

THIRTY-SECOND DAY

St. Paul, Minnesota, Thursday, April 9, 1981

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

Prayer was offered by the Chaplain, Rev. Kenneth J. Siess.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Moe, D.M. and Sikorski were excused from the Session of today. Mr. Hughes was excused from the Session of today from 11:00 a.m. to 12:15 p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 8, 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. 345.

Sincerely yours,

Albert H. Quie, Governor

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 355: A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees; appropriating funds; amending Laws 1979, Chapter 293, Section 10, Subdivision 3.

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

Delete everything after the enacting clause and insert:

“Section 1. [POST RETIREMENT ADJUSTMENT; LUMP SUM PAYMENTS.]

Subdivision 1. [ENTITLEMENT.] Any person who is receiving a retirement annuity, a disability benefit or a surviving spouse's annuity or benefit from a retirement fund specified in subdivision 3, clauses (1) to (5), which was computed under the laws in effect prior to June 1, 1973, if the person is receiving an annuity or benefit from the retirement fund specified in subdivision 3, clause (4), or prior to July 1, 1973, if the person is receiving an annuity or benefit from a retirement fund specified in subdivision 3, clause (1), (2), (3) or (5), and any person who is receiving a “\$2 bill and annuity” annuity from the retirement fund specified in subdivision 3, clause (6), and any person who is receiving a retirement annuity, a disability or a surviving spouse's annuity or benefit from the retirement fund specified in subdivision 3, clause (5), which was computed under the metropolitan transit commission-transit operating division employees retirement fund plan document in effect on or prior to December 31, 1977, shall be entitled to receive a post retirement adjustment from the applicable retirement fund in the amount specified in subdivision 2.

Subd. 2. [AMOUNT OF POST RETIREMENT ADJUSTMENT; PAYMENT.] For any person receiving an annuity or benefit on November 30, 1981, or on November 30, 1982, and entitled to receive a post retirement adjustment pursuant to subdivision 1, the post retirement adjustment shall be a lump sum payment in an amount equal to \$16 during 1981 and \$17 during 1982 for each full year of allowable service credited to the person by the respective retirement fund. The post retirement adjustment provided for in this section shall be payable for those persons receiving an annuity or benefit on November 30, 1981, on December 1, 1981, and for those persons receiving an annuity or benefit on November 30, 1982, on December 1, 1982. Nothing in this section shall authorize the payment of a post retirement adjustment to an estate. Notwithstanding Minnesota Statutes, Section 356.18, the post retirement adjustment provided for in this section shall be paid automatically unless the intended recipient files a written notice with the retirement fund requesting that the post retirement adjustment not be paid.

Subd. 3. [COVERED RETIREMENT FUNDS.] The post retirement adjustment provided for in this section shall apply to the following retirement funds:

- (1) *Public employees retirement fund;*
- (2) *Public employees police and fire fund;*
- (3) *Teachers retirement fund;*
- (4) *Highway patrol retirement fund;*
- (5) *State employees retirement fund of the Minnesota state retirement system; and*
- (6) *Minneapolis employees retirement fund.*

Subd. 4. [TERMINAL AUDIT.] Each covered retirement fund as specified in subdivision 3 shall, as soon as is practical following the payment of the December 1, 1981, and December 1, 1982, post retirement adjustments, calculate the amount of any appropriation apportioned to it which is in excess of the amounts required to pay the post retirement adjustments provided for in this act. The calculations required by this paragraph shall be reported to and verified by the commissioner of finance and amounts equal to these reported excess appropriation amounts shall be returned to the general fund.

Sec. 2. [APPROPRIATION.]

There is hereby appropriated during the 1982-83 biennium, the amount of \$..... for the purpose of funding the post retirement adjustments provided for in this section. The appropriation shall be apportioned to the retirement funds paying the post retirement adjustment as follows:

	FY 1982	FY 1983
<i>public employees retirement fund</i>	<i>\$.....</i>	<i>\$.....</i>
<i>public employees police and fire fund</i>	<i>.....</i>	<i>.....</i>
<i>teachers retirement fund</i>	<i>.....</i>	<i>.....</i>
<i>highway patrol retirement fund</i>	<i>.....</i>	<i>.....</i>
<i>state employees retirement fund</i>	<i>.....</i>	<i>.....</i>
<i>Minneapolis employees retirement fund</i>	<i>.....</i>	<i>.....</i>

Sec. 3. [EFFECTIVE DATE.]

This act is effective July 1, 1981."

Amend the title as follows:

Page 1, line 4, after "funds" delete the semicolon and insert a period

Page 1, delete lines 5 and 6

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

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

S. F. No. 539: A bill for an act relating to marriage dissolution; changing certain provisions relating to child custody; providing for joint custody in certain cases; amending Minnesota Statutes 1980, Sections 518.003, by adding a subdivision; and 518.17.

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

Delete everything after the enacting clause and insert:

"ARTICLE I

Section 1. Minnesota Statutes 1980, Section 257.34, Subdivision 1, is amended to read:

Subdivision 1. The mother and father of an illegitimate child may, in a writing signed by both of them before a notary public, declare and acknowledge under oath that they are the biological parents of the child. The declaration may provide that any illegitimate child born to the mother ~~on or~~ *at any time before or up to ten months after the date of execution of the declaration* is the biological child of the signatories. Execution of the declaration shall:

(a) Have the same consequences as an acknowledgement by the signatories of parentage of the child for the purposes of sections 62A.041 and 62C.14, subdivision 5a;

(b) Be conclusive evidence that the signatories are parents of the child for the purposes of sections 176.111 and 197.09 to 197.11;

(c) Have the same consequences as an acknowledgement by the father of paternity of the child for the purposes of sections ~~257.251~~ 257.57 and ~~257.252~~ 257.66;

(d) When timely filed with the division of vital statistics of the Minnesota department of health as provided in section 259.261, qualify as an affidavit stating the intention of the signatories to retain parental rights as provided in section 259.261 if it contains the information required by section 259.261 or rules promulgated thereunder;

(e) Have the same consequences as a writing declaring paternity of the child for the purposes of section 525.172; and

(f) Be conclusive evidence that the signatories are parents of the child for the purposes of chapter 573.

Sec. 2. Minnesota Statutes 1980, Section 518.003, is amended by adding a subdivision to read:

Subd. 3. [CUSTODY.] Unless otherwise agreed by the parties:

(a) "Legal custody" means the right to determine the child's upbringing, including education, health care and religious training.

(b) "Joint legal custody" means that both parents have equal rights and responsibilities, including the right to participate in major decisions determining the child's upbringing, including education, health care and religious training.

(c) "Physical custody and residence" means the routine daily care and control and the residence of the child.

(d) "Joint physical custody" means that the routine daily care and control and the residence of the child is structured between the parties.

(e) Wherever used in this chapter, the term "custodial parent" or "custodian" means the person who has the physical custody of the child at any particular time.

Sec. 3. Minnesota Statutes 1980, Section 518.09, is amended to read:

518.09 [PROCEEDING; HOW AND WHERE BROUGHT; VENUE.]

A proceeding for dissolution or legal separation may be brought by either or

both spouses and shall be commenced by personal service of the summons and petition venued in the county where ~~the petitioner either spouse resides or, if the petitioner is not a resident of the state, then venued in the county where the respondent resides.~~ If neither party resides in the state and jurisdiction is based on the domicile of ~~one or both of the parties either spouse,~~ the proceeding may be brought in the county where either party is domiciled. *If neither party resides or is domiciled in this state and jurisdiction is premised upon one of the parties being a member of the armed services stationed in this state for not less than 180 days immediately preceding the commencement of the proceeding, the proceeding may be brought in the county where the member is stationed.* This venue shall be subject to the power of the court to change the place of hearing by consent of the parties, or when it appears to the court that an impartial hearing cannot be had in the county where the proceedings are pending, or when the convenience of the parties or the ends of justice would be promoted by the change. No summons shall be required if a joint petition is filed.

Sec. 4. Minnesota Statutes 1980, Section 518.131, is amended by adding a subdivision to read:

Subd. 1a. [EVIDENCE NOT REQUIRED IN CERTAIN CASES.] A restraining order or temporary order pursuant to this section or a final decree may contain the order set out in subdivision 1, clause (f), with no requirement that evidence on the matter be presented.

Sec. 5. Minnesota Statutes 1980, Section 518.131, Subdivision 3, is amended to read:

Subd. 3. A party may request and the court may make an *ex parte order or ex parte* restraining order which may include any matter that may be included in a temporary order except:

(a) A restraining order may not exclude either party from the family home of the parties except upon a finding by the court of immediate danger of physical harm to the other party or the children of either party; and

(b) A restraining order may not deny visitation to either party or grant custody of the minor children to either party except upon a finding by the court of immediate danger of physical harm to the minor children of the parties.

Sec. 6. Minnesota Statutes 1980, Section 518.131, Subdivision 4, is amended to read:

Subd. 4. [SERVICE OF ORDERS.] Restraining orders shall be personally served upon the party to be restrained and shall be accompanied with a notice of the time and place of hearing for disposition of the matters contained in the restraining order at a hearing for a temporary order. *An ex parte restraining order pursuant to subdivision 3 may be served on the party to be restrained at the same time and in the same manner as the summons and petition.* When a restraining order has been issued, a hearing on the temporary order shall be held at the earliest practicable date. The restrained party may upon written notice to the other party advance the hearing date to a time earlier than that noticed by the other party. The restraining order shall continue in full force and effect only until the hearing time noticed, unless the court, for good cause and upon notice extends the time for hearing.

Sec. 7. Minnesota Statutes 1980, Section 518.131, is amended by adding a

subdivision to read:

Subd. 11. [EXPEDITED HEARING.] Upon a showing within the application for temporary relief or upon a separate motion supported by an affidavit of necessity for emergency financial or other relief, the court shall schedule an expedited hearing not less than five days nor more than 14 days from the date of filing of the application for temporary relief or other motion and may, for good cause shown, shorten the time for service of the pleading and hearing thereon.

Sec. 8. Minnesota Statutes 1980, Section 518.145, is amended to read:

518.145 [DECREE.]

A decree of dissolution of marriage or of legal separation is final when entered, subject to the right of appeal. *When entered, the findings of fact and conclusions of law may constitute the judgment and decree.* An appeal from the decree of dissolution that does not challenge the finding that the marriage is irretrievably broken does not delay the finality of that provision of the decree which dissolves the marriage beyond the time for appealing from that provision. A party may remarry before the time for appeal has run if it is not contested that the marriage is irretrievably broken or if a stipulation that the marriage is irretrievably broken is incorporated in the decree of dissolution.

Sec. 9. Minnesota Statutes 1980, Section 518.17, is amended to read:

518.17 [CUSTODY AND SUPPORT OF CHILDREN ON JUDGMENT.]

Subdivision 1. [THE BEST INTERESTS OF THE CHILD.] "The best interests of the child" means all relevant factors to be considered and evaluated by the court including:

- (a) The wishes of the child's parent or parents as to his custody;
- (b) The reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;
- (c) The interaction and interrelationship of the child with his parent or parents, his siblings, and any other person who may significantly affect the child's best interests;
- (d) The child's adjustment to his home, school, and community;
- (e) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- (f) The permanence, as a family unit, of the existing or proposed custodial home;
- (g) The mental and physical health of all individuals involved;
- (h) The capacity and disposition of the parties to give the child love, affection, and guidance, and to continue educating and raising the child in his culture and religion or creed, if any; and
- (i) The child's cultural background.

The court shall not consider conduct of a proposed custodian that does not affect his relationship to the child.

Subd. 2. [FACTORS WHEN JOINT CUSTODY IS SOUGHT.] *In addition to the factors listed in subdivision 1, where either joint legal or joint physical*

custody is contemplated or sought, the court shall consider the following relevant factors:

(a) *The ability of parents to cooperate in the rearing of their children;*

(b) *Methods for resolving disputes regarding any major decision concerning the life of the child, and the parents' willingness to use those methods; and*

(c) *Whether it would be detrimental to the child if one parent were to have sole authority over the child's upbringing.*

Subd. 3. [JOINT CUSTODY AGREEMENT.] In the event that both parties in a dissolution proceeding agree to joint legal custody or joint physical custody, it shall be presumed that the joint custody arrangements agreed to by the parties are in the best interests of the child. The court shall include the agreement in its judgment and decree unless it makes specific findings stating the reason why the joint custody agreement is not in the best interests of the child.

Subd. 4. [CUSTODY ORDER.] Upon adjudging the nullity of a marriage, or a dissolution or separation, or a child custody proceeding, the court ~~may~~ shall make such further order as it deems just and proper concerning the care, custody, and maintenance of the minor children of the parties and may determine with which of the parents they, or any of them, shall remain : (a) the legal custody of the minor children of the parties which shall be sole or joint; (b) their physical custody and residence; and (c) their support. In determining the parent with whom a child shall remain custody, the court shall consider the best interests of the child and shall not prefer one parent over the other solely on the basis of the sex of the parent.

Subd. 3 5. [CHILD SUPPORT.] The court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for his support, without regard to marital misconduct, after considering all relevant factors including:

(a) *The financial resources and needs of the child;*

(b) *The financial resources and needs of ~~the custodial parent~~ each party;*

(c) *The standard of living the child would have enjoyed had the marriage not been dissolved; and*

(d) *The physical and emotional condition of the child, and his educational needs; and*

(e) *The financial resources and needs of the noncustodial parent.*

Sec. 10. Minnesota Statutes 1980, Section 518.54, Subdivision 5, is amended to read:

Subd. 5. [MARITAL PROPERTY; EXCEPTIONS.] "Marital property" means property, real or personal, including vested pension benefits or rights, acquired by the parties, or either of them, to a dissolution, legal separation, or annulment proceeding at any time during the existence of the marriage relation between them, or at any time during which the parties were living together as husband and wife under a purported marriage relationship which is annulled in an annulment proceeding. All property acquired by either spouse subsequent to the marriage and before a decree of legal separation is presumed to be marital

property regardless of whether title is held individually or by the spouses in a form of co-ownership such as joint tenancy, tenancy in common, tenancy by the entirety, or community property. *Each spouse has a common ownership in marital property that vests not later than the time of the entry of the decree in a proceeding for dissolution or annulment. The extent of the vested interest shall be determined and made final by the court pursuant to section 518.58 and any amendments thereto.* The presumption of marital property is overcome by a showing that the property is of a type listed in clauses (a) to (e) non-marital property.

“Non-marital property” means property real or personal, acquired by either spouse before, during, or after the existence of their marriage, which

(a) is acquired as a gift, bequest, devise or inheritance made by a third party to one but not to the other spouse;

(b) is acquired before the marriage;

(c) is acquired in exchange for or is the increase in value of property which is described in clauses (a), (b), (d), and (e);

(d) is acquired by a spouse after a decree of legal separation; or

(e) is excluded by a valid antenuptial contract.

Sec. 11. Minnesota Statutes 1980, Section 518.551, is amended to read:

518.551 [MAINTENANCE AND SUPPORT PAYMENTS MADE TO WELFARE AGENCIES.]

Subdivision 1. [ORDER FOR PAYMENTS.] A court having jurisdiction over proceedings for dissolution or legal separation shall direct that all payments ordered for maintenance and support shall be made to the agency responsible for the welfare payments, when it appears that the party who is to receive the maintenance and support payments will receive public assistance. Amounts received by the agency greater than the amount granted to the party receiving public assistance shall be remitted to that party.

The petitioner shall notify the agency responsible for the welfare payments of all proceedings for dissolution, legal separation or for the custody of a child if either party is receiving aid to families of dependent children or applies for such aid subsequent to the commencement of the proceeding. After receipt of the notice, the agency shall recommend to the court the support that is proper and adequate for the care and support of the child or children before the issuance of the order for judgment and decree in the proceeding.

If the court finds in a dissolution or legal separation proceeding before issuing the order for judgment and decree that notification has not been given to the agency responsible for the welfare payments, the court shall order that notification be made and shall not issue its order for judgment and decree until the agency has made its recommendations. In those proceedings in which no notification has been made pursuant to this section and in which the agency determines that the judgment is not proper and adequate for the care and support of the child or children, it may petition the court for a redetermination of the support payments ordered.

Subd. 2. [SERVICE FEE.] When the public agency responsible for child support enforcement provides child support collection services either to a

public assistance recipient or to a party who does not receive public assistance, the public agency may upon written notice to the obligor charge a collection fee of \$2 per month during the time it provides collection services, in addition to the amount of the child support which was ordered by the court. The fee shall be deposited in the county general fund. No fee shall be imposed on the party who requests child support collection services.

Sec. 12. Minnesota Statutes 1980; Section 518.58, is amended to read:

518.58 [DISPOSITION OF MARITAL PROPERTY.]

Upon a dissolution of a marriage, an annulment, or in a proceeding for disposition of property following a dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property and which has since acquired jurisdiction, the court shall make a just and equitable disposition of the marital property of the parties without regard to marital misconduct, after making findings regarding the disposition of the property. The court shall base its findings on all relevant factors including the length of the marriage, any prior marriage of a party, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, needs, and opportunity for future acquisition of capital assets, the amount of support, maintenance and income of each party, whether the property award is in lieu of or in addition to maintenance or support. The court shall also consider the contribution of each in the acquisition, preservation, depreciation or appreciation in the amount or value of the marital property, as well as the contribution of a spouse as a homemaker. It shall be presumed that each spouse made a substantial contribution to the acquisition of income and property while they were living together as husband and wife. The court may also award to either spouse the household goods and furniture of the parties, whether or not acquired during the marriage.

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

Unless otherwise specifically set forth in the decree, if in a decree of dissolution one party is awarded the homestead and the other party is awarded a fixed dollar amount based on an assumed or appraised market value of the homestead and within 24 months following the decree the homestead is sold, within six months of the sale either party may petition, and the court may grant, an apportionment of the proceeds in the proportion awarded in the decree, based upon the net sale price rather than the assumed or appraised market value. This paragraph shall not apply to a decree of dissolution entered before May 30, 1979.

If the court finds that it is necessary to preserve the marital assets of the

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

Sec. 13. Minnesota Statutes 1980, Section 518.64, Subdivision 2, is amended to read:

Subd. 2. The terms of a decree respecting maintenance or support may be modified upon a showing *either of substantially increased or decreased earnings, or income or financial circumstances of a party or of substantially increased or decreased need of a party or the children of the parties*, which makes the terms unreasonable and unfair. On a motion for modification of support, the court shall take into consideration the needs of the children and the financial circumstances of ~~the custodial parent's spouse, if any~~ *both parties including their spouses*. A modification which decreases support or maintenance may be made retroactive only upon a showing that any failure to pay in accord with the terms of the original order was not willful. A modification which increases support or maintenance shall not be made retroactive if the obligor has substantially complied with the previous order. Except for an award of the right of occupancy of the homestead, provided in section 518.63, all divisions of real and personal property provided by section 518.58 shall be final, and may be revoked or modified only where the court finds the existence of conditions that justify reopening a judgment under the laws of this state. The court may impose a lien or charge on the divided property at any time while the property, or subsequently acquired property, is owned by the parties or either of them, for the payment of maintenance or support money, or may sequester the property as is provided by section 518.24.

Sec. 14. [EFFECTIVE DATE.]

Sections 3, 7, 12, and 13 are effective the day following final enactment. Section 10 is effective on July 1, 1981, for child support collection cases pending or opened on or after that date.

ARTICLE II

Section 1. [518C.01] [PURPOSES.]

The purposes of sections 1 to 37 are to improve and extend by reciprocal legislation the enforcement of the duties of support.

Sec. 2. [518C.02] [DEFINITIONS.]

Subdivision 1. [TERMS.] *For the purposes of sections 1 to 37, the terms defined in this section shall have the meanings given to them.*

Subd. 2. [COURT.] *"Court" means the district or a county court of this state and, when the context requires, means the court of another state as defined in a substantially similar reciprocal law.*

Subd. 3. [DUTY OF SUPPORT.] *"Duty of support" means a duty of support, whether imposed or imposable by law or by order, decree or judgment of a court, whether interlocutory or final, or whether incidental to an action for dissolution, legal separation, separate maintenance or otherwise and includes the duty to pay arrearages of support past due and unpaid.*

Subd. 4. [GOVERNOR.] "Governor" includes a person performing the functions of governor or the executive authority of any state covered by sections 1 to 37.

Subd. 5. [INITIATING STATE; INITIATING COURT.] "Initiating state" means a state in which a proceeding under this or a substantially similar reciprocal law is commenced. "Initiating court" means the court in which a proceeding is commenced.

Subd. 6. [LAW.] "Law" includes both common and statutory law.

Subd. 7. [OBLIGEE.] "Obligee" means a person, including a state or political subdivision, to whom a duty of support is owed or a person, including a state or a political subdivision, that has commenced a proceeding for enforcement of an alleged duty of support or for registration of a support order. It is immaterial if the person to whom a duty of support is owed is a recipient of public assistance.

Subd. 8. [OBLIGOR.] "Obligor" means a person owing a duty of support or against whom a proceeding for the enforcement of a duty of support or registration of a support order is commenced.

Subd. 9. [PROSECUTING ATTORNEY.] "Prosecuting attorney" means the public official in the appropriate place who has the duty to enforce criminal laws relating to the failure to provide for the support of any person.

Subd. 10. [REGISTER.] "Register" means to file in the office of the clerk of the court.

Subd. 11. [REGISTERING COURT.] "Registering court" means a court of this state in which a support order of a rendering state is registered.

Subd. 12. [RENDERING STATE.] "Rendering state" means a state in which a court has issued a support order for which registration is sought or granted in the court of another state.

Subd. 13. [RESPONDING STATE; RESPONDING COURT.] "Responding state" means a state in which any responsive proceeding under a proceeding in the initiating state is commenced. "Responding court" means the court in which a responsive proceeding is commenced.

Subd. 14. [STATE.] "State" includes a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and a foreign jurisdiction in which this or a substantially similar reciprocal law is in effect.

Subd. 15. [SUPPORT ORDER.] "Support order" means a judgment, decree or order of support in favor of an obligee, whether temporary or final, or subject to modification, revocation, or remission, regardless of the kind of action or proceeding in which it is entered.

Sec. 3. [518C.03] [HOW DUTIES OF SUPPORT ENFORCED.]

All duties of support, including the duty to pay arrearages, are enforceable by a proceeding under sections 1 to 37, including a proceeding for civil contempt. The defense that the parties are immune to suit because of their relationship as husband and wife, or parent and child is not available to the obligor.

Sec. 4. [518C.04] [RULES OF CIVIL PROCEDURE.]

The rules of civil procedure for the district court apply to proceedings under sections 1 to 37, except as otherwise provided therein.

Sec. 5. [518C.05] [JURISDICTION.]

Except in Hennepin and Ramsey counties, jurisdiction of a proceeding under sections 1 to 37 is vested in the county court. In Hennepin and Ramsey counties, jurisdiction of a proceeding under sections 1 to 37 is vested in the district court.

Sec. 6. [518C.06] [CONTENTS AND FILING OF PETITION FOR SUPPORT; VENUE.]

Subdivision 1. [CONTENTS.] The petition shall be verified and shall state the name and, so far as known to the obligee, the address and circumstances of the obligor and the persons for whom support is sought, and all other pertinent information. The obligee may include in or attach to the petition any information that may help in locating, or identifying, the obligor, including a photograph of the obligor, a description of any distinguishing marks on his person, other names and aliases by which he has been or is known, the name of his employer, his fingerprints and his social security number.

Subd. 2. [FILING.] The petition may be filed in the appropriate court of a state in which the obligee resides. The court shall not decline or refuse to accept and forward the petition on the ground that it should have been filed with some other court of this or any other state where there is pending another action for legal separation, annulment, dissolution, habeas corpus, adoption, or custody between the same parties, or where another court has already issued a support order in some proceeding and has retained jurisdiction for its enforcement.

Sec. 7. [518C.07] [PROSECUTING ATTORNEY TO REPRESENT OBLIGEE.]

If this state is acting as an initiating state, the prosecuting attorney shall represent the obligee in a proceeding under sections 1 to 37. If the prosecuting attorney neglects or refuses to represent the obligee, the attorney general may undertake the representation. In addition to the foregoing representation, an attorney retained by the obligee may represent the obligee in an interstate proceeding under sections 1 to 37.

Sec. 8. [518C.08] [PETITION FOR A MINOR.]

A petition on behalf of a minor obligee may be executed and filed by a person having legal custody of the minor without appointment as guardian ad litem.

Sec. 9. [518C.09] [DUTY OF INITIATING COURT.]

If the initiating court finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support, and that a court of the responding state may obtain jurisdiction of the obligor or his property, it shall so certify and cause three copies of the petition and its certificate and one copy of sections 1 to 37 to be sent to the responding court. Certification shall be in accordance with the requirements of the initiating state. If the name and address of the responding court are unknown and the responding state has an information agency comparable to that established in the initiating state, it

shall cause the copies to be sent to the state information agency or other proper official of the responding state, with a request that the agency or official forward them to the proper court and that the court of the responding state acknowledge their receipt to the initiating court.

Sec. 10. [518C.10] [COURT COSTS AND FEES.]

An initiating court shall not require payment of either a filing fee or other costs from the obligee, but may request the responding court to collect fees and costs from the obligor. A responding court shall not require payment of a filing fee or other costs from the obligee, but it may direct that all fees and costs requested by the initiating court and incurred in this state when acting as a responding state, including fees for filing of pleadings, service of process, seizure of property, stenographic or duplication service, or other service supplied to the obligor, be paid, in whole or in part, by the obligor or by the state or political subdivision thereof. These costs or fees do not have priority over amounts due to the obligee.

Sec. 11. [518C.11] [JURISDICTION BY ARREST.]

If the court of this state believes that the obligor may flee it may:

(1) As an initiating court, request in its certificate that the responding court obtain the person of the obligor by appropriate process; or

(2) As a responding court, obtain the person of the obligor by appropriate process.

Thereupon, it may release him either upon his own recognizance or upon his giving a bond in an amount set by the court to assure his appearance at the hearing.

Sec. 12. [518C.12] [STATE INFORMATION AGENCY.]

Subdivision 1. [DESIGNATION; DUTIES.] The department of public welfare is designated as the state information agency under sections 1 to 37. It shall:

(1) Compile a list of the courts and their addresses in this state having jurisdiction under sections 1 to 37 and transmit that information to the state information agency of every other state which has adopted the same or a substantially similar law. Upon the adjournment of each session of the legislature, the agency shall distribute copies of amendments to sections 1 to 37 and a statement of their effective date to each other state information agency;

(2) Maintain a register of lists of courts received from other states and transmit copies thereof promptly to every court in this state having jurisdiction under sections 1 to 37; and

(3) Forward to the court in the state that has jurisdiction over the obligor or his property, petitions, certificates, and copies of the substantially similar reciprocal law that it receives from courts or information agencies of other states.

Subd. 2. [FINDING OBLIGOR OR HIS PROPERTY.] If the state information agency does not know the location of the obligor or his property in the state and no state location service is available, it shall use all means at its disposal to obtain this information, including the examination of official rec-

ords in the state and other sources such as telephone directories, real property records; vital statistics records, police records, requests for the name and address from employers who are able or willing to cooperate, records of motor vehicle license offices, requests made to the tax offices, both state and federal, where such offices are able to cooperate, and requests made to the social security administration, as permitted by the Social Security Act as amended.

Sec. 13. [518C.13] [DUTY OF THE COURT AND THE PROSECUTING ATTORNEY OF THIS STATE AS RESPONDING STATE.]

Subdivision 1. [DOCKETING CASE.] After the responding court receives copies of the petition, the certificate and the substantially similar reciprocal act from the initiating court, the clerk of the court shall docket the case and notify the prosecuting attorney of his action.

Subd. 2. [PROSECUTION OF CASE.] The prosecuting attorney shall prosecute the case diligently. He shall take all action necessary in accordance with the laws of this state to enable the court to obtain jurisdiction over the obligor or his property and shall request the court to set a time and place for a hearing and give notice thereof to the obligor in accordance with law.

Subd. 3. [INVESTIGATION BY PROSECUTING ATTORNEY.] The prosecuting attorney, on his own initiative, shall use all means at his disposal to locate the obligor or his property, and if, because of inaccuracies in the petition or otherwise, the court cannot obtain jurisdiction, the prosecuting attorney shall inform the court of what he has done and request the court to continue the case pending receipt of more accurate information or an amended petition from the initiating court.

Subd. 4. [OBLIGOR LOCATED IN ANOTHER COUNTY OR STATE.] If the obligor or his property is not found in the county, and the prosecuting attorney discovers that the obligor or his property may be found in another county of this state, or another state, he shall so inform the court. Thereupon, the clerk of the court shall forward the documents received from the court in the initiating state to a court in the other county, or to a court in the other state, or to the information agency or other proper official of the other state, with a request that the documents be forwarded to the proper court. All powers and duties provided by sections 1 to 37 apply to the recipient of the documents so forwarded. If the clerk of a court of this state forwards documents to another court, he shall forthwith notify the initiating court.

Subd. 5. [NO INFORMATION.] If the prosecuting attorney has no information as to the location of the obligor or his property he shall so inform the initiating court.

Sec. 14. [518C.14] [HEARING AND CONTINUANCE.]

If the obligee is not present at the hearing and the obligor denies owing the duty of support alleged in the petition or offers evidence constituting a defense, the court, upon request of either party, shall continue the hearing to permit evidence relative to the duty to be adduced by either party by deposition or by appearing in person before the court. The court may designate the judge of the initiating court as a person before whom a deposition may be taken.

Sec. 15. [518C.15] [IMMUNITY FROM CRIMINAL PROSECUTION.]

If, at a hearing, the obligor is called for examination as an adverse party

and he declines to answer upon the ground that his testimony may tend to incriminate him, the court may require him to answer, in which event he is immune from criminal prosecution with respect to matters revealed by his testimony, except for perjury committed in his testimony.

Sec. 16. [518C.16] [EVIDENCE OF HUSBAND AND WIFE.]

Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under sections 1 to 37. Husband and wife are competent witnesses and may be compelled to testify to a relevant matter, including marriage and parentage.

Sec. 17. [518C.17] [RULES OF EVIDENCE.]

In any hearing for the civil enforcement of sections 1 to 37, the court is governed by the Minnesota rules of evidence. If the action is based on a support order issued by another court, a certified copy of the order shall be received as evidence of the duty of support, subject only to defenses available to an obligor with respect to paternity under section 19 or to a defendant in an action or a proceeding to enforce a foreign money judgment. The determination or enforcement of a duty of support owed to one obligee is unaffected by interference by another obligee with rights of custody or visitation granted by a court.

Sec. 18. [518C.18] [ORDER OF SUPPORT.]

Subdivision 1. [ISSUANCE OF ORDER.] If the responding court finds a duty of support, it may order the obligor to furnish support or reimbursement therefor and subject the property of the obligor to the order. Support orders made under sections 1 to 37 shall require that payments be made as the responding court directs. The court and the prosecuting attorney of a county in which the obligor is present or has property have the same powers and duties to enforce the order as have those of the county in which it was first issued. If enforcement is impossible, or cannot be completed in the county in which the order was issued, the prosecuting attorney shall send a certified copy of the order to the prosecuting attorney of a county in which it appears that the proceedings to enforce the order would be effective. The prosecuting attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.

Subd. 2. [COPY TO INITIATING COURT.] The responding court shall cause a copy of each support order to be sent to the initiating court.

Subd. 3. [ADDITIONAL POWERS OF RESPONDING COURT.] In addition to the foregoing powers, a responding court may subject the obligor to the terms and conditions proper to assure compliance with orders and in particular to:

(1) Require the obligor to furnish a cash deposit or bond of a character and amount to assure payment of the amount due;

(2) Require the obligor to report personally and to make payments at specified intervals in the manner that the court directs; and

(3) Punish the obligor who violates an order of the court under the court's contempt power.

Sec. 19. [518C.19] [PATERNITY.]

If an obligor asserts as a defense that he is not the father of the child for whom support is sought and it appears to the court that the defense is not frivolous, and if both the parties are present at the hearing or the proof required in the case indicates that the presence of either or both of the parties is not necessary, the court may adjudicate the paternity issue. Otherwise the court may adjourn the hearing until the paternity issue has been adjudicated.

Sec. 20. [518C.20] [PROCEEDINGS NOT TO BE STAYED.]

A responding court shall not stay the proceeding or refuse a hearing under sections 1 to 37 because of a pending or prior action or proceeding for legal separation, annulment, dissolution, habeas corpus, adoption, or custody in this or another state. The court shall hold a hearing and may issue a support order pendente lite. In aid thereof, it may require the obligor to give a bond for the prompt prosecution of the pending proceeding. If the other action or proceeding is concluded before the hearing in the instant proceeding, and the judgment therein provides for the support demanded in the petition being heard, the court must conform its support order to the amount allowed in the action or proceeding. Thereafter, the court shall not stay enforcement of its support order because of the retention of jurisdiction for enforcement purposes by the court in the other action or proceeding.

Sec. 21. [518C.21] [MULTIPLE SUPPORT ORDERS.]

A support order made by a court of this state under sections 1 to 37 does not nullify and is not nullified by a support order made by a court of this state under another law or a support order made by a court of another state under a substantially similar act or another law, regardless of priority of issuance, unless specifically provided by the court. Amounts paid for a particular period under a support order made by the court of another state shall be credited against amounts accruing or accrued for the same period under a support order made by the court of this state.

Sec. 22. [518C.22] [EFFECT OF PARTICIPATION IN PROCEEDING.]

Participation in a proceeding under sections 1 to 37 does not confer jurisdiction upon a court over the parties thereto in another proceeding.

Sec. 23. [518C.23] [REGISTRATION.]

If the duty of support is based on a foreign support order, the obligee may register the foreign support order in a court of this state in the manner, with the effect, and for the purposes herein provided.

Sec. 24. [518C.24] [PROSECUTING ATTORNEY TO REPRESENT OBLIGEE.]

If this state is acting either as a rendering or a registering state, the prosecuting attorney shall represent the obligee in proceedings under sections 23 to 26. If the prosecuting attorney neglects or refuses to represent the obligee, the attorney general may undertake the representation. In addition to the preceding representation, an attorney retained by the obligee may represent him in interstate proceedings under sections 23 to 26.

Sec. 25. [518C.25] [REGISTRATION PROCEDURE; NOTICE.]

Subdivision 1. [PROCEDURE.] An obligee seeking to register a foreign support order in a court of this state shall transmit to the clerk of the court: (1)

three certified copies of the order with all modifications thereof; (2) a copy of the reciprocal enforcement of support act of the state in which the order was made; and (3) a statement verified and signed by the obligee, showing the post office address of the obligee, the last known place of residence and post office address of the obligor, the amount of support remaining unpaid, a description and the location of property of the obligor available upon execution, and a list of the states in which the order is registered. Upon receipt of these documents, the clerk of the court, without payment of a filing fee or other costs to the obligee, shall file them. The filing constitutes registration under sections 1 to 37.

Subd. 2. [DUTIES AFTER REGISTRATION.] Promptly upon registration, the clerk of the court shall send, by certified or registered mail, a notice of the registration with a copy of the registered support order and the post office address of the obligee to the obligor at the address given. He shall also docket the case and notify the prosecuting attorney of his action. The prosecuting attorney shall proceed diligently to enforce the order.

Sec. 26. [518C.26] [EFFECT OF REGISTRATION; ENFORCEMENT PROCEDURE.]

Subdivision 1. [EFFECT OF REGISTERED FOREIGN SUPPORT ORDER.] Upon registration, the registered foreign support order shall be treated in the same manner as a support order issued by a court of this state. It has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a support order of this state and may be enforced and satisfied in like manner.

Subd. 2. [TIME TO PETITION COURT TO VACATE ORDER.] The obligor has 20 days after the mailing of notice of the registration in which to petition the court to vacate the registration or for other relief. If he does not so petition, the registered support order is confirmed.

Subd. 3. [HEARING; STAY OF ORDER.] At the hearing to enforce the registered support order, the obligor may present only matters that would be available to him as defenses in an action to enforce a foreign money judgment. If he shows to the court that an appeal from the order is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the order is vacated, upon satisfactory proof that the obligor has furnished security for payment of the support order, as required by the rendering state. If he shows to the court any ground upon which enforcement of a support order of this state may be stayed, the court shall stay enforcement of the order for an appropriate period if the obligor furnishes the same security for payment of the support order that is required for a support order of this state.

Sec. 27. [518C.27] [REMEDIES OF STATE OR POLITICAL SUBDIVISION FURNISHING SUPPORT.]

If a state or political subdivision furnishes support to an individual obligee, it has the same right as the individual obligee to initiate a proceeding under sections 1 to 37 to secure reimbursement for the support furnished and to obtain continuing support.

Sec. 28. [518C.28] [PAYMENTS.]

Subdivision 1. [DUTIES OF RESPONDING COURT.] A responding court

has the following duties that shall be carried out through the public authority responsible for support enforcement:

(1) To transmit to the initiating court a payment made by the obligor pursuant to an order of the court or otherwise; and

(2) To furnish to the initiating court, upon request, a certified statement of each payment made by the obligor.

Subd. 2. [DUTIES OF INITIATING COURT.] An initiating court shall receive and disburse promptly each payment made by the obligor or sent by the responding court. This duty shall be carried out through the public authority responsible for support enforcement.

Sec. 29. [518C.29] [CHOICE OF LAW.]

Duties of support applicable under sections 1 to 37 are those imposed under the laws of the state where the obligor was present for the period during which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.

Sec. 30. [518C.30] [EXTENT OF DUTIES OF SUPPORT.]

Duties of support arising under the law of this state, when applicable under section 29, bind the obligor present in this state, regardless of the presence or residence of the obligee.

Sec. 31. [518C.31] [REMEDIES ADDITIONAL TO THOSE NOW EXISTING.]

The remedies herein provided are in addition to, and not in substitution for, other remedies.

Sec. 32. [518C.32] [INTERSTATE RENDITION.]

The governor of this state may:

(1) Demand of the governor of another state the surrender of a person found in that state who is charged criminally in this state with failing to provide for the support of a person; or

(2) On demand by the governor of another state, surrender a person found in this state who is charged criminally in that state with failing to provide for the support of a person. Provisions for extradition of criminals, not inconsistent with sections 1 to 37, apply to the demand even if the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and has not fled therefrom. The demand, the oath, and proceedings for extradition under this section need not state or show that the person whose surrender is demanded has fled from justice or at the time of the commission of the crime was in the demanding state.

Sec. 33. [518C.33] [CONDITIONS OF INTERSTATE RENDITION.]

Subdivision 1. [DEMAND OF OTHER STATE.] Before making the demand upon the governor of another state for the surrender of a person charged criminally in this state with failing to provide for the support of a person, the governor of this state may require a prosecuting attorney of this state to satisfy him that the obligee initiated proceedings for support under sections 1 to 37 at

least 60 days earlier or that such proceedings would be of no avail.

Subd. 2. [DEMAND BY OTHER STATE.] *If, under a substantially similar reciprocal law, the governor of another state makes a demand upon the governor of this state for the surrender of a person charged criminally in that state with failure to provide for the support of a person, the governor may require a prosecuting attorney to investigate the demand and to report to him whether proceedings for support have been initiated or would be effective. If it appears to the governor that a proceeding would be effective but has not been initiated, he may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.*

Subd. 3. [REFUSAL OF DEMAND.] *If proceedings have been initiated and the person demanded has prevailed therein, the governor may decline to honor the demand. If the obligee prevailed and the person demanded is subject to a support order, the governor may decline to honor the demand if the person demanded is complying with the support order.*

Sec. 34. [518C.34] [INTRASTATE APPLICATION.]

Subdivision 1. [OBLIGEE AND OBLIGOR IN DIFFERENT COUNTIES.] *Sections 1 to 37 apply if both the obligee and the obligor are in this state but in different counties.*

Subd. 2. [PROCEDURE; DUTIES.] *If the court of the county in which the petition is filed finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support and finds that a court of another county in this state may obtain jurisdiction over the obligor or his property, the clerk of the court shall send the petition and a certification of the findings to the court of the county in which the obligor or his property is found. The clerk of the court of the county receiving these documents shall notify the prosecuting attorney of their receipt. The prosecuting attorney and the court in the county to which the copies are forwarded shall then have duties corresponding to those imposed upon them when acting for this state as a responding state.*

Subd. 3. [REGISTRATION BY OBLIGEE.] *An obligee seeking to register a support order of the district court or of a county court of this state in a court of another county of this state shall transmit to the clerk of the court of the other county a certified copy of the order with all modifications thereof and a statement, signed and verified by the obligee, showing the post office address of the obligor, the amount of support remaining unpaid and a description and the location of any property of the obligor available upon execution. On receipt of these documents, the clerk of court shall file them, without requiring payment of a filing fee or other costs by the obligee. The filing constitutes registration under sections 1 to 37. Promptly on registration, the clerk of court shall proceed pursuant to section 25, subdivision 2. The prosecuting attorney and the court in the county to which the documents are forwarded then shall have duties corresponding to those imposed upon them when acting for this state as a registering state.*

Sec. 35. [518C.35] [APPEALS.]

If the commissioner of public welfare is of the opinion that a support order is erroneous and presents a question of law warranting an appeal in the public interest, he may:

(a) *Perfect an appeal to the proper appellate court, if the support order was issued by a court of this state; or*

(b) *If the support order was issued in another state cause the appeal to be taken in the other state. In either case expenses of the appeal may be paid on his order from funds appropriated for his office.*

Sec. 36. [518C.36] [UNIFORMITY OF INTERPRETATION.]

Sections 1 to 37 are to be so construed as to effectuate their general purpose to make uniform the law of those states that enact it.

Sec. 37. [518C.37] [SHORT TITLE.]

Sections 1 to 37 may be cited as the revised uniform reciprocal enforcement of support act.

Sec. 38. [REPEALER.]

Minnesota Statutes 1980, Sections 518.41; 518.42; 518.43; 518.44; 518.45; 518.46; 518.47; 518.48; 518.49; 518.491; 518.50; 518.51; 518.52; and 518.53 are repealed.

Sec. 39. [EFFECTIVE DATE.]

This article is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to family law; allowing joint custody of minor children; providing for acknowledgements of paternity; changing provisions related to venue; providing expedited hearings; changing determination of maintenance and support orders; changing the division of marital property; providing for enforcement of maintenance and support orders; changing requirements for evidence, orders, and decrees; adopting the revised uniform reciprocal enforcement of support act; amending Minnesota Statutes 1980, Sections 257.34, Subdivision 1; 518.003, by adding a subdivision; 518.09; 518.131, Subdivisions 3 and 4, and by adding subdivisions; 518.145; 518.17; 518.54, Subdivision 5; 518.551; 518.58; and 518.64, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 518C; repealing Minnesota Statutes 1980, Sections 518.41; 518.42; 518.43; 518.44; 518.45; 518.46; 518.47; 518.48; 518.49; 518.491; 518.50; 518.51; 518.52 and 518.53."

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

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

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.

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

Delete everything after the enacting clause and insert:

"Section 1. [325F.5201] [DEFINITIONS.]

Subdivision 1. [TERMS.] For the purposes of sections 1 to 15, the following terms have the meanings given them.

Subd. 2. [PRECIOUS METAL DEALER.] "Precious metal dealer" includes any natural person, partnership, or corporation, either as principal or agent, engaging in the business of buying secondhand items containing precious metal which are normally used primarily for personal, family or household purposes, including, but not limited to, jewelry, watches, eating utensils, candlesticks, religious and decorative objects, but excluding coins, bullion and ingots.

Subd. 3. [PRECIOUS METALS.] "Precious metals" includes silver, gold, and platinum.

Subd. 4. [ITEMS CONTAINING PRECIOUS METAL.] "Items containing precious metal" means items made in whole or in part of metal, which metal contains more than one percent by weight of silver, gold or platinum.

Sec. 2. [325F.5202] [LICENSE.]

Subdivision 1. [REQUIREMENT.] Except as provided for in subdivision 2, it is unlawful for a precious metal dealer to engage in or transact any business as such without having a valid license as provided in section 3.

Subd. 2. [SCOPE.] The requirements of sections 1 to 15 do not apply to the following:

(1) Transactions at occasional "garage", "yard", or "estate" sales, or "antique shows", except that precious metal dealers must comply with the requirements of sections 4 to 9 for these transactions.

(2) Transactions regulated by Minnesota Statutes, Chapter 80A.

(3) Transactions regulated by the Federal Commodity Futures Commission Act.

(4) Transactions in which the secondhand item containing precious metal is exchanged for a new item containing precious metal and the value of the new item exceeds the value of the secondhand item, except that a natural person, partnership or corporation who is a precious metal dealer by engaging in a transaction which is not exempted by this section must comply with the requirements of sections 4 to 9 for these transactions.

(5) Transactions between precious metal dealers if both dealers are licensed under section 3 or if the seller's business is located outside of the state and the item is shipped from outside the state to a dealer licensed under section 3.

Sec. 3. [325F.5203] [LICENSE; APPLICATION; TERMS AND CONDITIONS.]

Subdivision 1. [APPLICATION.] Any precious metal dealer desiring to engage in or transact business as such in any county of this state shall file an application for a license for that purpose with the auditor of the county in which he desires to do business. The applicant shall state his name, date of birth, address, and locations of the proposed principal place of business and branch offices within the county and other locations within the county where the applicant intends to hold secondhand precious metals. If the person in charge of the business or a branch office is someone other than the applicant,

his name, date of birth, and address shall be stated with the location or branches indicated. If the applicant is a corporation or partnership, the name, date of birth and resident address of each officer and general partner shall be stated. Each application shall be kept by the auditor for a period of no less than three years and shall be available for inspection only by employees of the county auditor, the county attorney, the attorney general, or by a peace officer.

Subd. 2. [FEE.] Each applicant shall pay to the treasurer of the county a license fee in an amount determined by the board of county commissioners of the county to be necessary to cover the expenses of administering this licensing function.

Subd. 3. [INVESTIGATION.] The county sheriff shall investigate into the truthfulness of the statements made in the application and shall endorse his findings thereon. The applicant shall furnish to the sheriff such evidence as he may reasonably require in support of the statements made in the application.

Subd. 4. [BUSINESS LOCATIONS.] A precious metal dealer license shall authorize the precious metal dealer to transact business only at the location or locations designated in the license, except that a precious metal dealer licensed under this section may transact business at locations other than those designated in the license, within or outside of the licensing county, for a temporary period not to exceed four days.

Subd. 5. [TERM.] A precious metal dealer license shall be valid for a period of one year from the date of its issuance.

Subd. 6. [BRANCH OFFICES.] Each branch office shall be operated under the same name as the principal office.

Subd. 7. [POSTING OF LICENSE.] Every precious metal dealer shall prominently post his license in a conspicuous location at his principal place of business and a copy of his license in a conspicuous location at each branch office and temporary business location.

Subd. 8. [POSTING OF PRICES; WEIGHING.] Every precious metal dealer shall prominently post in a conspicuous place and in letters exceeding one inch in height the minimum prices per ounce or pennyweight that are currently being paid by the dealer for precious metals and a warning notice that, unless otherwise informed, the prices offered are based on the melt down value of the precious metal, rather than the value of the item in its existing form. Precious metal items shall be weighed in plain sight of the prospective seller on scales approved by the division of weights and measures of the department of public service in accordance with Minnesota Statutes, Section 239.08.

Subd. 9. [PUBLIC RECORD OF LICENSES.] The county auditor shall keep a record of the licenses in a book provided for that purpose. The book shall contain the same information as required on the application for the license, provided that the applicant's address and date of birth shall not be recorded. The book shall be open for public inspection.

Sec. 4. [325F.5204] [IDENTIFICATION OF BUYERS AND SELLERS.]

Every precious metal dealer shall require a seller of secondhand items containing precious metals to present to him at the time of the transaction an

identification card of the seller containing a picture of the seller and his address.

Sec. 5. [325F.5205] [RECORDS REQUIRED.]

Every precious metal dealer shall keep a book at his business location in which shall be clearly written in ink, in the English language, at the time of each transaction, or as close thereto as possible, the following information:

(1) An accurate description of every secondhand item containing precious metals bought, including the type of item, number of items, brand name of item, if any, engraving or other identifying features of the item, if any, and a description of any gems attached;

(2) The amount of money paid or received;

(3) The date of the transaction; and

(4) From the identification card containing a picture of the seller, the type of card presented and the serial number of the card, if any, and the name and address of the person selling the item. The book, as well as the item in the possession of the dealer, shall at all reasonable times be open to inspection by any police officer of the city wherein the business is located or the sheriff or any deputy sheriff of the county wherein the business is located.

Sec. 6. [325F.5206] [REQUIRED HOLDING PERIOD.]

Every precious metal dealer shall keep in his possession at his business location or other location within the licensing county from the time of the transaction or as close thereto as possible, for a period prescribed by the board of county commissioners of the licensing county, every secondhand item containing precious metal purchased by the dealer. The prescribed holding period shall be no less than 14 days and no greater than 30 days. The item shall not be altered at the time of sale and shall remain unaltered during the required holding period.

Sec. 7. [325F.5207] [CERTAIN PURCHASES PROHIBITED.]

It is unlawful for a precious metal dealer to purchase a secondhand item containing precious metals from a person under 18 years of age unless the person is accompanied by his parent or guardian who is identified and whose identity is recorded in accordance with sections 4 and 5.

Sec. 8. [325F.5208] [PAYMENT BY CHECK.]

Payment by a precious metal dealer for the purchase of a secondhand item containing precious metal shall be made only by check, draft, or other negotiable or non-negotiable instrument or order of withdrawal which is drawn against funds held by a financial institution.

Sec. 9. [325F.5209] [GOVERNMENTAL SUBDIVISIONS MAY REGULATE.]

The provisions of sections 1 to 15 shall not be construed as prohibiting, or in any way limiting, or interfering with the right of any county, municipal corporation or other governmental subdivision of the state to regulate or license precious metal dealers within its jurisdiction in a manner more restrictive than sections 1 to 15.

Sec. 10. [325F.521] [CRIMINAL PENALTY.]

Any person who violates any provision of sections 1 to 15 is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$25,000, or both. A violation of the holding period prescribed pursuant to section 6 is subject to this section, notwithstanding the provisions of section 375.53 or any other law to the contrary.

Sec. 11. [325F.5211] [CIVIL PENALTY.]

The attorney general or any county attorney may institute a civil action in the name of the state in the district court to revoke, deny or suspend for a period of time the license on the ground that the licensee has violated a provision of sections 1 to 15. For this purpose, the attorney general or county attorney shall be invested with the additional powers contained in Minnesota Statutes, Section 8.31. It is no defense to the action that the state has adequate remedies at law.

Sec. 12. Minnesota Statutes 1980, Section 609.53, is amended by adding a subdivision to read:

Subd. 1a. Any precious metal dealer as defined in section 1, subdivision 2, or any person employed by a precious metal dealer as defined in section 1, subdivision 2, who receives, possesses, transfers, buys or conceals any stolen property or property obtained by robbery, knowing the same to be stolen or obtained by robbery, may be sentenced as follows:

(1) If the value of the property received, bought or concealed is \$150 or more, to imprisonment for not more than ten years or to payment of a fine of not more than \$50,000, or both;

(2) If the value of the property received, bought or concealed is less than \$150, to imprisonment for not more than three years or to payment of a fine of not more than \$25,000, or both.

Sec. 13. Minnesota Statutes 1980, Section 609.53, is amended by adding a subdivision to read:

Subd. 2a. Any precious metal dealer as defined in section 1, subdivision 2, or any person employed by a precious metal dealer as defined in section 1, subdivision 2, who receives, possesses, transfers, buys or conceals any stolen property or property obtained by robbery, having reason to believe the same to be stolen or obtained by robbery, may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$25,000, or both.

Sec. 14. Minnesota Statutes 1980, Section 609.53, is amended by adding a subdivision to read:

Subd. 3a. Any precious metal dealer as defined in section 1, subdivision 2, or any person employed by a precious metal dealer as defined in section 1, subdivision 2, convicted of a second or subsequent violation under section 13 within a period of one year may be sentenced as provided in section 12, clause (1).

Sec. 15. Minnesota Statutes 1980, Section 609.53, Subdivision 4, is amended to read:

Subd. 4. Any person who has been injured by a violation of subdivision 1 or sections 12 to 14 may bring an action for three times the amount of actual

damages, if any, sustained by the plaintiff or \$1,500, whichever is greater, the costs of suit, and reasonable attorney's fees.

Sec. 16. [EFFECTIVE DATE.]

Sections 1 to 15 are effective 60 days after final enactment.

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

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 305: A bill for an act relating to retirement; Minneapolis municipal employees retirement fund; authorizing the repayment of a refund by certain individuals.

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 43.60, Subdivision 3, is amended to read:

Subd. 3. Employees in shared positions shall be eligible for the following benefits and subject to the following obligations:

(1) Membership in the Minnesota state retirement system, the teachers retirement association, or the highway patrol retirement fund, whichever is appropriate, except that, *notwithstanding any provision of sections 352.01, subdivisions 11 and 16, 352B.01, subdivision 3, 354.05, subdivisions 13 and 25, or 354.091, employees who are members of the Minnesota state retirement system or the highway patrol retirement fund shall have allowable service for purposes of section 352.01, subdivisions 11 and 16, the purpose of meeting the minimum service requirements for eligibility to a retirement annuity or other retirement benefit credited in full, but shall have benefit accrual service for the purpose of computing a retirement annuity or other retirement benefit credited on a fractional basis either weekly or annually based upon the relationship that the number of hours of service bears to either 40 hours per week or 2,080 hours per year, with any salary paid for the fractional service credited on the basis of the rate of salary applicable for a full-time week or a full-time year;*

(2) Vacation and sick leave accrual at the rate of the appropriate shared-time percent of the entitlement of comparable full-time employees;

(3) Employee dental, medical and hospital benefits coverage shall be available of the same type and coverage afforded to comparable full-time employees. Employees in shared positions who elect such coverage shall pay, by payroll deduction, the difference between the actual cost to the employer and the appropriate shared-time percent of the actual cost. The remaining percent shall be paid by the employer. Employee life insurance coverage shall be available to employees in shared positions on the same terms as for comparable full-time employees;

(4) Dependent life insurance coverage shall be available to employees in shared positions on the same terms as for comparable full-time employees. Dependent medical, hospital and dental benefits coverage shall be available to

employees in shared positions of the same type and coverage afforded to comparable full-time employees, except that the employer shall contribute the appropriate shared-time percent of the dollar amount contributed for comparable full-time employees electing the same program, the remainder to be paid by payroll deduction by the employee electing such coverage;

(5) Employees in shared positions shall be entitled to the appropriate shared-time percent of the holiday pay to which comparable full-time employees are entitled for holidays observed by the full-time employees whenever the employee in a shared position would otherwise be scheduled to work on that day. The employee may be allowed to reschedule working hours to avoid any loss in pay due to the prorating of holiday pay. When an employee in a shared position is not scheduled to work on an observed holiday the next scheduled working day shall be treated as the holiday;

(6) Employees in shared positions shall accrue seniority time in every relevant category at the same rate accorded to comparable full-time employees. No full-time employee accepting a shared position shall suffer any loss of or gap in seniority time in the relevant categories applicable to the full-time employment; and

(7) Any other benefits of employment for employees in shared positions shall be prorated at a rate of the appropriate shared-time percent of those available to comparable full-time employees, whenever the benefits are divisible. Contributions by the employer toward the benefits, if any, shall be equal to the appropriate share time percent of the full-time benefits. When not divisible, the cost of the full-time benefits normally allocable to the employer shall be allocated, the appropriate shared-time percent to the employee in a shared position, by payroll deduction, and the remaining percent to the employer.

Sec. 2. [43.621] [CREDIT FOR PRIOR PART-TIME SERVICE.]

Any person who was employed in a shared position in the Minnesota demonstration job-sharing program pursuant to Laws 1980, Chapter 572, prior to the effective date of this act shall have service credit for that service in the applicable retirement fund recalculated in accordance with the provisions of section 1.

Sec. 3. Minnesota Statutes 1980, Section 69.011, Subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] Unless the language or context clearly indicates that a different meaning is intended, the following words and terms shall for the purposes of this chapter and chapter 424 have the meanings ascribed to them:

(a) "Commissioner" means the commissioner or director of insurance.

(b) "Municipality" means any city of any class, and organized town.

(c) "Minnesota Firetown Premium Report" means a blank form containing space for reporting by insurers of fire, lightning, sprinkler leakage and extended coverage premiums less return premiums and dividends received upon risks located or to be performed in this state.

(d) "Firetown" means any municipality having a qualified fire department

or a qualified incorporated fire department having a retirement plan.

(e) "Average State Aid" means the sum of the amount of aid apportioned for firefighter's pensions or services the previous two years plus the amount of aid computed for apportionment by the assessed property valuation and population basis for the current year divided by three.

(f) "Assessed Property Valuation" means latest available assessed value of all property in a taxing jurisdiction, whether such property is subject to taxation, or exempt from ad valorem taxation for any reason, appearing on abstracts filed with the commissioner of revenue or equalized by the state board of equalization.

(g) "Minnesota Aid to Police Premium Report" means a blank form containing space for reporting by each fire and casualty insurer of all premiums less return premiums and dividends received upon direct business received by it in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, with reference to insurance written for insuring against the perils contained in auto liability-bodily injury, auto liability-property damage, and auto physical damage as reported on lines 19, 20, and 21 of page 14 of the fire and casualty insurance companies annual financial statement which each insurer is required to file with the commissioner in accordance with the governing laws or regulations.

(h) "Police officer" means any person:

(1) Whose primary source of income derived from wages is from direct employment by a municipality or county as a law enforcement officer on a full time basis of not less than 30 hours per week;

(2) Who has been employed for a minimum of six consecutive months prior to December 31 preceding the date of the current year's certification pursuant to subdivision 2, clause (b);

(3) Who is sworn to enforce the general criminal laws of the state and local ordinances;

(4) Who is authorized to arrest with a warrant;

(5) Who is a member of a local police relief association or the public employees police and fire fund;

(6) Who, if employed in a municipality with a population of more than 1,000 inhabitants according to the most recent federal census, is certified or meets the requirements for certification by the Minnesota police officers training board; and

(7) Who meets the selection standards of the Minnesota police officers training board.

(i) "Full time equivalent number of police officers providing contract service" means the integral or fractional number of police officers which would be necessary to provide the contract service if all were employed on a full time basis as defined by the employing unit in the municipality receiving the contract service.

Sec. 4. Minnesota Statutes 1980, Section 69.011, Subdivision 2, is amended to read:

Subd. 2. [CLERK TO FILE CERTIFICATE.] (a) On or before March 1 annually the clerk of each municipality having a duly organized fire department as provided in subdivision 4, clause (1) or the secretary of nonprofit fire fighting corporations having a relief and retirement plan or incorporated fire-fighter's relief association shall certify that fact and the fire personnel and equipment of the fire department as of the preceding December 31 to the commissioner on a form prescribed by him together with the other facts the commissioner may require. The certification shall be made to the commissioner in duplicate. Each copy of the certificate shall be duly executed and deemed an original. The commissioner shall forward one copy to the auditor of the county wherein the fire department is located and retain one copy.

(b) On or before March 1 annually the clerk of each municipality having a duly organized police department and having a duly incorporated relief association shall certify that fact to the county auditor of the county where the police department is located and to the commissioner on a form prescribed by him together with the other facts the commissioner or auditor may require.

On or before March 1 annually, the clerk of each municipality and the auditor of each county employing one or more police officers as defined in subdivision 1, clause (h), shall certify the number of such police officers to the commissioner on forms prescribed by him. *Credit for officers employed less than a full year shall be apportioned. Each full month of employment of a qualifying officer during the calendar year shall entitle the employing municipality or county to credit for one-twelfth of the payment for employment of a police officer for the entire year.* For purposes of sections 69.011 to 69.051, employment of a police officer shall commence when the police officer is entered on the payroll of the respective municipal police department or county sheriff's department. No police officer shall be included in the certification of the number of police officers by more than one municipality or county for the same month.

Sec. 5. Minnesota Statutes 1980, Section 69.021, Subdivision 1, is amended to read:

Subdivision 1. [MINNESOTA FIRETOWN PREMIUM REPORT AND MINNESOTA AID TO POLICE PREMIUM REPORT.] The commissioner of insurance shall, at the time he mails annual statement and tax forms, send blank copies of the Minnesota Firetown Premium Report and when applicable the Minnesota Aid to Police Premium Report to each insurer, including township and farmers mutual insurance companies licensed to write insurance as described in section 69.011, subdivision 1, ~~clause clauses~~ (c) and ~~clause (g)~~ (f) in this state. These reports shall contain space for the insurers name, address, gross premiums less return premiums, dividends, net premiums, certification and other facts the commissioner may require.

Sec. 6. Minnesota Statutes 1980, Section 69.021, Subdivision 2, is amended to read:

Subd. 2. [REPORT OF PREMIUMS.] Each insurer, including township and farmers mutual insurers where applicable, shall return to the commissioner with its annual financial statement the reports described in subdivision 1 certified by its secretary and president or chief financial officer. The Minnesota Firetown Premium Report shall contain a true and accurate statement of the total premium for all gross direct fire, lightning, and sprinkler leakage in-

surance of all domestic mutual insurers and the total premiums for all gross direct fire, lightning, sprinkler leakage and extended coverage insurance of all other insurers, less return premiums and dividends received by them on that business written or done during the preceding calendar year upon property located within the state or brought into the state for temporary use. The fire and extended coverage portion of multi-peril and multiple peril package premiums and all other combination premiums shall be determined by applying percentages determined by the commissioner or by rating bureaus recognized by the commissioner. The Minnesota Aid to Police Premium Report shall contain a true and accurate statement of the total premiums, less return premiums and dividends received, on all direct business received by such insurer in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, with reference to insurance written for perils described in section 69.011, subdivision 1, clause ~~(g)~~ (f).

Sec. 7. Minnesota Statutes 1980, Section 69.021, Subdivision 6, is amended to read:

Subd. 6. [CALCULATION OF APPORTIONMENT OF AID TO COUNTIES.] With respect to firefighters, one-half of the state aid available shall be distributed to the counties in proportion to their population as shown by the last official statewide federal census. The remaining one-half of the state aid available shall be distributed to the counties in proportion to their assessed property valuation, excluding mineral values.

In the case of incorporated or municipal fire departments furnishing fire protection to cities, towns or townships in other counties as evidenced by valid fire service contracts filed with the commissioner of insurance and county auditor the distribution to the respective counties shall be adjusted proportionately to take into consideration the crossover fire protection service. ~~The amount of firefighter's state aid apportioned to each county shall not be less than 100 percent nor more than 150 percent of the average state aid calculated for apportionment to the county. Provided that if the amount of aid so calculated is either greater or less than the amount of aid available as calculated in subdivision 5 each county's proportionate share of the state aid shall be reduced or increased on a percentage basis so that the amount of aid apportioned shall not exceed the amount of tax collected. Other Necessary adjustments shall be made to subsequent apportionments. No county shall receive less than provided for under this subdivision.~~

The state aid available in respect to police officers shall not exceed the amount of tax collected and shall be distributed to the counties in proportion to the total number of active police officers, as defined in section 69.011, subdivision 1, clause ~~(h)~~ (g), in each county who are employed either by municipalities maintaining police departments or by the county. Any necessary adjustments shall be made to subsequent apportionments.

Sec. 8. Minnesota Statutes 1980, Section 69.021, Subdivision 7, is amended to read:

Subd. 7. [APPORTIONMENT OF AID TO MUNICIPALITIES AND FIREFIGHTER'S RELIEF ASSOCIATIONS BY COUNTY AUDITOR.] (1) The county auditor shall apportion the state aid received by him relative to the premiums reported on the Minnesota Firetown Premium Reports filed pursuant to this chapter to each municipality and/or firefighter's relief association cer-

tified to him by the commissioner in the same manner that state aid is apportioned to the counties, one-half in proportion to the population and one-half in proportion to the assessed property valuation of the fire towns in the county for which aid is proportioned. The county auditor shall apportion the amount of aid to each municipality and/or firefighter's relief association in an amount not less than 100 percent nor more than 150 percent of the average state aid calculated for apportionment to the municipality and/or firefighter's relief association. Provided that if the amount of aid so calculated is either greater or less than the amount of aid available as calculated in subdivision 5 each municipality's and/or firefighter's relief association's proportionate share of the state aid shall be reduced or increased on a percentage basis so that the amount of aid apportioned shall not exceed the amount of tax collected. No municipality or firefighter's relief association shall receive less than provided for under this subdivision. Necessary adjustments shall be made to subsequent apportionments.

In the case of municipalities or independent fire departments qualifying for the aid the county auditor shall calculate the state aid for the municipality or relief association on the basis of the population and the property valuation of the area furnished fire protection service by the fire department as evidenced by duly executed and valid fire service agreements filed with him. If one or more fire departments are furnishing contracted fire service to a city, town or township only the population and valuation of the area served by each fire department shall be considered in calculating the state aid and the fire departments furnishing service shall enter into an agreement apportioning among themselves the percent of the population and the assessed property valuation of each service area. Agreement shall be in writing and filed with the commissioner in duplicate. The commissioner shall forward one copy of the agreement to the county auditor of the county wherein the fire department is located and retain one copy.

In the case of cities of the first and second class the state aid calculated shall be paid directly to the treasurer of the relief association. In the case of all other municipalities and independent fire department relief associations or retirement plans the aid shall be paid to the treasurer of the municipality where the fire department is located and the treasurer of the municipality shall within 30 days transmit the aid to the relief association if the relief association has filed a financial report with the treasurer of the municipality and has met all other statutory provisions pertaining to the aid apportionment.

The county auditor and commissioner are hereby empowered to make rules and regulations to permit the administration of the provisions of this section.

(2) The county auditor shall apportion the state police aid received by him to each municipality and to the county in the following manner:

(a) For all municipalities maintaining police departments and the county, the state aid shall be distributed by the county auditor in proportion to the total number of police officers, as defined in determined pursuant to section 69.011, subdivision 1, clause (h) (g); and subdivision 2, clause (b), employed by each municipality and by the county for 12 calendar months and the proportional or fractional number who were employed less than 12 months;

(b) For each municipality which contracts with the county for police service, a proportionate amount of the state aid distributed to the county based on the

full time equivalent number of police officers providing contract service shall be credited against the municipality's contract obligation;

(c) For each municipality which contracts with another municipality for police service, a proportionate amount of the state aid distributed to the municipality providing contract service based on the full time equivalent number of police officers providing contract service on a full time equivalent basis shall be credited against the contract obligation of the municipality receiving contract service;

(d) No municipality entitled to receive police state aid shall be apportioned less police state aid for any year under Laws 1976, Chapter 315, than the amount which was apportioned to it for calendar year 1975 based on premiums reported to the commissioner for calendar year 1974; provided, the amount of police state aid to other municipalities within the county and to the county shall be adjusted in proportion to the total number of police officers in the municipalities and the county, so that the amount of police state aid apportioned shall not exceed the amount of police state aid available for apportionment.

The county auditor and commissioner are hereby empowered to make rules and regulations to permit the administration of the provisions of this section.

Sec. 9. Minnesota Statutes 1980, Section 69.031, Subdivision 5, is amended to read:

Subd. 5. [DEPOSIT OF STATE AID.] (1) The municipal treasurer, when the state aid and tax is received by him, shall within 30 days after receipt pay over the portion of it attributed to premiums reported on the Minnesota Fire-town Premium Report to the treasurer of the duly incorporated firefighter's relief association if there is one organized and the association has filed a financial report with the municipality; but if there is no relief association organized, or if any association dissolve, be removed, or has heretofore dissolved, or has been removed as trustees of state aid, then the treasurer of the municipality shall keep the money in the municipal treasury as provided for in ~~sections 424.30 and 424.34~~ section 424A.08 and shall be disbursed only for the purposes and in the manner set forth in those sections.

(2) The municipal treasurer, upon receipt of the state aid and tax attributed to insurance premiums reported on the Minnesota Aid to Police Premium Report, shall disburse the state aid in the following manner.

(a) For a municipality in which a local police relief association exists and all police officers are members of the association, the total state aid shall be transmitted to the treasurer of the relief association within 30 days of the date of receipt, and the treasurer of the relief association shall immediately deposit the total state aid in the special fund of the relief association;

(b) For a municipality in which police retirement coverage is provided by the public employees police and fire fund and all police officers are members of the fund, the total state aid shall be applied toward the municipality's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall also be contributed to the public employees police and fire fund and credited in the manner to be specified by the board of trustees of the public employees retirement association; or

(c) For a municipality in which both a police relief association exists and police retirement coverage is provided in part by the public employees police and fire fund, the municipality may elect at its option to transmit the total state aid to the treasurer of the relief association as provided in this subdivision, to use the total state aid to apply toward the municipality's employer contribution to the public employees police and fire fund subject to all the provisions set forth in clause (b), or to allot the total state aid proportionately to be transmitted to the police relief association as provided in this subdivision and to apply toward the municipality's employer contribution to the public employees police and fire fund subject to the provisions of clause (b) on the basis of the respective number of active full time police officers, as defined in section 69.011, subdivision 1, clause ~~(h)~~ (g).

(3) The county treasurer, upon receipt of the police state aid for the county, shall apply the total state aid toward the county's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall also be contributed to the public employees police and fire fund and credited in the manner to be specified by the board of trustees of the public employees retirement association.

Sec. 10. Minnesota Statutes 1980, Section 352.113, Subdivision 3, is amended to read:

Subd. 3. [COMPUTATION OF BENEFITS.] The total and permanent disability benefit shall be computed in the manner provided in section 352.115. The disability benefit shall be the normal annuity without reduction for each month the employee is under age 65 at the time of becoming disabled. ~~The optional annuities provided for in section 352.116 do not apply to this section. Employees covered by the system whose total and permanent disability shall have been established prior to July 1, 1961, and approved by the trustees, shall continue to receive the disability benefits provided by the law then in effect so long as the total and permanent disability continues. A disabled employee may elect to receive the normal disability benefit or an optional annuity as provided in section 352.116, subdivision 3. The election of an optional annuity shall be made prior to the commencement of payment of the disability benefit and shall be effective 30 days after receipt of the election or the date on which the disability begins to accrue as provided in subdivision 2, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.~~

Sec. 11. Minnesota Statutes 1980, Section 352.113, Subdivision 12, is amended to read:

Subd. 12. [RETIREMENT STATUS AT AGE 65.] The disability benefit paid to ~~an~~ a disabled employee hereunder shall terminate when ~~he~~ the employee reaches age 65. ~~If he the disabled employee is still totally and permanently disabled. At that time he~~ when the employee reaches age 65, the employee shall be deemed to be a retired employee and, ~~if the employee had elected an optional annuity pursuant to subdivision 3, shall receive an annuity in accordance with the terms of the optional annuity previously elected, or, if the employee had not elected the optional annuity pursuant to subdivision 3, may then elect to receive either a normal retirement annuity equal in amount to the~~

disability benefit paid to him before he the employee reached age 65 or an optional annuity as provided in section 352.116, subdivision 3. Election of an optional annuity ~~must~~ shall be made within 60 days prior to reaching age 65 and. If an optional annuity is elected, the election shall be effective on the date on which the employee attains the age of 65 years and the optional ~~amount~~ annuity shall begin to accrue the first of the month following the month in which the employee attains age 65.

Sec. 12. Minnesota Statutes 1980, Section 352.95, is amended by adding a subdivision to read:

Subd. 1a. [OPTIONAL ANNUITY ELECTION.] A disabled correctional employee may elect the normal disability benefit or an optional annuity as provided in section 352.116, subdivision 3. The election of an optional annuity shall be made prior to commencement of payment of the disability benefit and shall be effective 30 days after receipt of the election or the date on which the disability benefit begins to accrue as provided in subdivision 3, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.

Sec. 13. Minnesota Statutes 1980, Section 352.95, Subdivision 5, is amended to read:

Subd. 5. [RETIREMENT STATUS AT AGE 65.] The disability benefit paid to an a disabled correctional employee hereunder shall terminate when the employee reaches age 62. At that time he or she If the disabled correctional employee is still disabled when the employee reaches age 62, the employee shall be deemed to be a retired employee and, if the employee had elected an optional annuity pursuant to subdivision 1a, shall receive an annuity in accordance with the terms of the optional annuity previously elected, or, if the employee had not elected an optional annuity pursuant to subdivision 1a, may then either elect to receive a normal retirement annuity computed in the manner provided in section 352.115 or elect to receive an optional annuity as provided in section 352.116, subdivision 3, based on the same length of service as used in the calculation of the disability benefit. Election of an optional annuity shall be made prior to attaining the age of 62 years. The reduction for retirement prior to age 65 as provided in section 352.116, subdivision 1, shall not be applicable. The savings clause provision of section 352.93, subdivision 3, shall be applicable. If an optional annuity is elected, the optional annuity shall begin to accrue on the first of the month following the month in which the employee attains the age of 62 years.

Sec. 14. Minnesota Statutes 1980, Section 352B.10, is amended to read:

352B.10 [DISABILITY BENEFITS.]

(1) Any member less than 55 years of age, who shall become disabled and physically unfit to perform his duties as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty, which shall render the member physically or mentally unable to perform his or her duties, shall receive disability benefits during the period of such disability. The benefits shall be paid in monthly installments equal to that portion of the average monthly salary of the member multiplied (a) by 50 percent and, (b) by an additional two percent for each year and pro rata for completed months of service in excess of 20 years.

(2) If a member is injured under circumstances which entitle him to receive benefits under the workers' compensation law, he shall receive the same benefits as provided in clause (1), less the amount paid to him in weekly benefits under the workers' compensation law.

(3) Any member who after not less than five years of service, before reaching the age of 55, terminates employment because of sickness or injury occurring while not on duty and not engaged in state work entitling the member to membership and the termination is necessary because the member is unable to perform his or her duties shall be entitled to receive a disability benefit. The benefit shall be in the same amount and computed in the same manner as if the member were 55 years of age at the date of disability and the annuity were paid pursuant to section 352B.08. Should disability under this clause occur after five but in less than ten years service, the disability benefit shall be computed as though the member had ten years service.

(4) No member shall receive any disability benefit payment when the member has unused annual leave or sick leave or under any other circumstances, when during the period of disability there has been no impairment of salary. Should such member or former member resume a gainful occupation and his or her earnings are less than the salary received at the date of disability or the salary currently paid for similar positions, the disability benefit shall be continued in an amount which when added to earnings does not exceed the salary received at the date of disability or the salary currently paid for similar positions, whichever is higher, provided the disability benefit in such case does not exceed the disability benefit originally allowed.

(5) No disability benefit payment shall be made except upon adequate proof furnished to the director of the existence of such disability, and during the time when any such benefits are being paid, the director shall have the right, at reasonable times, to require the disabled former member to submit proof of the continuance of the disability claimed.

(6) *A disabled member not eligible for survivorship coverage pursuant to section 352B.11, subdivision 2, may elect the normal disability benefit or an optional annuity as provided in section 352B.08, subdivision 2. The election of an optional annuity shall be made prior to commencement of payment of the disability benefit and shall be effective 30 days after receipt of this election or the date on which the disability benefit begins to accrue, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.*

Sec. 15. Minnesota Statutes 1980, Section 352B.105, is amended to read:

352B.105 [TERMINATION OF DISABILITY BENEFITS.]

All disability benefits payable under section 352B.10 shall terminate when the beneficiary becomes 55 years of age. ~~Thereafter, retirement benefits shall be paid to the beneficiary in the same amount as the disability benefits which he was previously receiving, except that he may elect when he attains 55 years of age to receive retirement benefits in accordance with any option then available to other members retiring at the time. If the beneficiary is still disabled when the beneficiary attains the age of 55 years, the beneficiary shall be deemed to be a retired member and, if the beneficiary had elected an optional annuity pursuant to section 352B.10, clause (6), shall receive an annuity in accor-~~

dance with the terms of the optional annuity previously elected, or, if the beneficiary had not elected an optional annuity pursuant to section 352B.10, clause (6), may then elect to receive either a normal retirement annuity computed pursuant to section 352B.08, subdivision 1, or an optional annuity as provided in section 352B.08, subdivision 2. Election of an optional annuity shall be made prior to attaining the age of 55 years. If an optional annuity is elected, the optional annuity shall begin to accrue the first of the month following the month in which the beneficiary attains the age of 55 years.

Sec. 16. Minnesota Statutes 1980, Section 353.01, Subdivision 2a, is amended to read:

Subd. 2a. [INCLUDED EMPLOYEES.] The following persons are included in the meaning of "public employee":

- (a) Elected or appointed officers and employees of elected officers.
- (b) District court reporters.
- (c) Officers and employees of the public employees retirement association.
- (d) Employees of the League of Minnesota Cities.
- (e) Officers and employees of public hospitals, owned or operated by or an integral part of, any governmental subdivision or governmental subdivisions.
- (f) Employees of a school district who receive separate salaries for driving their own buses.
- (g) Employees of the Association of Minnesota Counties.
- (h) Employees of the Metropolitan Inter-County Council.
- (i) Employees of the Minnesota Municipal Utilities Association.
- (j) Elected or appointed officers and employees of the city of Minneapolis, or any of the boards, departments or commissions operated as a department of the city of Minneapolis or independently if financed in whole or in part by funds of the city of Minneapolis, if the officer's assumption of the position or the employee's employment initially commences on or after July 1, 1979.
- (k) Employees of the metropolitan airports commission if employment initially commences on or after July 1, 1979.
- (l) Employees of the Minneapolis municipal employees retirement fund, if employment initially commences on or after July 1, 1979.
- (m) Employees of special school district number 1 who are not members of the Minneapolis teachers retirement fund association if employment initially commences on or after July 1, 1979.
- (n) *Employees of the Range Association of Municipalities and Schools.*
- (o) *Employees of the soil and water conservation districts.*

Sec. 17. Minnesota Statutes 1980, Section 353.01, Subdivision 2b, is amended to read:

Subd. 2b. [EXCLUDED EMPLOYEES.] The following persons are excluded from the meaning of "public employee":

- (a) Persons employed for professional services where such service is in-

cidental to regular professional duties.

(b) Election officers.

(c) Independent contractors and their employees.

(d) Patient and inmate help in governmental subdivision charitable, penal and correctional institutions.

(e) Members of boards, commissions, bands and others who serve the governmental subdivision intermittently.

(f) Employees who hold positions of an essentially temporary or seasonal character, provided such employment does not continue for a period in excess of 120 working days in any calendar year. Immediately following the expiration of such 120 working days if such employees continue in public service and earn in excess of ~~\$250~~ \$325 in any one calendar month, the department heads must then report all such employees for membership and must cause employee contributions to be made on behalf of such employees in accordance with section 353.27, subdivision 4, and they shall remain members until termination of public service.

(g) Part-time employees other than firefighters who receive monthly compensation not exceeding ~~\$250~~ \$325, and part-time employees other than firefighters and elected officials whose annual compensation is stipulated in advance to be not more than ~~\$3,000~~ \$3,900 per year, except that members shall continue their membership until termination of public service.

(h) Persons who first occupy an elected office after March 1, 1978, the compensation for which does not exceed ~~\$250~~ \$325 per month.

(i) Emergency employees who are employed by reason of work caused by fire, flood, storm or similar disaster.

(j) Employees who by virtue of their employment are required to contribute to any other pension, relief or retirement fund established for the benefit of officers and employees of a governmental subdivision, except as an act of the legislature has specifically enabled participation by employees of a designated governmental subdivision in a plan supplemental to the public employees retirement association; provided that this clause shall not prevent a person from contributing to the public employees retirement association and also belonging to or contributing to another public pension fund for other service occurring during the same period of time.

(k) Police matrons employed in a police department of any city who are transferred to the jurisdiction of a joint city and county detention and corrections authority.

(l) Chaplains and nuns who have taken a vow of poverty as members of a religious order.

(m) Full-time students who are enrolled and are regularly attending classes at an accredited school, college or university; provided, no person employed full-time by a governmental subdivision shall be exempt under this paragraph.

(n) Resident physicians, medical interns and pharmacist interns who are serving in public hospitals.

(o) Appointed or elected officers, paid entirely on a fee basis, and who were

not members on June 30, 1971.

(p) Nothing in Laws 1973, Chapter 753 shall be interpreted to impair or revoke any option exercised under Laws 1963, Chapter 793.

(q) Persons employed in subsidized on-the-job training, work experience or public service employment as enrollees under the federal comprehensive employment and training act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement fund to meet the minimum vesting requirements for a deferred retirement annuity, or the employer agrees in writing on forms prescribed by the executive director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal comprehensive training and employment act, or the person agrees in writing on forms prescribed by the executive director to make the required employer contributions in addition to the required employee contribution.

(r) Town, city or county assessors elected or appointed pursuant to chapter 273 who do not receive compensation in excess of ~~\$250~~ \$325 per month from any one employing governmental subdivision or who are employed pursuant to an employment contract which sets forth the total compensation to be paid and the length of service, not to exceed three months in duration, required for the performance of the contract and which was entered into in advance of the commencement of employment.

(s) Volunteer firefighters as defined in subdivision 34.

(t) A person holding a part time adult supplementary vocational-technical school license who renders part time teaching service in a vocational-technical school if (1) the service is incidental to the person's regular nonteaching occupation; and (2) the applicable vocational-technical school stipulates annually in advance that the part time teaching service will not exceed 300 hours in a fiscal year; and (3) the part time teaching service actually does not exceed 300 hours in a fiscal year.

(u) A person exempt from licensure pursuant to section 125.031.

Sec. 18. Minnesota Statutes 1980, Section 353.01, Subdivision 6, is amended to read:

Subd. 6. [GOVERNMENTAL SUBDIVISION.] "Governmental subdivision" means a county, city, town, school district within this state, or a department or unit of state government, or any public body whose revenues are derived from taxation, fees, assessments or from other sources, but does not mean any municipal housing and redevelopment authority organized under the provisions of sections 462.415 to 462.711; or any port authority organized pursuant to chapter 458; ~~or any soil conservation district organized pursuant to chapter 40;~~ or any hospital district organized or reorganized prior to July 1, 1975 pursuant to legislation enacted by the 1959 legislature.

Sec. 19. [353.024] [RETIREMENT; PUBLIC EMPLOYEES RETIREMENT ASSOCIATION; EMPLOYEES OF SUBURBAN PUBLIC HEALTH NURSING SERVICE, INCORPORATED.]

From and after June 1, 1981, employees of the Suburban Public Health Nursing Service, Incorporated, shall become members of the public employees

retirement association unless specifically exempt under section 353.01, subdivision 2b, and the Suburban Public Health Nursing Service, Incorporated, shall be deemed to be a governmental subdivision for the purpose of this chapter.

Retirement coverage by the public employees retirement association shall be provided by the appropriate retirement program as follows:

(a) an employee who was a basic member of the public employees retirement association prior to December 2, 1977, and who chose to be excluded from federal old age, survivors, disability and health insurance coverage during an authorized referendum for the period from December 2, 1977, to June 1, 1981, shall be deemed to be a basic member and shall be entitled to coverage by the basic retirement program; and

(b) an employee who was either a basic member or a coordinated member prior to December 2, 1977, and who chose to be included in federal old age, survivors, disability and health insurance coverage during an authorized referendum for the period December 2, 1977, to June 1, 1981, or an employee who was a coordinated member prior to December 2, 1977, and who chose to be excluded from federal old age, survivors, disability and health insurance coverage during an authorized referendum for the period from December 2, 1977, to June 1, 1981, shall be deemed to be a coordinated member and shall be entitled to coverage by the coordinated retirement coverage.

Sec. 20. [353.025] [RETIREMENT; PUBLIC EMPLOYEES RETIREMENT ASSOCIATION; RANGE ASSOCIATION OF MUNICIPALITIES AND SCHOOLS.]

From and after January 1, 1982, employees of the Range Association of Municipalities and Schools hereinafter referred to as the association, shall become coordinated members of the public employees retirement association unless specifically exempt under section 353.01, subdivision 2b, and the association shall be deemed to be a governmental subdivision for the purposes of this chapter.

Sec. 21. Minnesota Statutes 1980, Section 353.33, is amended by adding a subdivision to read:

Subd. 3a. [OPTIONAL ANNUITY ELECTION.] *A disabled member may elect to receive the normal disability benefit or an optional annuity as provided in section 353.30, subdivision 3. The election of an optional annuity shall be made prior to the commencement of payment of the disability benefit and shall be effective 30 days after receipt of the election or the date on which the disability benefit begins to accrue as provided in subdivision 2, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.*

Sec. 22. Minnesota Statutes 1980, Section 353.33, Subdivision 11, is amended to read:

Subd. 11. [RETIREMENT STATUS AT AGE 65.] *No person shall be entitled to receive disability benefits and a retirement annuity at the same time. The disability benefits paid to a person hereunder shall terminate when he the person reaches age 65. If he the person is still totally and permanently disabled - At that time he when the person attains the age of 65 years, the person shall be*

deemed to be on retirement status and, if the person had elected an optional annuity pursuant to subdivision 3a, shall receive an annuity in accordance with the terms of the optional annuity previously elected, or, if the person had not elected an optional annuity pursuant to subdivision 3a, may at his the option be paid of the person either elect to receive either a normal retirement annuity as provided in section 353.29 or normal retirement annuity equal to the disability benefit paid to him before he the person reached age 65, whichever amount is greater, or elect to receive an optional annuity as provided in section 353.30, subdivision 3. Any disabled person who becomes age 65 after June 30, 1973, shall have his the annuity computed in accordance with the law in effect upon attainment of age 65. A person who elects an annuity under section 353.29 may, prior to age 65, select an optional annuity pursuant to section 353.30, subdivision 3. Election of an optional annuity shall be made prior to the person attaining the age of 65 years. If an optional annuity is elected, the election shall be effective on the date on which the person attains the age of 65 years and the optional annuity shall begin to accrue on the first day of the month next following the month in which the person attains the age of 65 years.

Sec. 23. Minnesota Statutes 1980, Section 353.656, is amended by adding a subdivision to read:

Subd. 1a. [OPTIONAL ANNUITY ELECTION.] A disabled member of the police and fire fund may elect to receive the normal disability benefit or an optional annuity as provided in section 353.30, subdivision 3. The election of an optional annuity shall be made prior to commencement of payment of the disability benefit and shall be effective 30 days after receipt of the election or the date on which the disability benefit begins to accrue, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.

Sec. 24. Minnesota Statutes 1980, Section 353.656, Subdivision 6, is amended to read:

Subd. 6. [RETIREMENT STATUS AT AGE 55.] All disability benefits payable under this section shall terminate when the disabled firefighter or police officer becomes 55 years of age. Thereafter, retirement benefits shall be paid to the disabled firefighter or police officer in the same amount as the disability benefits which he was previously receiving. If the person is still disabled when the person attains the age of 55 years, the person shall be deemed to be a retired member and, if the person had elected an optional annuity pursuant to subdivision 1a, shall receive an annuity in accordance with the terms of the optional annuity previously elected, or, if the person had not elected an optional annuity pursuant to subdivision 1a, may then elect to receive either a normal retirement annuity computed pursuant to section 353.651, or an optional annuity as provided in section 353.30, subdivision 3. Any disabled person who becomes age 55 after June 30, 1973, shall have his the annuity computed in accordance with the law in effect upon attainment of age 55. Prior to reaching age 55, a disabled person may select an optional annuity pursuant to section 353.30, subdivision 3. Election of an optional annuity shall be made prior to the person attaining the age of 55 years. If an optional annuity is elected, the election shall be effective on the date on which the person attains the age of 55 years and the optional annuity shall begin to accrue on the first day of the month next following the month in which the person attains the age of 55 years.

Sec. 25. Minnesota Statutes 1980, Section 354.48, is amended by adding a subdivision to read:

Subd. 3a. [OPTIONAL ANNUITY ELECTION.] A disabled member may elect to receive the normal disability benefit or an optional annuity as provided in section 354.45, subdivision 1. The election of an optional annuity shall be made prior to commencement of payment of the disability benefit and shall be effective 30 days after receipt of the election or the date on which the disability benefit begins to accrue, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.

Sec. 26. Minnesota Statutes 1980, Section 354.48, Subdivision 10, is amended to read:

Subd. 10. [RETIREMENT STATUS AT AGE 65.] No person shall be entitled to receive both disability benefits and a retirement annuity provided by this chapter. The disability benefit paid to a person hereunder shall terminate when ~~he~~ the person reaches age 65. If ~~he~~ the person is still totally and permanently disabled- ~~At that time he~~ when the person attains the age of 65 years, the person shall be deemed to be on retirement status and ~~he~~, if the person had elected an optional annuity pursuant to subdivision 3a, shall receive an annuity in accordance with the terms of the optional annuity previously elected, or, if the person had not elected an optional annuity pursuant to subdivision 3a, may at ~~his~~ the option ~~be paid~~ of the person elect to receive either a straight life retirement annuity as provided in computed pursuant to section 354.44 or a straight life retirement annuity equal to the disability benefit paid to him before ~~he~~ the person reached age 65, whichever amount is greater, or elect to receive an optional annuity as provided in section 354.45, subdivision 1. ~~He may instead of taking the straight life annuity provided herein, however, select an optional retirement annuity as provided in section 354.45. Any disability benefit recipient who is age 65 after June 30, 1973 shall have his retirement annuity computed in accordance with Minnesota Statutes 1974, section 354.44, subdivision 6 or 7, if such annuity is larger than the annuity otherwise payable. Any increase in retirement annuities shall begin to accrue July 1, 1975.~~ Election of an optional annuity shall be made prior to the person attaining the age of 65 years. If an optional annuity is elected, the election shall be effective on the date on which the person attains the age of 65 years and the optional annuity shall begin to accrue on the first day of the month next following the month in which the person attains the age of 65 years.

Sec. 27. Minnesota Statutes 1980, Section 354A.36, is amended by adding a subdivision to read:

Subd. 3a. [OPTIONAL ANNUITY ELECTION.] A disabled coordinated member may elect to receive the normal disability benefit or an optional annuity as provided in section 354A.32. The election of an optional annuity shall be made prior to commencement of payment of the disability benefit and shall be effective 30 days after receipt of the election or the date on which the disability benefit begins to accrue, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.

Sec. 28. Minnesota Statutes 1980, Section 354A.36, Subdivision 10, is amended to read:

Subd. 10. [RETIREMENT STATUS UPON ATTAINING AGE 65.] No person shall be entitled to receive both a disability benefit under this section and a retirement annuity under section 354A.31. If a disability benefit recipient remains totally and permanently disabled upon attaining age 65, the disability benefit shall terminate and the former disability benefit recipient shall be deemed to be on retirement status. *If the former disability benefit recipient had elected an optional annuity pursuant to subdivision 3a, the recipient shall receive an annuity in accordance with the terms of the optional annuity previously elected, or if the recipient had not elected an optional annuity pursuant to subdivision 3a, the recipient shall be entitled either to receive a retirement annuity in an amount equal to the greater of either a single life retirement annuity calculated pursuant to section 354A.31 or the disability benefit paid to the recipient immediately prior to the recipient's attaining age 65- the former disability benefit recipient shall be entitled to or elect either a single life retirement annuity as provided in this section or an actuarial equivalent optional form retirement annuity as provided in section 354A.32. Election of an optional annuity shall be made prior to the person attaining the age of 65 years. If an optional annuity is elected, the election shall be effective on the date on which the person attains the age of 65 years and the optional annuity shall begin to accrue on the first day of the month next following the month in which the person attains the age of 65 years.*

Sec. 29. [356.371] [APPLICATION FOR RETIREMENT ANNUITY; PROCEDURE FOR ELECTING ANNUITY FORM.]

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms shall have the meanings given.

(1) "Annuity form" means the payment procedure and duration of a retirement annuity available to a member of a public pension fund, based on the period over which a retirement annuity is payable, determined by the number of persons to whom the retirement annuity is payable, and the amount of the retirement annuity which is payable to each person.

(2) "Joint and survivor optional annuity" means an optional annuity form which provides a retirement annuity to a retired member and the spouse of the member on a joint basis during the lifetime of the retired member and all or a portion of the original retirement annuity amount to the surviving spouse in the event of the death of the retired member.

(3) "Optional annuity form" means an annuity form which is elected by a member and is not provided automatically as the standard annuity form of the public pension fund.

(4) "Public pension fund" means a public pension plan as defined pursuant to Minnesota Statutes, Section 356.60, Subdivision 1, Clause (a).

(5) "Retirement annuity" means a retirement annuity, retirement allowance or service pension.

Subd. 2. [PROVISION OF INFORMATION ON ANNUITY FORMS.] Every public pension fund which provides for an annuity form other than a single life retirement annuity as an option which can be elected by the active or retiring member shall provide as a part of, or accompanying the annuity application form, a written statement summarizing the optional annuity forms which are available, a general indication of the consequences of selecting one

annuity form over another, a calculation of the actuarial reduction in the amount of the retirement annuity which would be required for each optional annuity form and the procedure to be followed to obtain more information from the public pension fund concerning optional annuity forms.

Subd. 3. [REQUIREMENT OF NOTICE TO MEMBER'S SPOUSE.] If a public pension fund provides optional annuity forms which include a joint and survivor optional annuity form potentially applicable to the surviving spouse of a member, the public pension fund shall send a copy of the written statement required by subdivision 2 to the spouse of the member prior to the member's election of an optional annuity.

Following the election of an annuity form by the member, a copy of the completed annuity application shall be sent by certified mail to the spouse of the retiring member.

Sec. 30. [422A.221] [AUTHORIZATION FOR REPAYMENT OF REFUND IN CERTAIN INSTANCES.]

Subdivision 1. [ENTITLEMENT.] Any person who was a member of the Minneapolis municipal employees retirement fund by virtue of the person's employment and was required to receive a refund of accumulated member contributions and interest pursuant to Minnesota Statutes 1957, Section 422.09 shall be entitled to repay to the Minneapolis municipal employees retirement fund any amounts refunded and, when otherwise qualified, to receive a retirement annuity from the fund calculated under the applicable law in effect upon the termination of covered service.

Subd. 2. [CALCULATION OF REPAYMENT.] The refund repayment shall be an amount equal to the amount previously refunded plus interest from the date of the refund until the date of the repayment at the rate of six percent per annum, compounded annually. No service credit shall be credited prior to the receipt of the amount refunded plus interest thereon.

Sec. 31. Laws 1945, Chapter 74, Section 2, as amended by Laws 1949, Chapter 164, Section 1; Laws 1953, Chapter 235, Section 1; Laws 1959, Chapter 211, Section 1; Laws 1961, Chapter 290, Section 1; and Laws 1971, Chapter 810, Section 1, is amended to read:

Sec. 2. [CHISHOLM, CITY OF; POLICE RELIEF ASSOCIATION, PENSIONS.]

The members of the municipal police department of Chisholm are hereby authorized to become incorporated pursuant to the provisions of General Statutes 1923, Chapter 58, and the laws amendatory thereto, and adopt a constitution and bylaws as a relief association, and provide for and permit and allow such police relief association, so incorporated, and organized, to pay out of and from any funds it may have received from any source a service, disability or dependency pension in such amounts and in such manner as its articles of incorporation and bylaws shall designate, subject to the provisions of Laws 1945, Chapter 74, as amended.

When a member has reached the age of ~~55~~ 50 years or more and served as a member of such municipal police department for a period of 20 years or more, or has been disabled physically or mentally because of any injury received or suffered after at least one year of service as a member of the police department,

so as to render necessary his retirement from active police service and cause a total and permanent disability, such retirement member shall be paid each month a pension equal to one-half of his average monthly ~~base~~ *total* pay during the last six months of his service with said police department. No pension authorized by this act shall be paid to any person after he removes his residence from the United States, or to any person who shall have been convicted of a felony for which he shall have been adjudged to be imprisoned, or who is an habitual drunkard, or to any person receiving a pension or sick relief from any other public relief association.

When any member retires from said service who either is not entitled to, or does not care to accept a pension, he may withdraw all moneys deducted from his salary, minus any moneys that have been paid out of such fund for his benefit for hospitalization or doctors' services, or in insurance premiums therefor. In that event, neither he nor his dependents shall be entitled to further benefits under Laws 1945, Chapter 74, as amended. Alternatively, a member of the association who completes 20 years of service but has not attained ~~55~~ *50* years of age may retire without forfeiting his right to a retirement pension. Upon application he shall be placed upon the preferred pension roll of the association. After he has attained the age of ~~55~~ *50* years the association shall, upon application, commence payment of his pension from the date upon which it approves his application.

These monthly payments may be increased by adding thereto an amount not exceeding \$5 per month for each year of active duty over 20 years of service before retirement not to exceed five years for purposes of pension computation. No such pension shall be paid to any person while he remains a member of the police department and no person receiving such pension shall be entitled to any other relief from the association.

Sec. 32. Laws 1945, Chapter 74, Section 3, is amended to read:

Sec. 3. **[WIDOWS AND CHILDREN MAY RECEIVE PENSION SURVIVORS' BENEFITS.]**

Subdivision 1. [DEFINITIONS.] For the purposes of Laws 1945, Chapter 74, as amended, the terms defined in this section have the meanings given them.

(1) "Surviving spouse" means a person who became the member's legally married spouse during or prior to the time the member was on the payroll of any such police department as a police officer, and remained such continuously after their marriage until the member's death, without having been granted a marriage dissolution or legal separation, and who, in case the deceased member was a service or deferred pensioner, was legally married to the member before the member's retirement from the police department; and who, in any case, was residing with the member at the time of the member's death. No temporary absence for purposes of business, health or pleasure shall constitute a change of residence for purposes of this clause.

(2) "Surviving child" means any child born the issue of the lawful wedlock of a service, disability or deferred pensioner or of a deceased active member, who is under the age of 18 or who is a full-time student under the age of 22.

Subd. 2. [ELIGIBILITY.] Pensions may be paid to any ~~widow~~ surviving spouse or surviving child ~~under sixteen years of age~~ of such a pensioned and

retired member of the police department, or to any widow or child under sixteen years of age of any member who dies while in the service of the police department of any such this city.

Sec. 33. Laws 1945, Chapter 74, Section 4, as amended by Laws 1953, Chapter 235, Section 2; and Laws 1971, Chapter 810, Section 3, is amended to read:

Sec. 4. [SURVIVORS' PENSIONS, TO WHOM AMOUNTS PAYABLE.]

Pension may be paid by such police relief association to any widow or child under 19 years of age of any such pensioned and retired member of the police department and to any widow or child under 19 years of age of any member who dies while in the service of the police department of such city; and such widow or child shall receive such sums as may be provided for in the bylaws of such police relief association. In the event any such widow remarries, she shall receive no further benefits under this law.

A surviving spouse shall receive a monthly benefit equal to 25 percent of the member's average monthly total pay during the last six months of allowable service preceding death. If a surviving spouse remarries, the pension shall cease and terminate as of the date of the remarriage.

Each surviving child shall receive a monthly benefit equal to \$125 per month.

If both the member and the member's spouse are deceased, a monthly benefit equal to 25 percent of the member's average monthly total pay during the last six months of allowable service preceding death shall be paid to the surviving child or children. The benefit shall be divided equally if there is more than one surviving child.

This fund shall not be used for any other purpose than the payment of service, disability or dependency pensions, as herein provided, and for the relief of a sick, injured and disabled policeman. The word "member" as used in this act includes policewomen, police matrons and assistant police matrons.

Sec. 34. Laws 1955, Chapter 151, Section 7, as amended by Laws 1963, Chapter 271, Section 4, Laws 1965, Chapter 465, Section 1, and Laws 1969, Chapter 442, Section 2, is amended to read:

Sec. 7. [ST. PAUL POLICE RELIEF ASSOCIATION; AUTHORIZED INVESTMENTS.]

In addition to the rate allowed to be expended for cost of government by the charter of the city or state statute, the city shall levy a tax on all taxable property within the city of Saint Paul at a mill rate which is the greater of (a) or (b) but not greater than (c) where

(a) is the benefits to be paid from the plan in the ensuing calendar year (all other income will be added to the assets as a net increase in such assets) and

(b) is the "adjusted normal cost" for the ensuing calendar year less all other income other than investment income during the ensuing calendar year where the term "adjusted normal cost" is defined as the normal cost figure indicated in the most recent actuarial report required by law increased or decreased by the same ratio as participating (covered) payroll has increased or decreased since the date of the most recent actuarial report required by law, plus interest on the

actual deficit as shown by the most recent actuarial valuation at the rate of three percent per annum, and

(c) is an amount not greater than four mills in the year 1969 and an additional one mill each year thereafter unless a greater amount is required by the police and firemen's relief associations guidelines act of 1969.

The results of (a), (b) and (c) above will be adjusted so as to reflect any differences between estimates for prior calendar years and actual circumstances during such prior calendar years.

The tax so levied under the provisions of this section shall be levied in the same manner as the city levies other taxes, and the proceeds of this tax shall be paid into the St. Paul policemen's pension fund. The tax levy authorized by this section shall not be considered a part of the tax levy under any limitation in the charter of the city or state statute, but shall be in addition to any existing charter or statutory tax levy limitation.

~~Said relief association may deposit all funds available for investment with any bank or savings and loan association in Saint Paul in the form of time deposits or with the state board of investment for the purchase of shares of participation in the supplemental retirement fund or any similar fund created by the legislature for police pension investment purposes. At the determination of the board of trustees of the association, up to 20 percent of the funds deposited with the state board of investment may be invested in the growth share account, with the remainder to be invested in the income share account. Such shares shall be credited to the account of and owned by the Saint Paul police retirement association and not to the account of any individual employee. The investment of the funds of the relief association shall be governed pursuant to Minnesota Statutes, Section 69.77, Subdivision 2, Clause (7).~~

Sec. 35. Laws 1955, Chapter 375, Section 12, as amended by Laws 1957, Chapter 256, Section 1, Laws 1967, Chapter 708, Section 1, and Laws 1969, Chapter 443, Section 1, is amended to read:

Sec. 12. [ST. PAUL, CITY OF; ~~FIREMEN'S~~ FIREFIGHTERS' RELIEF ASSOCIATION; TAX LEVY.]

The city council or other governing body of such city wherein such a relief association is located shall, each year, at the time the tax levies for the support of the city are made, and in addition thereto levy a tax on all taxable property within the city of Saint Paul in an amount which is the greater of (a) or (b) but not greater than (c) where

(a) is the benefits to be paid from the plan in the ensuing calendar year (all other income will be added to the assets as a net increase in such assets), and

(b) is the "Adjusted Normal Cost" for the ensuing calendar year less all other income other than investment income during the ensuing calendar year where the term "Adjusted Normal Cost" is defined as the Normal Cost figure indicated in the most recent actuarial report required by law increased or decreased by the same ratio as participating (covered) payroll has increased or decreased since the date of the most recent actuarial report required by law, plus interest on the actual deficit as shown by the most recent actuarial valuation at the rate of three percent per annum, and

(c) is an amount not greater than four and one half mills in the year 1969 and

an additional one mill each year thereafter unless a greater amount is required by the Police and Firemen's Relief Associations Guidelines Act of 1969.

The results of (a), (b) and (c) above will be adjusted so as to reflect any differences between estimates for prior calendar years and actual circumstances during such prior calendar years.

The tax so levied under the provisions of this section shall be levied in the same manner as the city levies other taxes, and the proceeds of this tax shall be paid into the St. Paul Fire Department Relief Association's pension fund. The tax levy authorized by this section shall not be considered a part of the tax levy under any limitation in the charter of the city or state statute, but shall be in addition to any existing charter or statutory tax levy limitation.

The tax so levied shall be transmitted with other tax levies to the auditor of the county in which such city is situated, and by said county shall be collected and payment thereof enforced when and in like manner as state and county taxes are paid.

Said relief association may deposit all funds available for investment with any bank or savings and loan association in Saint Paul in the form of time deposits or with the state board of investment for the purchase of shares of participation in the Supplemental Retirement Fund or any similar fund created by the legislature for fire and police pension investment purposes. At the determination of the board of trustees of the association, up to 20 percent of the funds deposited with the state board of investment may be invested in the Growth Share Account, with the remainder to be invested in the Income Share Account. Such shares shall be credited to the account of and owned by the Saint Paul fire department relief association and not to the account of any individual employee. *The investment of the funds of the relief association shall be governed pursuant to Minnesota Statutes, Section 69.77, Subdivision 2, Clause (7).*

Sec. 36. Laws 1961, Chapter 631, Section 1, as amended by Laws 1971, Chapter 809, Section 1, is amended to read:

Sec. 1. [CHISHOLM, CITY OF; FIREMEN'S RELIEF ASSOCIATION.]

In the city of Chisholm, which has a fire department relief association organized under the laws of this state and authorized to pay pensions under Mason's Minnesota Statutes of 1927, Sections 1919, 1920, and 3723 to 3728, or any amendments thereof, such association may pay retirement pensions in excess of the amounts so authorized, but not in excess of the following total amounts:

When a member has reached the age of 55 50 years or more and has served as a member of such municipal fire department for a period of 20 years or more, or has been disabled physically or mentally because of any injury received or suffered after at least one year of service as a member of the fire department so as to render necessary his retirement from active fire service and cause a total and permanent disability, ~~such retirement~~ the member shall be paid each month a pension equal to one half of his average monthly ~~base~~ total pay during the last six months of his service with said fire department. The monthly payment may be increased by adding thereto an amount not exceeding \$5 per month for each year of active duty over 20 years of service before retiring not to exceed five years for purposes of pension computation. No such pension shall be paid to

any person while he remains a member of the fire department. The amounts of the retirement pensions hereby authorized shall not apply to members who have retired prior to the enactment hereof, except as may be hereinafter provided.

Sec. 37. [CHISHOLM FIREFIGHTERS' RELIEF ASSOCIATION; SURVIVORS' BENEFITS.]

Subdivision 1. [DEFINITIONS.] For the purposes of Laws 1961, Chapter 631, as amended, the terms defined in this section have the meanings given them.

(1) "Surviving spouse" means a person who became the member's legally married spouse during or prior to the time the member was on the payroll of any such fire department as a firefighter, and remained such continuously after their marriage until the member's death, without having been granted a marriage dissolution or legal separation, and who, in case the deceased member was a service or deferred pensioner, was legally married to the member prior to the member's retirement from the fire department; and who, in any case, was residing with the member at the time of the member's death. No temporary absence for purposes of business, health or pleasure shall constitute a change of residence for purposes of this clause.

(2) "Surviving child" means any child born the issue of the lawful wedlock of a service, disability or deferred pensioner, or of a deceased active member, who is under the age of 18 or who is a full-time student under the age of 22.

Subd. 2. [ELIGIBILITY.] Notwithstanding any law to the contrary, pensions may be paid to any surviving spouse or surviving child of a pensioned and retired member of the fire department or of any member who dies while in the service of the fire department of this city.

Subd. 3. [AMOUNTS PAYABLE.] A surviving spouse shall receive a monthly benefit equal to 25 percent of the member's average monthly total pay during the last six months of allowable service preceding death. If a surviving spouse remarries, the pension shall cease and terminate as of the date of the remarriage.

Each surviving child shall receive a monthly benefit equal to \$125 per month.

If both the member and the member's spouse are deceased, a monthly benefit equal to 25 percent of the member's average monthly total pay during the last six months of allowable service preceding death shall be paid to the surviving child or children. The benefit shall be divided equally if there is more than one surviving child.

Sec. 38. Laws 1974, Chapter 435, Section 3.03, is amended to read:

Sec. 3.03 [RETIREMENT.] *Notwithstanding the provisions of the Veterans Preference Act or other statutes of the state of Minnesota to the contrary, Each employee of the county of Ramsey, except each an elected official, who is 65 70 years of age, must shall retire from his employment by Ramsey county on the first day of the month after the month in which he the employee becomes 65 70.*

Sec. 39. Laws 1977, Chapter 61, Section 6, is amended to read:

Sec. 6. [FINANCIAL REQUIREMENTS OF THE TRUST FUND.]

Commencing January 1, 1978, the city of Eveleth shall provide by annual levy an amount sufficient to pay the greater of either (a) an amount which when added to the investment income of the trust fund is sufficient to pay the benefits provided under the trust fund for the succeeding year as certified by the board of trustees of the fund; or (b) an amount equal to the level annual dollar amount sufficient to amortize the unfunded accrued liability of the trust fund by December 31, 1991, as determined in accordance with Minnesota Statutes, Sections 69.77, 356.215 and 356.216, in the latest actuarial valuation.

The annual levy under this section shall not be included in any limitation as to rate or amount set by charter and shall be a special levy for purposes of Minnesota Statutes, Section 275.50, Subdivision 5. All revenues generated by the levy required under this section shall be transferred to the trust fund.

Sec. 40. [EVELETH POLICE AND FIREFIGHTERS.]

Notwithstanding any general or special law to the contrary, retirement benefits payable to retired police officers and firefighters by the Eveleth police and fire trust fund may be increased by \$40 per month. Survivor benefits payable to a surviving spouse or surviving dependent child may be increased by \$20 per month. Increases may be made retroactive to January 1, 1981.

Sec. 41. Laws 1978, Chapter 689, Section 5, is amended to read:

Sec. 5. [FINANCIAL REQUIREMENTS OF THE TRUST FUND.]

Commencing January 1, 1979, the city of Thief River Falls shall provide by annual levy an amount sufficient to pay the greater of either:

(a) the aggregate amount of service pensions, disability benefits, and survivorship benefits projected by the board of trustees of the trust fund established pursuant to section 4 for the following calendar year less the amount of assets in the trust fund as reported in the last audited financial report of the association prepared pursuant to Minnesota Statutes, Section 69.051, or

(b) an amount equal to the level annual dollar amount sufficient to amortize the unfunded accrued liability of the trust fund by December 31, 1996, as determined in accordance with Minnesota Statutes, Sections 69.77, 356.215 and 356.216, in the latest actuarial valuation. All revenues generated by any levy required under this section shall be transferred to the trust fund.

Sec. 42. [THIEF RIVER FALLS POLICE; SURVIVOR BENEFITS.]

Subdivision 1. [BENEFITS.] Notwithstanding Minnesota Statutes, Section 423.58, when a service pensioner, disability pensioner, deferred pensioner, or an active member of the Thief River Falls police relief association dies, leaving a surviving spouse, one or more surviving children, or both, the surviving spouse and child or children shall be entitled to a pension or pensions as follows:

(1) *To the surviving spouse a pension in an amount not to exceed \$250 per month payable for life; provided, however, that if the surviving spouse shall remarry, the pension shall terminate as of the date of remarriage.*

(2) *To the child or children, until the child reaches the age of 18 years, a monthly benefit in an amount not to exceed \$125 per month. Payments for the*

benefit of any qualified dependent child under the age of 18 years shall be made to the surviving parent or if none, to the legal guardian of the child. The maximum monthly benefit for any one family shall not exceed \$750. If the member shall die under circumstances which entitle his surviving spouse and dependent children to receive benefits under the workers' compensation law, the amounts so received by them shall not be deducted from the benefits payable under this section.

Subd. 2. [DEFINITIONS.] (a) "Surviving spouse" means a person who became the member's legally married spouse while or prior to the time he was on the payroll of the police department as a police officer, and remained such continuously after their marriage until his death, and who, in case the deceased member was a service or deferred pensioner, was legally married to the member before his retirement from the police department; and who, in any case, was residing with him at the time of his death. No temporary absence for purposes of business, health or pleasure, shall constitute a change of residence for the purposes of this section.

(b) "Surviving child" means any child born the issue of the lawful wedlock of a service, disability or deferred pensioner, or of a deceased active member.

Sec. 43. [BUHL POLICE SURVIVOR BENEFITS.]

Notwithstanding any provision of any general or special law to the contrary, the Buhl police relief association may provide in its bylaws or articles of incorporation for the payment of survivor benefits to the surviving spouse of a deceased member, or the surviving dependent children equally if there be no surviving spouse, in an amount equal to 50 percent of the pension the deceased member was receiving on the date of death. The service pension is to be based on one-half of the total pay of the previous 12 month period. Payment shall continue until the surviving spouse remarries or until the dependent children reach the age of 18 years, or 22 years if a full-time student. In the event of the death of a member prior to retirement, dependent children shall receive survivor benefits in the amount of \$125 per month per child, payable until age 18 or age 22 if a full-time student.

Sec. 44. [ELECTION OF RETIREMENT COVERAGE.]

Subdivision 1. [ELECTION.] Any person who was an employee of the Suburban Public Health Nursing Service, Incorporated, on or after December 2, 1977, who was excluded from membership in the public employees retirement association shall be entitled to receive allowable service credit in the public employees retirement association in the applicable retirement program for any service as an employee of the Suburban Public Health Nursing Service, Incorporated, during the period from December 2, 1977, to June 1, 1981, if:

(a) the employee had deposited an amount equal to the applicable employee contribution rate specified in Minnesota Statutes, Section 353.27, Subdivision 2, applied to the salary rates which the employee actually earned during the period in a retirement contribution escrow account established by the Suburban Public Health Nursing Service, Incorporated;

(b) the Suburban Public Health Nursing Service, Incorporated, had deposited an amount equal to the applicable employer and employer additional contribution rate specified in Minnesota Statutes, Section 353.27, Subdivisions 3 and 3a, applied to the salary rates which the employee actually earned

during the period in the retirement contribution escrow account;

(c) the accumulated moneys of the retirement contribution escrow account, including any investment income earned, is transferred on or before the effective date of this act; and

(d) proof of service is established by documentation from the Suburban Public Health Nursing Service, Incorporated, to the executive director of the public employees retirement association in whatever form and to whatever extent required by the executive director.

Allowable service credit shall only be granted based on amounts deposited in the retirement contribution escrow account representing contributions for actual service rendered. Purchase of allowable service credit shall be limited to service attributable to the moneys representing contributions transferred from the escrow account to the public employees retirement association. In the event that the moneys representing contributions transferred to the retirement association are not equal to the amount of contributions which should have been made for the service certified, service credit shall be granted in the proportion that the actual moneys representing contributions bear to the contributions that should have been contributed for the amount of service certified.

For any person, the service credit granted pursuant to this section shall be allowable service for the purposes of Minnesota Statutes, Chapter 353.

Any person covered by this act who is currently receiving an annuity from the public employees retirement association for service other than service credit granted pursuant to this subdivision shall have their annuity recomputed to include the service credit granted pursuant to this section. The recomputed annuity shall be paid commencing the first day of the month following the effective date of the act.

Subd. 2. [REPAYMENT OF REFUND.] Notwithstanding any minimum service period of Minnesota Statutes 1980, Section 353.35, upon resuming active membership in the public employees retirement association, any person employed by the Suburban Public Health Nursing Service, Incorporated, shall be entitled to repay any refund amounts received pursuant to Minnesota Statutes, Section 353.34, Subdivisions 1 and 2, plus interest at six percent per annum, compounded annually.

Sec. 45. [TEMPORARY PROVISION.]

Any person whose disability benefit is authorized and in effect pursuant to Minnesota Statutes, Sections 352.113, 352.95, 352B.10, 353.33, 353.656, 354.48, or 354A.36, on the day of final enactment of this act may, on or before December 31, 1981, elect an actuarially equivalent optional annuity pursuant to the provisions of this act. The optional annuity shall be calculated based on the ages of all persons involved as of the date on which the optional annuity begins to accrue. The optional annuity shall begin to accrue on the first day of the month occurring two months after the month in which the optional annuity is elected.

Sec. 46. [REPEALER.]

Minnesota Statutes 1980, Section 353.022, is repealed.

Sec. 47. [EFFECTIVE DATE.]

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 30, and 45 are effective on the day following final enactment. Section 16 with respect to the addition of clause (n) shall be effective on January 1, 1982, and with respect to the addition of clause (o) shall be effective on July 1, 1981. Section 17 shall be effective on the day following final enactment, except that for any person subject to the provisions of this section who, on or prior to July 1, 1980, had established an individual retirement account pursuant to section 408 of the federal internal revenue code of 1954 as amended through December 31, 1980, this section is effective retroactively to the first day of the payroll period including January 1, 1980. Sections 18, 29, and 46 are effective on July 1, 1981. Sections 19 and 44 are effective on June 1, 1981. Section 20 is effective on January 1, 1982. Sections 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, and 43 are effective upon compliance with Minnesota Statutes, Section 645.021."

Amend the title as follows:

Page 1, delete lines 2 to 4 and insert:

"relating to retirement; various retirement funds; crediting service for vesting and benefit accrual purposes in the Minnesota demonstration job-sharing program; removing certain transitional provisions governing the fire state aid program; providing police state aid for municipalities which employ police officers with less than a full year of service; allowing disability benefit recipients to elect actuarially equivalent joint and survivor optional annuities; providing retirement coverage in the public employees retirement association for employees of the Range Association of Municipalities and Schools, the soil and water conservation districts and the Suburban Public Health Nursing Service, Incorporated; increasing the minimum salary requirement for inclusion in membership in the public employees retirement association; requiring various public pension plans to provide information on annuity forms to retiring members and notification to spouse of annuity form elected; authorizing certain former members of the Minneapolis municipal employees retirement fund to repay refund amounts under certain conditions; authorizing benefit increases for the Chisholm police relief association, the Chisholm firefighters relief association, the Eveleth police and firefighters retirement trust fund, the Thief River Falls police retirement trust fund, and the Buhl police relief association; specifying the investment authority of the St. Paul police relief association and the St. Paul firefighters relief association; amending Minnesota Statutes 1980, Sections 43.60, Subdivision 3; 69.011, Subdivisions 1 and 2; 69.021, Subdivisions 1, 2, 6 and 7; 69.031, Subdivision 5; 352.113, Subdivisions 3 and 12; 352.95, Subdivision 5 and by adding a subdivision; 352B.10; 352B.105; 353.01, Subdivisions 2a, 2b and 6; 353.33, Subdivision 11 and by adding a subdivision; 353.656, Subdivision 6 and by adding a subdivision; 354.48, Subdivision 10 and by adding a subdivision; 354A.36, Subdivision 10 and by adding a subdivision; Laws 1945, Chapter 74, Sections 2, as amended, 3 and 4, as amended; 1955, Chapters 151, Section 7, as amended; and 375, Section 12, as amended; 1961, Chapter 631, Section 1, as amended; 1974, Chapter 435, Section 3.03; 1977, Chapter 61, Section 6; and 1978, Chapter 689, Section 5; proposing new law coded in Minnesota Statutes, Chapters 43; 353; 356; and 422A; repealing Minnesota Statutes 1980, Section 353.022."

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

S. F. No. 1131: A bill for an act relating to elections; authorizing changing of certain precinct boundaries; amending Minnesota Statutes 1980, Section 204A.06, Subdivision 1.

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

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

H. F. No. 579 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File 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.
579	517				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 579 be amended as follows:

Page 2, line 20, delete "and"

Page 12, line 17, after "1979" insert a comma

Amend the title as follows:

Page 1, line 6, after "12" insert a comma

And when so amended H. F. No. 579 will be identical to S. F. No. 517, and further recommends that H. F. No. 579 be given its second reading and substituted for S. F. No. 517, 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. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H. F. No. 624 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File 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.
624	509				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 624 be amended as follows:

Page 2, line 11, strike "prior to this time" and before the comma insert "before conclusion of treatment"

Page 2, line 11, after "inmate" strike "shall"

Page 2, line 12, strike "have" and insert "has"

Page 2, line 20, strike "thereon" and insert "*on the question*"

Page 2, line 25, strike "there has heretofore"

Page 2, line 26, strike everything before "the"

Page 2, line 28, after "corrections" insert "*obtains*"

Page 2, line 30, strike everything after "and"

Page 2, line 31, before "no" insert "*the chief executive officer knows*"

Page 2, line 31, strike everything after "entitled"

Page 2, line 32, strike "executive officer," and delete "the" and strike "money"

Page 2, line 35, after "~~facility~~" insert "*to it, the chief executive officer*" and after "if" insert "*the money is*"

Page 2, line 35, delete "*be deposited*" and insert "*deposit it*"

Page 3, line 1, strike "used" and insert "*deposited*" and strike "shall have" and insert "*has*"

Page 3, line 4, strike "shall"

Page 3, line 5, strike "they shall be" and insert "*the inmates or heirs are*"

Page 3, line 15, strike "exclusive of" and insert "*other than*"

Page 3, line 16, strike "there is" and insert "*the chief executive officer knows*" and strike "thereto"

Page 3, line 17, strike everything before the comma and insert "*to it*"

Page 3, line 35, strike "he" and insert "*the chief executive officer*" and strike "for payment"

Page 3, line 36, before the period insert "*for payment to the inmate or heirs*"

Page 4, delete lines 16 and 17 and insert "~~physical examination hereinafter provided for and has undergone a physical examination and has been found to be free of~~"

Page 4, line 23, strike "moneys" and insert "*money*"

Page 5, lines 28 and 29, delete "*corrections' department*" and insert "*corrections department's*"

Page 6, line 21, strike "It shall be the duty of" and after "corrections" strike "to" and insert "*shall*"

Page 7, line 17, delete "*his*" and insert "*the commissioner's*"

Page 7, line 24, strike "such"

Page 8, delete lines 10 to 13 and insert:

"Every person who ~~shall abduct, conceal, entice, carry~~ abducts, conceals, entices, carries away, or improperly ~~interfere~~ interferes with, any inmate of the a Minnesota correctional facility ~~Red Wing shall be~~ facility for juveniles is guilty of a misdemeanor."

Delete page 8, line 30 to page 10, line 13 and insert: "provided that:

(a) no ~~convict~~ inmate serving a life sentence for murder other than murder committed in violation of clause (1) of section 609.185 who has not been previously convicted of a felony shall be paroled until he has served 20 years, less the diminution which he would have been allowed for good conduct had his sentence been for 20 years; ~~and provided further that~~

(b) no ~~convict~~ inmate serving a life sentence for murder who has been previously convicted of a felony or though not previously convicted of a felony is serving a life sentence for murder in the first degree committed in violation of clause (1) of section 609.185 shall be paroled until he has served 25 years, less the diminution which would have been allowed for good conduct had his sentence been for 25 years; ~~provided further that~~

(c) any ~~convict~~ inmate sentenced prior to September 1, 1963 who would be eligible for parole had he been sentenced after September 1, 1963, shall be eligible for parole; ~~provided further, and~~

(d) in all cases where a ~~convict~~ an inmate is serving a life sentence for murder, unanimous consent of the corrections board ~~shall be~~ is required for parole of ~~such convict the inmate~~. Any new rule or policy or change thereof adopted by the board which has the effect of postponing eligibility for parole ~~shall have~~ has prospective effect only and ~~shall apply~~ applies only with respect to persons committing offenses after the effective date of the new rule or policy or change thereof. Upon being paroled and released, ~~such convicts shall be an inmate is and remain remains~~ in the legal custody and under the control of the corrections board, subject at any time to be returned to ~~the Minnesota correctional facility Stillwater, the Minnesota correctional facility St. Cloud, the Minnesota correctional facility Shakopee, or other~~ a facility of the department of corrections established by law for the confinement or treatment of convicted persons and the parole rescinded by ~~such the board~~, when the legal custody of ~~such convict shall revert the convicted person reverts~~ to the commissioner of corrections. The written order of the corrections board, certified by the chairman of the board, shall be sufficient to any peace officer or state parole and probation agent to retake and place in actual custody any person on parole to the corrections board, but any state parole and probation agent may, without order of warrant, when it appears ~~to him~~ necessary in order to prevent escape or enforce discipline, take and detain a parolee to the corrections board for its action. The written order of the commissioner of corrections ~~shall be~~ is sufficient to any peace officer or state parole and probation agent to retake and place in actual custody any person on probation under the supervision of the commissioner pursuant to section 609.135, but any state parole and probation agent may, without ~~such an order~~, when it appears ~~to him~~ necessary in order to prevent escape or enforce discipline, retake and detain ~~such a probationer and bring him the probationer~~ before the court for further proceedings under section 609.14. Paroled persons, and those on probation under the supervision of the commissioner of corrections pursuant to section 609.135 may be placed within or without the boundaries of the state at the discretion of the board or of the commissioner of corrections, and the limits fixed for ~~such these~~ persons may be enlarged or reduced according to their conduct."

Page 10, line 15, strike "shall not be" and insert "is not"

Page 11, line 15, strike "shall have" and insert "has"

Page 11, line 17, strike "shall bring" and insert "*brings*" and strike "convey" and insert "*conveys*"

Page 11, line 19, strike "shall"

Page 11, line 20, strike "be" and insert "*is*"

Page 12, line 7, strike "whereby" and insert "*by which*"

Page 12, line 12, strike "should" and insert "*if*" and strike "be" and insert "*is*"

Page 12, line 13, strike "so as to become" and insert "*and becomes*"

Page 12, line 16, strike "thereof" and insert "*of inmates*" and strike "such other" and insert "*another*"

Page 12, lines 31 and 32, delete "*to effect the apprehension*" and insert "*to apprehend*"

Page 12, line 32, delete "*of*"

Page 13, line 5, strike "shall"

Page 13, line 6, strike "acquire" and insert "*acquires*"

Page 13, line 11, before "persons" strike "such"

Page 13, line 12, strike "shall be"

Page 13, line 23, strike "him" and insert "*the commissioner*"

Page 13, line 29, after "*shall*" insert "*also*"

Page 14, line 13, strike "hereunder" and insert "*under this section*"

Page 14, line 35, delete "*This act is*" and insert "*Sections 1 to 23 are*"

Amend the title as follows:

Page 1, line 10, delete "prescribing a penalty;"

And when so amended H. F. No. 624 will be identical to S. F. No. 509, and further recommends that H. F. No. 624 be given its second reading and substituted for S. F. No. 509, 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.

SECOND READING OF SENATE BILLS

S. F. Nos. 539, 305 and 1131 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 79, 579 and 624 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Pehler moved that the name of Mr. Frank be added as co-author to S. F. No. 783. The motion prevailed.

Mr. Spear moved that the name of Mrs. Stokowski be added as co-author to S. F. No. 817. The motion prevailed.

Mr. Vega moved that the names of Messrs. Penny and Nelson be added as co-authors to S. F. No. 1225. The motion prevailed.

CONSENT CALENDAR

S. F. No. 475: A bill for an act relating to courts; permitting all judicial districts except Hennepin county to set salaries of law clerks; clarifying employment status in every judicial district to be unclassified and without tenure; amending Minnesota Statutes 1980, Section 484.545, Subdivision 2, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 43 and nays 18, as follows:

Those who voted in the affirmative were:

Ashbach	Frank	Lantry	Peterson, R. W.	Stokowski
Bang	Frederick	Lessard	Petty	Stumpf
Belanger	Hanson	Lindgren	Pillsbury	Taylor
Berglin	Humphrey	Luther	Ramstad	Tennessee
Brataas	Keefe	Menning	Schmitz	Ulland
Chmielewski	Knoll	Merriam	Sieloff	Vega
Davies	Knutson	Moe, R. D.	Solon	Waldorf
Dieterich	Kroening	Nelson	Spear	
Engler	Langseth	Peterson, C. C.	Stern	

Those who voted in the negative were:

Benson	Davis	Kronebusch	Peterson, D. L.	Wegener
Berg	Dicklich	Olhoft	Purfeerst	Willet
Bernhagen	Frederickson	Pehler	Renneke	
Bertram	Johnson	Penny	Setzpfandt	

So the bill passed and its title was agreed to.

H. F. No. 1083: A bill for an act relating to charitable trusts; transferring responsibility of keeping certain records; amending Minnesota Statutes 1980, Sections 501.75; 501.76; 501.77; and 501.78, Subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SUSPENSION OF RULES

Mr. Moe, R. D. moved that the rules of the Senate be so far suspended as to waive the lie-over requirement on S. F. No. 692. The motion prevailed.

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Olhoft voted in the negative.

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

H. F. Nos. 339 and 521, which the committee recommends to pass.

S. F. No. 291, which the committee recommends to pass with the following amendment offered by Mr. Willet:

Page 2, line 13, strike everything after "section"

Page 2, line 14, strike everything before the period and insert "*is guilty of a petty misdemeanor*."

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "providing a penalty."

The motion prevailed. So the amendment was adopted.

S. F. No. 302, which the committee reports progress, subject to the following motions:

Mr. Lessard moved to amend S.F. No. 302 as follows:

Page 2, after line 28, insert:

“(e) The property is taken from a mercantile establishment and has a retail market value of more than \$150; or”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 45 and nays 9, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Kroening	Olhoft	Rued
Bang	Engler	Kronebusch	Pehler	Schmitz
Belanger	Frank	Langseth	Penny	Setzepfandt
Benson	Frederick	Lantry	Peterson, C. C.	Sieloff
Berg	Frederickson	Lessard	Peterson, D. L.	Stokowski
Bernhagen	Hanson	Lindgren	Pillsbury	Taylor
Bertram	Johnson	Luther	Purfeerst	Ulland
Chmielewski	Keefe	Menning	Ramstad	Vega
Dahl	Knutson	Nelson	Renneke	Waldorf

Those who voted in the negative were:

Berglin	Dieterich	Merriam	Petty	Tennessen
Dicklich	Knoll	Peterson, R. W.	Spear	

The motion prevailed. So the amendment was adopted.

Mr. Peterson, D.L. moved to amend S.F. No. 302 as follows:

Pages 2 and 3, delete sections 2 and 3

Page 4, line 3, delete “to 4” and insert “and 2”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete everything after the first semicolon

Page 1, line 7, delete “Subdivision 1;”

Mr. Merriam requested division of the amendment as follows:

First portion:

Pages 2 and 3, delete section 2

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 6, delete “609.52, Subdivision 3;”

Second portion:

Page 3, delete section 3

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, lines 6 and 7, delete “609.53, Subdivision 1;”

The question was taken on the adoption of the first portion of the Peterson, D. L. amendment.

The roll was called, and there were yeas 43 and nays 13, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Langseth	Peterson, C. C.	Stokowski
Bang	Engler	Lantry	Peterson, D. L.	Stumpf
Belanger	Frank	Lessard	Petty	Taylor
Benson	Frederick	Lindgren	Purfeerst	Ulland
Berg	Frederickson	Luther	Ramstad	Vega
Bernhagen	Keefe	Menning	Renneke	Waldorf
Bertram	Knutson	Merriam	Rued	Wegener
Chmielewski	Kroening	Pehler	Sieloff	
Dahl	Kronebusch	Penny	Solon	

Those who voted in the negative were:

Davies	Hanson	Olhoft	Schmitz	Willet
Dicklich	Humphrey	Peterson, R. W.	Setzeptandt	
Dieterich	Nelson	Pillsbury	Spear	

The motion prevailed. So the first portion of the amendment was adopted.

The question was taken on the adoption of the second portion of the Peterson, D. L. amendment.

The roll was called, and there were yeas 45 and nays 10, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Kronebusch	Peterson, C. C.	Solon
Bang	Engler	Langseth	Peterson, D. L.	Stokowski
Belanger	Frank	Lantry	Pillsbury	Stumpf
Benson	Frederick	Lessard	Purfeerst	Taylor
Berg	Frederickson	Lindgren	Ramstad	Ulland
Berglin	Humphrey	Luther	Renneke	Vega
Bernhagen	Keefe	Menning	Rued	Waldorf
Bertram	Knutson	Pehler	Setzeptandt	Wegener
Dahl	Kroening	Penny	Sieloff	Willet

Those who voted in the negative were:

Chmielewski	Dicklich	Merriam	Peterson, R. W.	Schmitz
Davies	Dieterich	Olhoft	Petty	Spear

The motion prevailed. So the second portion of the amendment was adopted.

S. F. No. 302 was then progressed.

S. F. No. 560, which the committee recommends to pass, after the following motion:

The question was taken on the recommendation to pass S. F. No. 560.

The roll was called, and there were yeas 47 and nays 14, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Penny	Stern
Belanger	Engler	Langseth	Peterson, C. C.	Stumpf
Benson	Frank	Lantry	Peterson, D. L.	Taylor
Berg	Frederick	Lessard	Peterson, R. W.	Ulland
Bernhagen	Frederickson	Luther	Ramstad	Vega
Bertram	Hanson	Menning	Renneke	Wegener
Brataas	Hughes	Merriam	Rued	Willet
Dahl	Humphrey	Nelson	Schmitz	
Davies	Keefe	Olhoft	Setzeptandt	
Davis	Knutson	Pehler	Sieloff	

Those who voted in the negative were:

Berglin
Dicklich
Johnson

Knoll
Kroening
Lindgren

Moe, R. D.
Petty
Pillsbury

Solon
Spear
Stokowski

Tennessen
Waldorf

The motion prevailed. So S. F. No. 560 was recommended to pass.

On motion of Mr. Kroening, 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.

Mr. Chmielewski introduced —

S.F. No. 1268: A bill for an act relating to education; requiring schools to offer certain subjects; exempting nonpublic schools from the requirement of offering certain subjects; requiring classroom teachers in nonpublic schools to be licensed; excluding licensed nonpublic school teachers from certain duties and benefits; requiring nonpublic schools to report certain information to school district superintendents; providing additional remedies to enforce the compulsory attendance laws; prohibiting the state board of education from promulgating rules pursuant to this act; amending Minnesota Statutes 1980, Sections 120.10, Subdivision 2; 120.12, Subdivisions 2 and 3; 125.03, Subdivision 1, and by adding a subdivision; and 125.04; proposing new law coded in Minnesota Statutes, Chapter 120.

Referred to the Committee on Education.

Mr. Willet introduced —

S.F. No. 1269: A bill for an act relating to agriculture; consolidating existing laws; providing for agricultural commodity research and promotion councils; establishing procedures; providing penalties; amending Minnesota Statutes 1980, Sections 17.53; 17.54; 17.56; 17.57; 17.58; 17.59; 17.60; 17.62; 17.63; 17.64; and 17.67; repealing Minnesota Statutes 1980, Sections 17.55; 17.601; 17.65; 17.68; 21A.01 to 21A.19; 29.14 to 29.19; 30.461 to 30.479; and 32B.01 to 32B.13.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Hanson introduced —

S.F. No. 1270: A resolution memorializing the Peace Corps in recognition of the outstanding achievements of Peace Corps volunteers from Minnesota on the occasion of the Peace Corps' 20th anniversary.

Referred to the Committee on Rules and Administration.

Mr. Peterson, R.W. introduced —

S.F. No. 1271: A bill for an act relating to the city of East Bethel, Anoka County; changing the application of urban district in the Minnesota highway traffic regulation act.

Referred to the Committee on Transportation.

Mr. Langseth introduced—

S.F. No. 1272: A bill for an act relating to public employees; permitting public employers to require their employees to have a state residence; proposing new law coded in Minnesota Statutes, Chapter 179.

Referred to the Committee on Public Employees and Pensions.

Mr. Langseth introduced—

S.F. No. 1273: A bill for an act relating to taxation; income; increasing the amount of non-farm income which can be used to offset farm expenses and losses; amending Minnesota Statutes 1980, Section 290.09, Subdivision 29.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Spear; Peterson, C.C.; Stumpf; Renneke and Mrs. Lantry introduced—

S.F. No. 1274: A bill for an act relating to employees and officials of the state; hospital and medical benefits for retired or disabled state officials and employees; amending Minnesota Statutes 1980, Section 471.61, Subdivision 2a.

Referred to the Committee on Public Employees and Pensions.

Mr. Frederick introduced—

S.F. No. 1275: A bill for an act relating to transportation; providing for the repair of impassable town roads; establishing a dollar limit per mile for work performed by a county on impassable town roads; amending Minnesota Statutes 1980, Section 163.16, Subdivision 3.

Referred to the Committee on Transportation.

Messrs. Frederick and Belanger introduced—

S.F. No. 1276: A bill for an act relating to transportation; providing for the maintenance of the trunk highway system by certain counties pursuant to contract with the commissioner of transportation; defining terms; amending Minnesota Statutes 1980, Section 161.32, Subdivisions 1 and 2; proposing new law coded in Minnesota Statutes, Chapter 161; repealing Minnesota Statutes 1980, Section 161.32, Subdivision 4.

Referred to the Committee on Transportation.

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

S.F. No. 1277: A bill for an act relating to mobile homes; regulating lot rentals; specifying conditions on which a lessor may recover possession of land upon which a mobile home is located; amending Minnesota Statutes 1980, Section 327.44.

Referred to the Committee on Judiciary.

Mr. Schmitz introduced—

S.F. No. 1278: A bill for an act relating to elections; providing for special

elections to fill vacancies in statutory city offices; amending Minnesota Statutes 1980, Sections 205.10; 205.17, by adding a subdivision; and 412.02, Subdivision 2, and by adding a subdivision.

Referred to the Committee on Elections and Reapportionment.

Mr. Knutson introduced—

S.F. No. 1279: A bill for an act relating to costs and attorney fees; providing for recovery of costs and attorney fees by prevailing parties in civil actions against the state and administrative contested cases; proposing new law coded in Minnesota Statutes, Chapters 3 and 15.

Referred to the Committee on Judiciary.

Messrs. Knutson and Pillsbury introduced—

S.F. No. 1280: A bill for an act relating to public welfare; increasing the time period during which certain transfers of property by persons seeking medical assistance will result in their ineligibility for assistance; amending Minnesota Statutes 1980, Section 256B.17.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Chmielewski introduced—

S.F. No. 1281: A bill for an act relating to employment; establishing a state employment and training program; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 268.

Referred to the Committee on Employment.

Messrs. Knutson, Schmitz and Belanger introduced—

S.F. No. 1282: A bill for an act relating to metropolitan revenue distribution; changing the determination of contributions to the area-wide tax base; amending Minnesota Statutes 1980, Section 473F.06.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davis, Bernhagen, Hanson, Engler and Bertram introduced—

S.F. No. 1283: A bill for an act relating to soil conservation; providing a state paid property tax credit to agricultural property owners who carry out and maintain approved soil conservation practices under agreements with soil and water conservation districts; appropriating money; amending Minnesota Statutes 1980, Section 40.07, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 273.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Stokowski introduced—

S.F. No. 1284: A bill for an act relating to health; exempting students in schools of dental assisting from the requirement of a dental license; amending

Minnesota Statutes 1980, Section 150A.05, Subdivision 2.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Olhott introduced—

S.F. No. 1285: A bill for an act establishing at the Fergus Falls State Hospital a domiciliary home for veterans; correcting obsolete provisions in the law relating to the location of state hospitals; authorizing issuance of state bonds; appropriating money; amending Minnesota Statutes 1980, Section 253.015; proposing new law coded in Minnesota Statutes, Chapter 198.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Pehler, Johnson, Frederick, Ulland and Setzepfandt introduced—

S.F. No. 1286: A bill for an act relating to local government; defining state mandated services and standards; providing for a definition of state initiated mandates; providing for a listing and estimate of state mandated costs and a procedure for reimbursement of these costs; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 275.

Referred to the Committee on Taxes and Tax Laws.

Mr. Hughes introduced—

S.F. No. 1287: A bill for an act relating to education; extending due dates for plans and reports relating to the statewide education management information system; authorizing the state board to perform certain duties according to specified criteria in the absence of rules; amending Minnesota Statutes 1980, Sections 121.931, Subdivisions 3, 4 and 7; and 121.938, Subdivision 2.

Referred to the Committee on Education.

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

S.F. No. 1288: A bill for an act relating to agriculture; creating a family farm finance agency; authorizing the agency to issue debt obligations and to make loans for the acquisition of farm land; transferring the family farm security program to the agency; appropriating money; amending Minnesota Statutes 1980, Sections 41.51; 41.52, Subdivisions 1, 5, 8, 9 and 10, and by adding subdivisions; 41.54, Subdivision 4; 41.55; 41.56; 41.57; 41.58; 41.59, Subdivisions 1 and 2; and 41.60; proposing new law coded in Minnesota Statutes, Chapter 41; repealing Minnesota Statutes 1980, Section 41.53.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Willet and Ashbach introduced—

S.F. No. 1289: A bill for an act relating to state government; providing for deficiencies in and supplementing appropriations for the expenses of state government; appropriating money.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, April 13, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate