statutes 1980, Section 105.485, Subdivision 6.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Penny, Solon, Spear and Sikorski introduced—

S.F. No. 665: A bill for an act relating to insurance; establishing standards applicable to accident or health insurance policies which purport to supplement medicare benefits; prescribing minimum levels of coverage; providing for certain disclosures; and prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 62A.

Referred to the Committee on Commerce.

Messrs. Bernhagen, Benson, Engler and Setzepfandt introduced—

S.F. No. 666: A bill for an act relating to agriculture; prohibiting pension funds from acquiring certain farm land; amending Minnesota Statutes 1980, Section 500.24, Subdivisions 3, 4 and 5.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Petty, Luther, Tennessen, Stern and Bang introduced—

S.F. No. 667: A bill for an act relating to financial institutions; setting application fees for industrial loan and thrifts; providing for publication of notices; establishing procedures for consideration of applications for consent to sell and issue certificates; increasing the minimum amounts for insurance of accounts; amending Minnesota Statutes 1980, Sections 53.03, Subdivision 1, and by adding subdivisions; and 53.10, Subdivision 1.

Referred to the Committee on Commerce.

Ms. Berglin, Messrs. Petty, Nelson, Mmes. Stokowski and Brataas introduced—

S.F. No. 668: A bill for an act relating to marriage; changing the fee for marriage licenses; providing funds for certain battered women and displaced worker programs; appropriating money; amending Minnesota Statutes 1980, Section 517.08, Subdivision 1b, and by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Stern, Dieterich, Ramstad, Petty and Sikorski introduced—

S.F. No. 669: A bill for an act relating to condominiums; providing for certain amendments to the declaration, bylaws, or floor plans of a condominium; amending Minnesota Statutes 1980, Section 515A.1-102.

Referred to the Committee on Judiciary.

Messrs. Stern, Keefe, Schmitz, Ms. Berglin and Mr. Peterson, C.C. introduced—

S.F. No. 670: A bill for an act relating to taxation; exempting certain income of elderly persons from taxation; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dahl and Davies introduced—

S.F. No. 671: A bill for an act relating to crimes; conforming the definition of trade secret in the law proscribing theft to the definition of trade secret in the uniform trade secrets act; amending Minnesota Statutes 1980, Section 609.52, Subdivision 1.

Referred to the Committee on Judiciary.

Mr. Benson introduced—

S.F. No. 672: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands acquired for trail purposes.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Setzepfandt, Langseth, Olhoft and Bernhagen introduced—

S.F. No. 673: A bill for an act relating to transportation; providing for continued Amtrak service between Minneapolis-St. Paul to Fargo on the Empire Builder; appropriating money.

Referred to the Committee on Transportation.

Messrs. Peterson, C.C. and Moe, R.D. introduced—

S.F. No. 674: A resolution memorializing the President and Congress to seek a settlement of the White Earth Indian Reservation controversy.

Referred to the Committee on Agriculture and Natural Resources.



Mr. Chmielewski introduced—

S.F. No. 675: A bill for an act relating to retirement; age for payment of lump sum service pensions by volunteer firefighters associations; amending Minnesota Statutes 1980, Section 422A.02, Subdivision 1.

Referred to the Committee on Public Employees and Pensions.

Mr. Dahl, Mrs. Stokowski, Messrs. Wegener, Hughes and Purfeerst introduced—

S.F. No. 676: A bill for an act relating to highway traffic regulation; authorizing and regulating the use of strobe lamps on school buses; amending Minnesota Statutes 1980, Section 169.64, by adding a subdivision.

Referred to the Committee on Transportation.

Mrs. Brataas, Messrs. Hughes, Merriam, Ramstad and Taylor introduced—

S.F. No. 677: A bill for an act relating to volunteer services; authorizing a volunteer incentive program; proposing new law coded in Minnesota Statutes, Chapter 4.

Referred to the Committee on Governmental Operations.

Messrs. Hughes, Waldorf and Stumpf introduced—

S.F. No. 678: A bill for an act relating to Ramsey county, providing for the administration of the soldiers' rest; amending Laws 1974, Chapter 435, Section 1.0212.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Dahl, Sikorski, Merriam, Davies and Sieloff introduced—

S.F. No. 679: A bill for an act relating to eminent domain; providing for the computation of interest rates on damages; amending Minnesota Statutes 1980, Section 117.195.

Referred to the Committee on Judiciary.

Messrs. Rued, Hughes, Purfeerst and Peterson, D.L. introduced—

S.F. No. 680: A bill for an act relating to education; adjusting amounts used to compute "replacement" levies and foundation aid in certain districts; amending Minnesota Statutes 1980, Section 124.212, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Purfeerst, Hughes, Lindgren and Kroening introduced—

S.F. No. 681: A bill for an act relating to education; providing mobility incentives for teachers at the school for the deaf and at the braille and sight-saving school; amending Minnesota Statutes 1980, Section 354.094, Subdivisions 1, 3, 5 and 6; proposing new law coded in Minnesota Statutes, Chapters 128A and 354.

Referred to the Committee on Education.

Mr. Ramstad, Mrs. Brataas, Messrs. Nichols, Pillsbury and Belanger introduced—

S.F. No. 682: A bill for an act relating to workers' compensation; eliminating concurrent payment of permanent partial and permanent total benefits; creating an incentive to return to work; freezing the permanent partial maximum at \$70; providing for payment in weekly installments; reforming the payment of permanent partial benefits; amending Minnesota Statutes 1980, Sections 176.021, Subdivision 3; and 176.101, Subdivision 3.

Referred to the Committee on Employment.

Ms. Berglin, Messrs. Sieloff and Davies introduced—

S.F. No. 683: A bill for an act relating to crimes; creating the crime of intrafamilial sexual abuse; amending Minnesota Statutes 1980, Sections 595.02; 609.348; 609.35; and 626.556, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 609.

Referred to the Committee on Judiciary.

Mr. Johnson introduced—

S.F. No. 684: A bill for an act relating to retirement; authorizing increases in benefits payable by the Eveleth police and fire trust fund.

Referred to the Committee on Public Employees and Pensions.

Messrs. Lindgren, Dieterich and Bernhagen introduced—

S.F. No. 685: A bill for an act relating to health; creating an office for prevention of problems related to use of drugs and alcohol; appropriating money; amending Minnesota Statutes 1980, Sections 254A.03, by adding a subdivision; and 254A.10.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Renneke, Knutson, Bernhagen and Pillsbury introduced—

S.F. No. 686: A bill for an act relating to creation of a budget stabilization bookkeeping account; providing for transfers into and out of the account; providing for the maintenance and administration of the account; relating the operation of the account to the budget process of this state; prescribing the powers and duties of certain state officers; amending Minnesota Statutes 1980, Sections 16A.11, by adding a subdivision; 16A.15, Subdivision 1; and proposing new law coded in Minnesota Statutes, Chapter 16A.

Referred to the Committee on Governmental Operations.

Messrs. Merriam, Johnson and Peterson, C.C. introduced—

S.F. No. 687: A bill for an act relating to taxation; income; property tax refund; making technical corrections; deleting obsolete provisions; amending Minnesota Statutes 1980, Sections 290.01, Subdivisions 3, 19, 20, 21, 22, 23, 25, 26, and 27; 290.011; 290.032, Subdivision 2; 290.06, Subdivisions 1, 2c, 3e, 3f, and 11; 290.07, Subdivision 3; 290.071, Subdivisions 2 and 3; 290.075; 290.077, Subdivisions 1 and 2; 290.079, Subdivision 6; 290.081; 290.085; 290.09, Subdivisions 1, 2, 4, 5, 6, 7, 10, 15, 18, 21, and 29; 290.10; 290.101, Subdivision 9; 290.12, Subdivisions 1, 2, and 4; 290.13,

Subdivision 5; 290.131, Subdivision 3; 290.132, Subdivision 1; 290.133, Subdivision 2; 290.134, Subdivision 1; 290.135, Subdivision 1; 290.14; 290.16, Subdivisions 1, 3, 7, 8, 9, 12, and 13; 290.17, Subdivision 2; 290.18, Subdivisions 1 and 2; 290.21, Subdivisions 1, 3, 3a, 4, and 7; 290.23, Subdivisions 2, 3, 5, 9, 10, and 15; 290.25, Subdivisions 2, 3, and 4; 290.26, Subdivisions 1, 2a, and 3; 290.28, Subdivision 1; 290.281, Subdivision 2; 290.31, Subdivisions 2, 3, 4, 6, 9, 10, 11, 21, and by adding a subdivision; 290.32; 290.34, Subdivision 3; 290.35; 290.39, Subdivision 1; 290.42; 290.45, Subdivision 3; 290.46; 290.48, Subdivision 2; 290.49, Subdivisions 1 and 4; 290.50, Subdivisions 1, 3, and 5; 290.53, Subdivisions 1 and 4; 290.56, Subdivisions 2, 3, and 4; 290.92, Subdivisions 1, 5, 6, 16, and 19; 290.93, Subdivisions 5 and 6; 290.932, Subdivisions 1 and 4; 290A.03, Subdivisions 3 and 13; 290A.04, Subdivisions 2 and 2c; 290A.06; and 290A.07, Subdivision 2; repealing Minnesota Statutes 1980, Sections 290.076; 290.131, Subdivisions 4, 5, 6, and 7; 290.133, Subdivision 3; 290.134, Subdivisions 2, 3, and 4; 290.135, Subdivisions 2, 3, and 4; 290.23, Subdivisions 11, 12, 13, and 14; 290.24; 290.26, Subdivisions 4 and 7; 290.60; 290.65, Subdivision 17; 290.931, Subdivision 4; 290.932, Subdivision 3; 290.933, Subdivision 3; and 290.934, Subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Ms. Berglin and Mr. Sikorski introduced—

S.F. No. 688: A bill for an act relating to health; requiring the registration of nursing pools; imposing requirements for registration; requiring the promulgation of rules; providing penalties; requiring the establishment of maximum reimbursement rates for nursing pools; amending Minnesota Statutes 1980, Section 256B.04, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 144.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Renneke, Berg, Rued, Taylor and Frederickson introduced—

S.F. No. 689: A bill for an act relating to the legislature; reducing by ten percent the compensation paid to members of the legislature; amending Minnesota Statutes 1980, Section 3.099, Subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Peterson, C.C.; Spear; Renneke; Frederickson and Moe, D.M. introduced—

S.F. No. 690: A bill for an act relating to retirement; contributions and benefits of judges and survivors under the uniform retirement and survivors' annuities law; amending Minnesota Statutes 1980, Section 490.124, Subdivisions 9 and 12.

Referred to the Committee on Public Employees and Pensions.

Messrs. Spear, Solon, Sikorski and Ms. Berglin introduced—

S.F. No. 691: A bill for an act relating to corrections; providing programs for women offenders; establishing an advisory board on women offenders in corrections; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 241.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Dieterich introduced—

S.F. No. 692: A bill for an act relating to Ramsey County; stating positions in the unclassified county service; placing employees of the judicial district administrator's office in the unclassified service; amending Laws 1974, Chapter 435, Section 3.02, Subdivision 6, as amended.

Referred to the Committee on Judiciary.

Messrs. Davis, Lindgren, Dahl, Rued and Langseth introduced—

S.F. No. 693: A bill for an act relating to education; authorizing an aid and a levy to reduce class sizes; amending Minnesota Statutes 1980, Sections 124.212, by adding a subdivision; and 275.125, by adding a subdivision; repealing Minnesota Statutes 1980, Section 275.125, Subdivision 7b.

Referred to the Committee on Education.

Messrs. Stern, Tennessen, Petty, Mrs. Brataas and Mr. Spear introduced—

S.F. No. 694: A bill for an act relating to commerce; regulating the manufacture, importation, distribution, sale, leasing and alteration of manufactured homes; conforming state regulatory practices and the state manufactured home building code to federal law; providing for enforcement of the code; prohibiting certain practices; providing civil and criminal penalties; amending Minnesota Statutes 1980, Sections 327.31; 327.32; 327.33; and 327.34, Subdivisions 1, 3, and 4, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 327; repealing Minnesota Statutes 1980, Section 327.34, Subdivision 2.

Referred to the Committee on Commerce.

Messrs. Lindgren, Waldorf, Rued and Knutson introduced—

S.F. No. 695: A bill for an act relating to public welfare; providing access to criminal conviction data of certain applicants for licenses; amending Minnesota Statutes 1980, Section 245.783, Subdivision 3.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Rued introduced—

S.F. No. 696: A bill for an act relating to state lands; authorizing the exchange of certain state lands in Aitkin County.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Sikorski introduced—

S.F. No. 697: A bill for an act relating to commerce; regulating certain subdivided land sales, clarifying the regulation of subdivided lands; providing penalties; amending Minnesota Statutes 1980, Sections 83.20, Subdivisions 1, 5, 11, and by adding subdivisions; 83.21; 83.23; 83.24; 83.25, Subdivision 1; 83.26; 83.27; 83.28; 83.29, by adding subdivisions; 83.30; 83.31; 83.33; 83.34, Subdivision 1; 83.35; 83.36; 83.37; 83.38, Subdivision 2; 83.39; 83.40; 83.41; 83.42; and proposing new law coded in Minnesota Statutes, Chapter 83.

Referred to the Committee on Commerce.

Mr. Nelson introduced—

S.F. No. 698: A bill for an act relating to taxation; property; exempting property held longer than three years by a political subdivision for economic development purposes; amending Minnesota Statutes 1980, Section 272.02, Subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Setzepfandt, Purfeerst, Wegener and Engler introduced—

S.F. No. 699: A bill for an act relating to transportation; authorizing the commissioner of transportation to act as agent for political subdivisions for the construction of roads and bridges under certain circumstances; amending Minnesota Statutes 1980, Section 161.36, Subdivision 3.

Referred to the Committee on Transportation.

Messrs. Peterson, D.L.; Belanger; Rued; Ashbach and Fredrickson introduced—

S.F. No. 700: A resolution memorializing the President, Congress, and the United States Postal Service of Minnesota's opposition to the nine digit zip code.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Knoll, Pehler and Stern introduced—

S.F. No. 701: A bill for an act relating to the board of boxing; requiring certain persons or organizations showing closed circuit boxing broadcasts to furnish a bond; amending Minnesota Statutes 1980, Section 341.05, Subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Taylor introduced—

S.F. No. 702: A bill for an act relating to courts; county conciliation court; clarifying that the court has jurisdiction of certain actions relating to possession or ownership of property; amending Minnesota Statutes 1980, Section 487.30, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Frederickson; Setzepfandt; Peterson, D.L.; Davis and Bertram introduced—

S.F. No. 703: A bill for an act relating to workers' compensation; permitting certain local units of government to join the reinsurance association; amending Minnesota Statutes 1980, Section 79.34, Subdivision 1.

Referred to the Committee on Employment.

Mr. Davies introduced—

S.F. No. 704: A bill for an act relating to tax increment financing; providing

that the establishment or modification of tax increment districts be approved by ordinance of the municipality in which the district is located; amending Minnesota Statutes 1980, Section 273.74, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Engler, Rued, Bernhagen and Spear introduced—

S.F. No. 705: A bill for an act relating to agriculture; establishing a grape research and development program funded by a portion of the wine excise tax; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 340.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Kronebusch, Messrs. Belanger and Ulland introduced—

S.F. No. 706: A bill for an act relating to local government; permitting the cities of Winona and Goodview to impose a tax on the gross receipts from furnishing certain lodging.

Referred to the Committee on Taxes and Tax Laws.

Mr. Pehler introduced—

S.F. No. 707: A bill for an act relating to family; providing for solemnization of marriages by certain court officers; amending Minnesota Statutes 1980, Section 517.04.

Referred to the Committee on Judiciary.

Messrs. Ashbach, Frederickson, Renneke and Spear introduced—

S.F. No. 708: A bill for an act relating to public employees; excluding the executive secretaries of certain state boards from bargaining units; amending Minnesota Statutes 1980, Section 179.74, Subdivision 4.

Referred to the Committee on Public Employees and Pensions.

Messrs. Dicklich and Peterson, C.C. introduced—

S.F. No. 709: A bill for an act relating to occupations and professions; clarifying the definition of the scope of practice of doctors of optometry by authorizing the use of topical ocular diagnostic drugs; proposing new law coded in Minnesota Statutes, Section 148.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Peterson, R.W. and Langseth introduced—

S.F. No. 710: A bill for an act relating to education; authorizing an additional capital expenditure levy limitation; amending Minnesota Statutes 1980, Section 275.125, Subdivision 11a, and by adding a subdivision.

Referred to the Committee on Education.

Messrs. Wegener and Langseth introduced—

S.F. No. 711: A bill for an act relating to education; allowing a school

district to make additional permanent transfers from the pupil transportation fund appropriated for bus purchases to the capital expenditure fund; eliminating a requirement that a levy be reduced by the amount of the transfer; extending the power of certain school districts to pay claims before board approval; amending Minnesota Statutes 1980, Sections 121.912, Subdivision 1; and 123.35, Subdivision 15.

Referred to the Committee on Education.

Mrs. Lantry and Mr. Waldorf introduced—

S.F. No. 712: A bill for an act relating to retirement; city of St. Paul public housing agency; transferring retirement coverage for certain public employees; amending Laws 1977, Chapter 228, Section 3.

Referred to the Committee on Public Employees and Pensions.

Mrs. Lantry, Messrs. Frederick, Engler and Schmitz introduced—

S.F. No. 713: A bill for an act relating to drivers licenses; increasing fees for motorized bicycle operator permits and for driver licenses; establishing a fee for the Minnesota identification card; providing for uniform application fees; requiring reexamination before issuance of a new drivers license after revocation; amending Minnesota Statutes 1980, Sections 171.02, Subdivision 3; 171.06, Subdivisions 1, 2 and 4; 171.07, Subdivision 3; and 171.29.

Referred to the Committee on Transportation.

Mr. Chmielewski introduced—

S.F. No. 714: A bill for an act relating to financial institutions; narrowing a certain exemption relating to the payment of interest on certain escrow accounts; amending Minnesota Statutes 1980, Section 47.20, Subdivision 9.

Referred to the Committee on Commerce.

Mr. Chmielewski introduced—

S.F. No. 715: A bill for an act relating to counties; making state land subject to county land use planning and zoning; amending Minnesota Statutes 1980, Section 394.24, Subdivision 3.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Chmielewski introduced—

S.F. No. 716: A bill for an act relating to workers' compensation; allowing the special compensation fund the right of subrogation to the rights of the employee or employee's dependents under certain circumstances; amending Minnesota Statutes 1980, Section 176.061, Subdivisions 1, 3, 4, 5, 6, and 7.

Referred to the Committee on Employment.

Mr. Chmielewski introduced—

S.F. No. 717: A bill for an act relating to state government; providing for a cafeteria operation revolving fund; appropriating money; proposing new law to be coded in Minnesota Statutes, Chapter 16.

Referred to the Committee on Governmental Operations.

Mr. Willet introduced—

S.F. No. 718: A bill for an act relating to marriage; making the age of consent requirements for boys the same as for girls; amending Minnesota Statutes 1980, Section 517.02.

Referred to the Committee on Judiciary.

Mr. Johnson introduced—

S.F. No. 719: A bill for an act relating to parks; removing authority to lease certain lands within Tettegouche state park; repealing Laws 1979, Chapter 301, Section 10, Subdivision 7.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Chmielewski introduced—

S.F. No. 720: A bill for an act relating to taxation; exempting certain property purchased by the federal government pursuant to the Wild and Scenic Rivers Act; amending Minnesota Statutes 1980, Section 272.02, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Frank and Luther introduced—

S.F. No. 721: A bill for an act relating to insurance; requiring agents to possess a chartered life underwriter's designation or equivalent experience as a condition precedent to obtaining a license as to certain lines of insurance; proposing new law coded in Minnesota Statutes 1980, Chapter 60A.

Referred to the Committee on Commerce.

Messrs. Frank, Luther and Davies introduced—

S.F. No. 722: A bill for an act relating to employment; providing for workers' compensation and unemployment compensation coverage for certain insurance agents; amending Minnesota Statutes 1980, Sections 176.011, Subdivision 9; and 268.04, Subdivision 12.

Referred to the Committee on Employment.

Mr. Merriam introduced—

S.F. No. 723: A bill for an act relating to education; slowing the phase-out of special education services for certain handicapped pupils over age 21; eliminating a restriction on eligibility for those special education services; amending Minnesota Statutes 1980, Section 120.17, Subdivision 1a.

Referred to the Committee on Education.

Messrs. Peterson, C.C.; Bertram; Engler and Lessard introduced—

S.F. No. 724: A bill for an act relating to game and fish; altering requirements for taking and possession; prescribing penalties; amending Minnesota Statutes 1980, Sections 97.4841, Subdivision 2; 98.45, Subdivision 1; 98.46, Subdivisions 2 and 14; 98.47, Subdivision 7; 98.52, Subdivision 1; 99.27, Subdivision 1; and 101.42, Subdivision 10.

Referred to the Committee on Agriculture and Natural Resources.



Mr. Peterson, C.C. introduced—

S.F. No. 725: A bill for an act relating to Independent School District No. 22, Detroit Lakes; appropriating money.

Referred to the Committee on Education.

Messrs. Stern, Luther, Davies and Tennesen introduced—

S.F. No. 726: A bill for an act relating to insurance; modifying the definition of a covered claim for purposes of the state's insurance guaranty association act; amending Minnesota Statutes 1980, Section 60C.09, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Pillsbury, Spear and Frederickson introduced—

S.F. No. 727: A bill for an act relating to retirement; providing for membership of employees of the Suburban Public Health Nursing Service, Incorporated, in the Public Employees Retirement Association; and authorizing the purchase of prior service credits therein.

Referred to the Committee on Public Employees and Pensions.

Mr. Lessard introduced—

S.F. No. 728: A bill for an act relating to the city of Northome; authorizing the establishment of detached banking facilities.

Referred to the Committee on Commerce.

Messrs. Petty, Benson and Sikorski introduced—

S.F. No. 729: A bill for an act relating to commerce; requiring disclosure in motor vehicle transactions; proposing new law coded in Minnesota Statutes, Chapter 168.

Referred to the Committee on Commerce.

Messrs. Petty, Benson and Sikorski introduced—

S.F. No. 730: A bill for an act relating to commerce; requiring invoices on certain repairs; amending Minnesota Statutes 1980, Sections 325F.60; and 325F.64.

Referred to the Committee on Commerce.

Mr. Willet introduced—

S.F. No. 731: A bill for an act relating to courts; prescribing salaries for judges not learned in the law; amending Minnesota Statutes 1980, Section 15A.083, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Petty, Frank and Keefe introduced—

S.F. No. 732: A bill for an act relating to insurance; revising the statutory

provisions relating to surplus lines insurance; clarifying its operation and coverage; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 60A; repealing Minnesota Statutes 1980, Section 60A.20.

Referred to the Committee on Commerce.

Messrs. Hanson; Peterson, D.L.; Dahl; Lessard and Menning introduced—

S.F. No. 733: A bill for an act relating to agriculture; regulating alien ownership of land; providing for permanent resident alien and loss of status; amending Minnesota Statutes 1980, Section 500.221.

Referred to the Committee on Judiciary.

Messrs. Pehler, Davis and Dicklich introduced—

S.F. No. 734: A bill for an act relating to economic development; providing grants to colleges and universities receiving federal small business management grants; appropriating money.

Referred to the Committee on Employment.

Messrs. Dicklich, Johnson and Solon introduced—

S.F. No. 735: A bill for an act relating to local government; regulating the tax levy of the joint recreation and park board of the city of Hibbing and Independent School District 701; amending Laws 1971, Chapter 573, Section 2.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Petty, Dahl and Kroening introduced—

S.F. No. 736: A bill for an act relating to taxation; providing a sales and use tax exemption for energy conservation and renewable energy source devices and materials; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1.

Referred to the Committee on Energy and Housing.

Messrs. Chmielewski and Wegener introduced—

S.F. No. 737: A bill for an act relating to limitation of actions; exempting town roads from the marketable title act; amending Minnesota Statutes 1980, Section 541.023, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Sikorski introduced—

S.F. No. 738: A bill for an act relating to metropolitan government; revising the metropolitan agricultural preserves act; amending Minnesota Statutes 1980, Sections 473H.02, Subdivisions 2 and 3; 473H.04, Subdivisions 1 and 2; 473H.05, Subdivision 1, and by adding a subdivision; 473H.06, Subdivisions 1, 2 and 5; 473H.08, Subdivision 4; 473H.09; 473H.14; 473H.15, by adding a subdivision; and 473H.16, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 473H.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Wegener and Davis introduced—

S.F. No. 739: A bill for an act relating to gas utility rates; clarifying rate schedules for certain customers; proposing new law coded in Minnesota Statutes, Chapter 216B.

Referred to the Committee on Commerce.

Messrs. Nichols and Nelson introduced—

S.F. No. 740: A bill for an act relating to soil and water conservation; imposing duties upon land occupiers to apply and maintain water erosion control systems in accordance with certain rules of soil and water conservation districts; proposing new law coded in Minnesota Statutes, Chapter 40.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Penny introduced—

S.F. No. 741: A bill for an act relating to the town of Woodville; permitting payment of the cemetery directors; amending Laws 1959, Chapter 149, Section 1.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Pillsbury introduced—

S.F. No. 742: A bill for an act relating to retirement; granting certain military service credit for teachers; amending Minnesota Statutes 1980, Section 354.53, Subdivisions 1 and 3.

Referred to the Committee on Public Employees and Pensions.

Mr. Frank introduced—

S.F. No. 743: A bill for an act relating to state government; establishing a Minnesota federal intervention board; authorizing the board to intervene before various bodies of the federal government; providing a staff for intervention proceedings; appropriating money; amending Minnesota Statutes 1980, Sections 216A.05, Subdivision 6; 216B.62, Subdivision 3; and 237.295, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 15; repealing Minnesota Statutes 1980, Section 45.17, Subdivision 7.

Referred to the Committee on Governmental Operations.

Messrs. Hanson; Langseth; Moe, R.D.; Nichols and Peterson, C.C. introduced—

S.F. No. 744: A bill for an act relating to natural resources; changing and clarifying administrative provisions regarding watershed districts; increasing per diem for district managers; stating procedures for adopting rules by managers; requiring revision of certain plans every ten years; allowing cash bonds; permitting use of a map to show an assessment area; clarifying emergency procedures; amending Minnesota Statutes 1980, Sections 105.71, Subdivision 1a, and by adding subdivisions; 106.271; 106.471, Subdivision 1; 112.35, Subdivision 19, and by adding a subdivision; 112.36; 112.37, Subdivision 1; 112.39, Subdivision 1; 112.42, Subdivisions 5 and 6; 112.43, Subdivisions 1, 3, and by adding a subdivision; 112.46; 112.47; 112.48, Subdivisions 1, 2,

and 4; 112.49, Subdivisions 1 and 7; 112.53, Subdivision 1; 112.58; 112.61, Subdivision 3; 112.62, Subdivision 1; 112.64; 112.65, Subdivision 2; and 112.801, Subdivision 8.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Nichols introduced—

S.F. No. 745: A bill for an act relating to veterans; requiring the commissioner of veterans affairs to furnish an American flag to the nearest surviving relative of a deceased veteran who served six or more years in the Minnesota National Guard; amending Minnesota Statutes 1980, Section 196.05.

Referred to the Committee on Veterans' Affairs.

Mr. Lessard introduced—

S.F. No. 746: A bill for an act relating to the Greenway joint recreation board; regulating its tax levies.

Referred to the Committee on Education.

Mr. Hanson introduced—

S.F. No. 747: A bill for an act relating to motor vehicles; permitting political subdivisions to use removable identification devices on certain tax exempt vehicles; amending Minnesota Statutes 1980, Section 168.012, Subdivision 1.

Referred to the Committee on Transportation.

Mr. Merriam introduced—

S.F. No. 748: A bill for an act relating to juveniles; prescribing the elements of a prima facie case for referring a child to adult court for criminal prosecution; amending Minnesota Statutes 1980, Section 260.125, Subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Bertram, Olhofs, Davis and Berg introduced—

S.F. No. 749: A bill for an act relating to labor; regulating certain steam engine and boiler operators; exempting certain operators from testing requirements; amending Minnesota Statutes 1980, Section 183.411.

Referred to the Committee on Governmental Operations.

Messrs. Bertram, Olhofs, Menning and Renneke introduced—

S.F. No. 750: A bill for an act relating to insurance; broadening the investment authority of township mutual insurance companies; prescribing record-keeping duties; providing remedies; proposing new law coded in Minnesota Statutes, Chapter 67A; repealing Minnesota Statutes 1980, Sections 67A.23 and 67A.24.

Referred to the Committee on Commerce.

Messrs. Merriam; Moe, R.D. and Ashbach introduced—

S.F. No. 751: A bill for an act relating to open space and recreation; providing for costs of acquisition and betterment of regional recreation open

space lands by the metropolitan council and metropolitan area local governmental units; authorizing issuance of state bonds; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Pillsbury introduced—

S.F. No. 752: A bill for an act proposing an amendment to the Minnesota Constitution, changing Article IV, Sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25 and 26; Article VIII, Section 1; Article IX, Sections 1 and 2; and Article XI, Section 5; providing for a unicameral legislature of 135 members.

Referred to the Committee on Governmental Operations.

Messrs. Peterson, C.C.; Renneke; Ms. Berglin; Mrs. Stokowski and Mr. Pehler introduced—

S.F. No. 753: A bill for an act relating to retirement; public employees retirement association; reducing the additional employer contributions made for coordinated members; restoring the post-retirement fund to full amount; providing less of a reduction for election of an optional annuity; increasing the amount paid to the beneficiary of a deceased member; providing an additional surviving spouse optional annuity; amending Minnesota Statutes 1980, Sections 353.27, Subdivision 3a; 353.271, by adding a subdivision; 353.30, Subdivision 3; 353.32, Subdivision 1, and by adding a subdivision; and 353.657, by adding a subdivision.

Referred to the Committee on Public Employees and Pensions.

Mr. Spear, Ms. Berglin, Messrs. Solon and Sikorski introduced—

S.F. No. 754: A bill for an act relating to public welfare; establishing a sliding fee schedule payment program for child care; appropriating money; amending Minnesota Statutes 1980, Section 245.84, Subdivision 2.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Menning, Hughes and Bernhagen introduced—

S.F. No. 755: A bill for an act relating to education; authorizing school districts to reduce an authorized increase in levy amounts; amending Minnesota Statutes 1980, Section 275.125, Subdivision 2a.

Referred to the Committee on Education.

Messrs. Nelson; Tennessen; Moe, R.D.; Ashbach and Ulland introduced—

S.F. No. 756: A bill for an act relating to the University of Minnesota hospitals; authorizing the sale of state bonds and loan of the proceeds of the sale to the board of regents of the University of Minnesota; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Nelson introduced—

S.F. No. 757: A bill for an act relating to public employees; regulating arbitration decisions in disputes involving local governments and essential, supervisory and confidential employers, principals, and assistant principals;

amending Laws 1979, Chapter 332, Article I, Section 116, as amended.

Referred to the Committee on Public Employees and Pensions.

Messrs. Solon and Ulland introduced—

S.F. No. 758: A bill for an act relating to the city of Duluth; authorizing the city to continue to issue the number of liquor licenses it was authorized to issue in the year 1980.

Referred to the Committee on Commerce.

Messrs. Penny and Stern introduced—

S.F. No. 759: A bill for an act relating to transportation; establishing a rail bank account; providing for the deposit of money in the rail bank account and specifying the purposes for which it may be expended; appropriating money; amending Minnesota Statutes 1980, Sections 222.49; 222.50, Subdivision 7; 222.63, by adding a subdivision; and Laws 1980, Chapter 610, Section 1.

Referred to the Committee on Transportation.

Messrs. Frank and Knoll introduced—

S.F. No. 760: A bill for an act relating to occupational and professional licensing; removing the consecutive term restriction from the board of nursing; removing delinquent and non-practicing statuses; providing for nursing permits; repealing outdated statutes; amending Minnesota Statutes 1980, Sections 148.181, Subdivision 2; 148.231, Subdivisions 1, 4, 5, and 6; 148.271; 148.294 and 148.295; repealing Minnesota Statutes 1980, Section 148.231, Subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Frank introduced—

S.F. No. 761: A bill for an act relating to health; establishing a fund to compensate employees with disabilities attributable to occupational diseases and to smoking; imposing an additional excise tax on cigarettes; imposing duties on the commissioner of labor and industry; amending Minnesota Statutes 1980, Sections 297.02, Subdivision 1; and 297.13; proposing new law coded in Minnesota Statutes, Chapter 176.

Referred to the Committee on Employment.

Messrs. Solon, Pehler, Johnson, Dicklich and Ulland introduced—

S.F. No. 762: A bill for an act relating to retirement; transferring jurisdiction over investment of funds of the public employees retirement association from the state board of investment to the public employees retirement association board of trustees; amending Minnesota Statutes 1980, Sections 11A.14, Subdivision 5; 11A.23, Subdivision 4; 353.05; and 353.06; proposing new law coded in Minnesota Statutes, Chapter 353; repealing Minnesota Statutes 1980, Section 353.271.

Referred to the Committee on Public Employees and Pensions.

Messrs. Knoll, Humphrey, Hanson, Waldorf and Kroening introduced—

S.F. No. 763: A bill for an act relating to the cities of Minneapolis and St.

Paul; authorizing the implementation of energy conservation programs; authorizing the financing of residential energy conservation programs; authorizing the issuance of qualified mortgage bonds.

Referred to the Committee on Energy and Housing.

Mr. Dieterich introduced—

S.F. No. 764: A bill for an act relating to unemployment compensation; providing that holiday pay not be deducted from benefits; amending Minnesota Statutes 1980, Section 268.07, Subdivision 2.

Referred to the Committee on Employment.

Messrs. Keefe, Ramstad and Renneke introduced—

S.F. No. 765: A bill for an act relating to workers' compensation; excluding certain van pooling operations from coverage; proposing new law coded in Minnesota Statutes, Chapter 176.

Referred to the Committee on Employment.

Messrs. Merriam, Peterson, C.C.; Hanson and Setzepfandt introduced—

S.F. No. 766: A bill for an act relating to taxation; reducing the rate of taxation of certain corporate and bank income; eliminating use of the arithmetic average for apportionment of income; amending Minnesota Statutes 1980, Sections 290.06, Subdivision 1; 290.19, Subdivision 1; and 290.361, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dicklich and Solon introduced—

S.F. No. 767: A bill for an act relating to counties; providing for publication of certain salary and expense information; amending Minnesota Statutes 1980, Section 375.17.

Referred to the Committee on Judiciary.

Mr. Stern introduced—

S.F. No. 768: A bill for an act relating to pollution; providing funds for the costs relating to resolution of groundwater contamination problems at the site of the Reilly Tar and Chemical Company in St. Louis Park; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, March 16, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate