

SEVENTY-FIRST DAY

St. Paul, Minnesota, Monday, February 15, 1982

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

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Jerry Van Drovee.

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

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

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. Hanson, Sieloff and Waldorf were excused from the Session of today. Messrs. Renneke and Sikorski were excused from the Session of today until 11:15 a.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

May 27, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

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

Stephen D. Doyle, 185 Bushaway Road, Wayzata, Hennepin County, has been appointed by me, effective May 27, 1981, for a term expiring the first Monday in January, 1982.

Toni Lin Hengesteg, 3385 Chandler, Shoreview, Ramsey County, has been appointed by me, effective May 27, 1981, for a term expiring the first Monday in January, 1982.

James L. Weaver, 4235 Dupont Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective May 27, 1981, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on General Legislation and Administrative Rules.)

June 11, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

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

Barbara H. Flanigan, 2405 Sheridan Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective June 11, 1981, for a term expiring the first Monday in January, 1985.

Dr. James House, 1895 Gluek Lane, Roseville, Ramsey County, has been appointed by me, effective June 11, 1981, for a term expiring the first Monday in January, 1983.

Geoffrey L. Kaufmann, 632 Como Avenue, St. Paul, Ramsey County, has been appointed by me, effective June 11, 1981, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on Health, Welfare and Corrections.)

June 18, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointments to the State Soil and Water Conservation Board are hereby respectfully submitted to the Senate for confirmation as required by law:

William H. Bryson, RR 2, Box 173F, Alden, Freeborn County, has been appointed by me, effective June 18, 1981, for a term expiring the first Monday in January, 1983.

Walfred Bernhardson, Route 2, Ada, Norman County, has been appointed by me, effective June 18, 1981, for a term expiring the first Monday in January, 1985.

Russell L. Ruud, RR 2, Box 232, Palisade, Aitkin County, has been ap-

pointed by me, effective June 18, 1981, for a term expiring the first Monday in January, 1985.

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

June 18, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

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

Randall J. Gort, 1901 Fremont Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective June 18, 1981, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on General Legislation and Administrative Rules.)

June 22, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointments to the Minnesota Higher Education Coordinating Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Archie Chelseth, 509 Chestnut Street, Cloquet, Carlton County, has been appointed by me, effective June 22, 1981, for a term expiring the first Monday in January, 1985.

Douglas H. Sillers, Route 2, Moorhead, Clay County, has been appointed by me, effective June 22, 1981, for a term expiring the first Monday in January, 1985.

Gretchen Taylor, 625 Owatonna Street, Mankato, Blue Earth County, has been appointed by me, effective June 22, 1981, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on Education.)

July 1, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointments to the Board of Animal Health are hereby respectfully submitted to the Senate for confirmation as required by law:

Robert J. Barton, Route 1, Silver Lake, McLeod County, has been appointed by me, effective July 1, 1981, for a term expiring the first Monday in January, 1983.

C.H. Contag, 16 South Broadway, New Ulm, Brown County, has been appointed by me, effective July 1, 1981, for a term expiring the first Monday in January, 1985.

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

July 1, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

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

John Edel, Jr., 2250 Dellridge, St. Paul, Ramsey County, has been appointed by me, effective July 1, 1981, for a term expiring the first Monday in January, 1983.

Toyse A. Kyle, 3244 Valley Ridge Drive, Eagan, Dakota County, has been appointed by me, effective July 1, 1981, for a term expiring the first Monday in January, 1985.

Sung Won Son, 2380 Cavell Avenue North, Golden Valley, Hennepin County, has been appointed by me, effective July 1, 1981, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on Education.)

July 1, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment to the Workers' Compensation Court of Appeals is hereby respectfully submitted to the Senate for confirmation as required by law:

Leigh J. Gard, Route 2, Box 263G, Lakeville, Dakota County, has been appointed by me, effective July 1, 1981, for a term expiring June 30, 1987.

(Referred to the Committee on Employment.)

August 3, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment to the State Soil and Water Conservation Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Glen L. Brown, 9514 Kimbro Avenue South, Cottage Grove, Washington County, has been appointed by me, effective August 3, 1981, for a term expiring the first Monday in January, 1983.

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

September 4, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointments to the State Council on Affairs of Spanish-Speaking People are hereby respectfully submitted to the Senate for confirmation as required by law:

Lilliam Pancorbo, 5316 Bloomington Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective September 4, 1981, for a term expiring the first Monday in January, 1982.

Juan Lopez, 175 Charles Avenue, St. Paul, Ramsey County, has been appointed by me, effective September 4, 1981, for a term expiring the first Monday in January, 1983.

Ana Sonia Nieves-Burton, 500 Sexton Building, 529 South 7th Street, Minneapolis, Hennepin County, has been appointed by me, effective September 4, 1981, for a term expiring the first Monday in January, 1983.

Fermin Aragon, 14420 Woodhill Terrace, Minnetonka, Hennepin County, has been appointed by me, effective September 4, 1981, for a term expiring the first Monday in January, 1984.

Lee Villareal, 3½ Grand Circle, East Grand Forks, Polk County, has been appointed by me, effective September 4, 1981, for a term expiring the first Monday in January, 1984.

Raul Cardona, Jr., 205 North Ermina, Albert Lea, Freeborn County, has been appointed by me, effective September 4, 1981, for a term expiring the first Monday in January, 1985.

Juan Moreno, 501 Pleasant Avenue, Crookston, Polk County, has been appointed by me, effective September 4, 1981, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on Governmental Operations.)

September 15, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment to the Minnesota Municipal Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Kenneth Sette, Route 3, Box 105, Owatonna, Steele County, has been appointed by me, effective September 15, 1981, for a term expiring September 15, 1987.

(Referred to the Committee on Local Government and Urban Affairs.)

September 23, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointments to the Minnesota-Wisconsin Boundary Area Commission are hereby respectfully submitted to the Senate for confirmation as required by law:

Robert W. Burns, 10677 Cedar Hts. Trail, Hastings, Washington County,

has been appointed by me, effective September 23, 1981, for a term expiring July 1, 1982.

Mary B. Swanger, RR 1, Box 236, Wabasha, Wabasha County, has been appointed by me, effective September 23, 1981, for a term expiring July 1, 1983.

W. Wayne Smith, 944 West 10th Street, Winona, Winona County, has been appointed by me, effective September 23, 1981, for a term expiring July 1, 1984.

Virgil J. Johnson, Rural Route #2, Box 88, Caledonia, Houston County, has been appointed by me, effective September 23, 1981, for a term expiring July 1, 1985.

Charles W. Arnason, Marine on St. Croix, Washington County, has been appointed by me, effective September 23, 1981, for a term expiring July 1, 1985.

(Referred to the Committee on Governmental Operations.)

November 16, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointments to the Energy Policy Development Council are hereby respectfully submitted to the Senate for confirmation as required by law:

Vernon D. Albertson, 3103 Asbury Avenue, St. Paul, Ramsey County, has been appointed by me, effective November 16, 1981, for a term expiring June 30, 1983, or the first Monday in January, 1985, if the Council is continued.

Terry M. Anderson, 5809 Chastek Way, Minnetonka, Hennepin County, has been appointed by me, effective November 16, 1981, for a term expiring June 30, 1983, or the first Monday in January, 1985, if the Council is continued.

Delbert F. Anderson, RR 2, Box 57, Starbuck, Pope County, has been appointed by me, effective November 16, 1981, for a term expiring June 30, 1983, or the first Monday in January, 1985, if the Council is continued.

James A. Boerboom, RR 2, Cottonwood, Lyon County, has been appointed by me, effective November 16, 1981, for a term expiring the first Monday in January, 1983.

Roland W. Comstock, 71 Mackubin Street, St. Paul, Ramsey County, has been appointed by me, effective November 16, 1981, for a term expiring the first Monday in January, 1983.

Pat Enz, 728 West 4th Street, Red Wing, Goodhue County, has been appointed by me, effective November 16, 1981, for a term expiring June 30, 1983, or the first Monday in January, 1985, if the Council is continued.

Brian B. Ettesvold, 2522 Brenner, Roseville, Ramsey County, has been appointed by me, effective November 16, 1981, for a term expiring June 30, 1983, or the first Monday in January, 1985, if the Council is continued.

Todd L. Parchman, 210 West Grant, Minneapolis, Hennepin County, has

been appointed by me, effective November 16, 1981, for a term expiring June 30, 1983, or the first Monday in January, 1985, if the Council is continued.

Phillip M. Parsons, RR 1, Northfield, Rice County, has been appointed by me, effective November 16, 1981, for a term expiring the first Monday in January, 1983.

Douglas C. Pratt, 22353 Peabody Trail, Scandia, Washington County, has been appointed by me, effective November 16, 1981, for a term expiring the first Monday in January, 1983.

Raymond P. Ring, 2522 Marshall Street NE, Minneapolis, Hennepin County, has been appointed by me, effective November 16, 1981, for a term expiring the first Monday in January, 1983.

Eugene A. Schroedermeier, 7130 Green Ridge Drive, Eden Prairie, Hennepin County, has been appointed by me, effective November 16, 1981, for a term expiring the first Monday in January, 1983.

J. Robert Snyder, Route 1, Box 246Z, Waconia, Carver County, has been appointed by me, effective November 16, 1981, for a term expiring June 30, 1983, or the first Monday in January, 1985, if the Council is continued.

Joseph A. Vumbaco, 3314 2nd Avenue East, Hibbing, St. Louis County, has been appointed by me, effective November 16, 1981, for a term expiring June 30, 1983, or the first Monday in January, 1985, if the Council is continued.

Mary Williams, 2432 Humboldt Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective November 16, 1981, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Energy and Housing.)

December 14, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment to the Crime Control Planning Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Catherine L. Anderson, 10706 Minnetonka Blvd., Hopkins, Hennepin County, has been appointed by me, effective December 14, 1981, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on Governmental Operations.)

January 4, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment to the State Council on Affairs of Spanish-Speaking People is hereby respectfully submitted to the Senate for confirmation as required by law:

Enrique Serra, 1930 East 86th Street, Bloomington, Hennepin County, has

been appointed by me, effective January 4, 1982, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Governmental Operations.)

January 6, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

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

Bernard A. Miller, RR 8, Box 471, Bemidji, Beltrami County, has been appointed by me, effective January 6, 1982, for a term expiring the first Monday in January, 1986.

Elizabeth A. Pegues, 27 Nord Circle Road, North Oaks, Ramsey County, has been appointed by me, effective January 6, 1982, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Education.)

January 20, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment as Commissioner of the Department of Finance is hereby respectfully submitted to the Senate for confirmation as required by law:

Allan L. Rudell, 6328 Pheasant Court, Edina, Hennepin County, has been appointed by me, effective January 22, 1982, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Governmental Operations.)

February 3, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

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

Stephen D. Doyle, 185 Bushaway Road, Wayzata, Hennepin County, has been appointed by me, effective February 3, 1982, for a term expiring the first Monday in January, 1986.

Toni Lin Hengesteg, 3385 Chandler, Shoreview, Ramsey County, has been appointed by me, effective February 3, 1982, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on General Legislation and Administrative Rules.)

Sincerely,

Albert H. Quie, Governor

MESSAGES FROM THE HOUSE

Mr. President:

Pursuant to Joint Rule 3.02, the Conference Committee on H.F. No. 353 was discharged after adjournment May 18, 1981 and the bill was laid on the table.

H.F. No. 353: A bill for an act relating to agriculture; protecting agricultural operations from nuisance suits under certain circumstances; proposing new law coded in Minnesota Statutes, Chapter 561.

I have the honor to announce that on February 4, 1982, H.F. No. 353 was taken from the table and new House conferees were appointed.

Schoenfeld, Jude, Shea, Kalis and Erickson have been appointed as such committee on the part of the House.

House File No. 353 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 11, 1982

Mr. Menning moved that the Senate accede to the request of the House for a new Conference Committee on H.F. No. 353, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 429: A bill for an act relating to public safety; regulating boilers, other apparatus and their operators; providing penalties; amending Minnesota Statutes 1980, Sections 183.375, Subdivision 2; 183.38; 183.39, Subdivision 1; 183.41, Subdivision 2; 183.411, Subdivision 3; 183.42; 183.44; 183.45; 183.46; 183.465; 183.48; 183.50; 183.51; 183.52; 183.53; 183.54; 183.545; 183.56; 183.57; 183.59; 183.60; 183.61; 183.62; and proposing new law coded in Minnesota Statutes, Chapter 183; repealing Minnesota Statutes 1980, Section 183.39, Subdivision 2.

Senate File No. 429 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 11, 1982

CONCURRENCE AND REPASSAGE

Mr. Solon moved that the Senate concur in the amendments by the House to S.F. No. 429 and that the bill be placed on its repassage as amended. The

motion prevailed.

S.F. No. 429: A bill for an act relating to public safety; regulating boilers, other apparatus and their operators; providing penalties; amending Minnesota Statutes 1980, Sections 183.375, Subdivision 2; 183.38; 183.39, Subdivision 1; 183.41, Subdivision 2; 183.42; 183.44; 183.45; 183.46; 183.465; 183.48; 183.50; 183.51; 183.53; 183.54; 183.545; 183.60; 183.61; 183.62; amending Minnesota Statutes 1981 Supplement, Sections 183.52; 183.56; 183.57, Subdivision 2, and by adding a subdivision; and 183.59; and proposing new law coded in Minnesota Statutes, Chapter 183; repealing Minnesota Statutes 1980, Section 183.39, Subdivision 2.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

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

Senate File No. 699 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 11, 1982

CONCURRENCE AND REPASSAGE

Mr. Setzepfandt moved that the Senate concur in the amendments by the House to S.F. No. 699 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 699: A bill for an act relating to transportation; authorizing the commissioner of transportation to act as agent for political subdivisions for the construction of roads and bridges under certain circumstances; amending Minnesota Statutes 1980, Sections 161.36, Subdivision 3; and 161.38, Subdivision 7.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

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

Those who voted in the affirmative were:

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

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has refused to adopt the Conference Committee report on the following Senate File and has voted that the bill be returned to the Senate and to the Conference Committee.

S.F. No. 818: A bill for an act relating to game and fish; increasing the amount set aside from any increased deer license fees for deer habitat improvement; restricting the taking of bear to adult bear; amending Minnesota Statutes 1980, Sections 97.49, Subdivision 1a; and 100.27, Subdivision 2.

Senate File No. 818 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 11, 1982

Mr. Peterson, C.C. moved that S.F. No. 818 and the Conference Committee Report thereon be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1250, 1283, 1546, 1573, 1579, 1430, 1602, 1616, 1637 and 1610.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 11, 1982

FIRST READING OF HOUSE BILLS

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

H.F. No. 1250: A bill for an act relating to children; amending the definitions of shelter care facility and secure detention facility; extending the time limit for detaining children who may be dependent or neglected children; amending Minnesota Statutes 1980, Sections 260.015, Subdivisions 16 and 17; 260.171, Subdivisions 2, 4, 5, 6, and by adding a subdivision; 260.172, Subdivision 1; repealing Minnesota Statutes 1980, Section 260.015, Subdivision 15.

Referred to the Committee on Judiciary.

H.F. No. 1283: A bill for an act relating to crimes; lengthening the statute of limitations for prosecutions for certain crimes; amending Minnesota Statutes 1980, Section 628.26.

Referred to the Committee on Judiciary.

H.F. No. 1546: A bill for an act relating to juveniles; providing for the detention of juveniles for whom a motion to refer for prosecution is pending before the court; amending Minnesota Statutes 1980, Section 260.173, Subdivision 4.

Referred to the Committee on Judiciary.

H.F. No. 1573: A bill for an act relating to crimes; prohibiting the manufacture, sale, transfer and delivery of simulated controlled substances; prohibiting their manufacture, sale, transfer and delivery; providing penalties; amending Minnesota Statutes 1980, Sections 152.09, Subdivision 1; 152.15, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 152.

Referred to the Committee on Judiciary.

H.F. No. 1579: A bill for an act relating to state lands; providing for the conveyance of certain land to the city of Brainerd.

Referred to the Committee on Agriculture and Natural Resources.

H.F. No. 1430: A bill for an act relating to the city of Hibbing; fixing the amount of the mayor's contingent fund; amending Laws 1939, Chapter 329, Section 1.

Referred to the Committee on Local Government and Urban Affairs.

H.F. No. 1602: A bill for an act relating to counties; providing for meetings of the county board of commissioners; amending Minnesota Statutes 1980, Section 375.07.

Referred to the Committee on Local Government and Urban Affairs.

H.F. No. 1616: A bill for an act relating to counties; fixing the maximum amount of county money that may be spent by development organizations for certain county developments; amending Minnesota Statutes 1980, Section 395.08.

Referred to the Committee on Rules and Administration for comparison with

S.F. No. 1497, now on the Calendar.

H.F. No. 1637: A bill for an act relating to the standard of time; providing that the Minnesota standard of time conform to the federal standard of time; amending Minnesota Statutes 1980, Section 645.071.

Referred to the Committee on General Legislation and Administrative Rules.

H.F. No. 1610: A bill for an act relating to juveniles; expanding definition of "dependent child;" expanding the rights of victims of juvenile delinquency; restricting out-of-state placements of children; making juvenile traffic offenders subject to the same legal consequences and rights as adults; providing evidentiary standards for contributing to delinquency or neglect; increasing parental liability of minors willful or malicious conduct; amending Minnesota Statutes 1980, Sections 260.015, Subdivisions 5 and 6; 260.155, Subdivision 1; 260.315; and 540.18; proposing new law coded in Minnesota Statutes, Chapter 260; repealing Minnesota Statutes 1980, Section 260.193.

Referred to the Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 1623. The motion prevailed.

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

S.F. No. 328: A bill for an act relating to liens; modifying the penalties for failure to properly use the proceeds of payments made for the satisfaction of labor, skill, material, and machinery costs for improvements to real property; amending Minnesota Statutes 1980, Section 514.02, Subdivision 1.

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 514.02, is amended to read:

514.02 [NONPAYMENT FOR IMPROVEMENT; PENALTY.]

Subdivision 1. [ACTS CONSTITUTING.] Whoever, ~~on~~ makes any improvement to real estate within the meaning of section 514.01, and:

(1) Fails to use the proceeds of any payment made to him ~~on account of such~~ for the improvement by the owner of ~~such the~~ real estate or person having any improvement made, for the payment for labor, skill, material, and machinery contributed to ~~such the~~ improvement, ~~knowing~~;

(2) Knows that the cost of any ~~such~~ labor performed, or skill, material, or machinery furnished for ~~such the~~ improvement remains unpaid; and

(3) ~~who~~ Has not furnished to the person making ~~such the~~ payment either (a) a valid lien waiver as to any unpaid labor performed, or skill, material, or machinery furnished for ~~such the~~ improvement, or (b) a payment bond in the basic amount of the contract price for ~~such the~~ improvement, conditioned for the prompt payment to any person or persons entitled ~~thereto~~ to payment for the

performance of labor or the furnishing of skill, material, or machinery for the improvement; ~~shall be is~~ guilty of theft of the proceeds of such payment and upon conviction shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Subd. 2. [NOTICE OF NONPAYMENT.] Notice of nonpayment of the cost of labor, skill, material, and machinery contributing to the improvement of the real estate to the person paid for such improvement may be given by the person who made payment for such the improvement, or by any person furnishing the labor, skill, material, or machinery contributing to the improvement and who has not been paid for his contribution. The notice may be given in any reasonable manner. Notice It shall be in writing and in any terms that reasonably identify the real estate improved and the nonpayment complained of.

Subd. 3. [PROOF OF KNOWLEDGE OF NONPAYMENT.] Proof that ~~such the~~ person failed to pay for labor performed, or skill, material, or machinery furnished within 15 days after receiving the notice that the cost of such the labor performed, or skill, material, or machinery furnished remains unpaid will be is sufficient to sustain a finding that the proceeds of such the payment were used for a purpose other than the payment for labor, skill, material, and machinery for such the improvement, knowing that the costs of labor performed, or skill, material, or machinery furnished remains unpaid, unless the person;

(1) Establishes that all proceeds received from the person making such the payment have been applied to the cost of labor, skill, material, or machinery furnished for the improvement; or

(2) ~~Within 15 days after receiving notice shall give~~ Gives a bond or make makes a deposit with the clerk of district court, in an amount and form approved by a judge of district court, to hold harmless the owner or person having the improvement made from any claim for payment of anyone furnishing labor, skill, material, or machinery for such the improvement.

Subd. 4. [PENALTY.] A person found guilty of violating this section shall be sentenced as follows:

(1) To imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if the value of the improvement for which payment was not made exceeds \$2,500; or

(2) To imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, if the value of the improvement for which payment was not made is more than \$150 but not more than \$2,500; or

(3) To imprisonment for not more than 90 days or to payment of a fine of not more than \$500, or both, if the value of the improvement for which payment was not made is \$150 or less."

Amend the title as follows:

Page 1, line 6, delete " , Subdivision 1"

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

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

S.F. No. 480: A bill for an act relating to crimes; authorizing counties to

expend money for the purpose of investigating criminal activity relating to selling or receiving stolen property; proposing new law coded in Minnesota Statutes, Chapter 299C.

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

Page 1, line 9, delete "299C.066" and insert "375.168"

Amend the title as follows:

Page 1, line 6, delete "299C" and insert "375"

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

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

H.F. No. 749: A bill for an act relating to real property; providing a fee for issuing noncertified copies of instruments or parts of instruments on file in the office of the registrar of titles; amending Minnesota Statutes 1980, Section 508.82.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

S.F. No. 1480: A bill for an act proposing an amendment to the Minnesota Constitution, to repeal Article XIII, Section 5; removing the prohibition against lotteries.

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

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S.F. No. 1703: A bill for an act relating to athletics; regulating boxing activities; providing a penalty; proposing new law coded in Minnesota Statutes, Chapter 341.

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

Delete everything after the enacting clause and insert:

"Section 1. [341.115] [PROFESSIONAL BOXING.]

Any contest, match or exhibition in which prizes or compensation worth \$5 or more are offered to any boxer shall comply with all rules of the board of boxing governing professional boxing. No boxer participating in these contests, matches, or exhibitions shall engage in consecutive contests with less than a seven day interval. No boxer shall participate in these contests, matches, or exhibitions unless the boxer has submitted an affidavit of physical fitness to the board and has been examined by a physician designated by the board. The affidavit shall state: (a) that the boxer has previously participated in ten amateur or professional matches sanctioned by the board of boxing or sanctioned by a board which regulates boxing in another jurisdiction; or (b)

that the boxer has trained for at least 90 days under the supervision of a trainer licensed by the board of boxing. The examination shall include, but not be limited to, an electrocardiogram. The examination shall be performed at the expense of the promoter.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day after final enactment and applies to all contests, matches, or exhibitions held on or after that date."

Amend the title as follows:

Page 1, line 2, delete "athletics" and insert "boxing"

Page 1, line 2, delete everything after the first semicolon and insert "establishing certain conditions for participation in professional matches"

Page 1, line 3, delete everything before the semicolon

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. 1637: A bill for an act relating to state investment policy; prohibiting certain investments in countries not following human rights standards; proposing new law coded in Minnesota Statutes, Chapter 11A.

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

Page 3, after line 2, insert:

"The prohibitions contained in this section shall not apply to a financial institution or corporation if documentary evidence is submitted to the state board of investment which is sufficient to establish that the employment policies of the corporation comply with section 363.03, subdivision 1, clauses (2) and (4)."

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

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

S.F. No. 1589: A bill for an act relating to crimes; clarifying the definition of physically helpless victims of criminal sexual conduct; amending Minnesota Statutes 1980, Section 609.341; Subdivision 9.

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

Page 1, line 12, after "(a)" insert "asleep or"

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

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

S.F. No. 1567: A bill for an act relating to judicial procedures; providing an alternative time for a guardian or conservator to file an annual report; amending Minnesota Statutes 1981 Supplement, Section 525.58, Subdivision 1.

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

Page 1, line 11, after "waived" insert "*or modified*"

Page 1, lines 15 to 19, delete the new language

Page 2, after line 20, insert:

"Sec. 2. [EFFECTIVE DATE.]

This act is effective the day after final enactment."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 1623: A bill for an act relating to public indebtedness; providing the interest rate maximum on obligations; amending Minnesota Statutes 1980, Section 475.55, Subdivision 1.

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 474.06, is amended to read:

474.06 [MANNER OF ISSUANCE OF BONDS; INTEREST RATE.]

Bonds authorized under this chapter shall be issued in accordance with the provisions of chapter 475 relating to bonds payable from income of revenue producing conveniences, except that public sale shall not be required, and the bonds may mature at any time or times in such amount or amounts within 30 years from date of issue and may be sold at a price equal to such percentage of the par value thereof, plus accrued interest, and bearing interest at such rate or rates, ~~not exceeding nine percent per year~~, as may be agreed by the contracting party, the purchaser, and the municipality or redevelopment agency, notwithstanding any limitation of interest rate or cost or of the amounts of annual maturities contained in any other law. When bonds authorized under this chapter are issued, they shall state whether they are issued for a project defined in section 474.02, subdivisions 1, 1a, 1b, or 1c.

Sec. 2. Minnesota Statutes 1980, Section 475.55, is amended to read:

475.55 [EXECUTION; NEGOTIABILITY; INTEREST RATES.]

Subdivision 1. [INTEREST; FORM.] All obligations shall be signed by officers authorized by resolution of the governing body or by persons authorized to sign on behalf of a bank designated by the resolution as authenticating agent, and shall express the amount and the terms of payment. Interest on obligations ~~authorized by resolution before December 31, 1982 shall not exceed the rate of 12 percent per annum, payable half yearly. Interest on obligations authorized thereafter shall not exceed the rate of nine percent per annum,~~ the greater of (a) the rate determined pursuant to subdivision 4 for the month in which the resolution authorizing the obligations was adopted, or (b) the rate determined pursuant to subdivision 4 for the month in which the bonds are sold, or (c) the rate of ten percent per annum, payable half yearly. All obliga-

tions shall be negotiable investment securities as provided in the uniform commercial code, chapter 336, article 8. The validity of an obligation shall not be impaired by the fact that one or more officers authorized to execute it shall have ceased to be in office before delivery to the purchaser or shall not have been in office on the formal issue date of the obligation. Every obligation shall be signed manually by one officer or authenticating agent. Other signatures and the seal of the issuer may be printed, lithographed, stamped or engraved thereon and on any interest coupons to be attached thereto. The seal need not be used.

Subd. 2. [SUPERSESSON.] The provisions of ~~subdivision 1~~ *this section* shall supersede any ~~lower maximum~~ interest rate fixed by any other law or a city charter with respect to obligations of the state or any municipality or governmental or public subdivision, district, corporation, commission, board, council, or authority of whatsoever kind, including warrants or orders issued in evidence of allowed claims for property or services furnished to the issuer, but shall not limit the interest on any obligation issued pursuant to a law or charter authorizing the issuer to determine the rate or rates of interest.

Subd. 3. [SPECIAL ASSESSMENTS.] Notwithstanding any contrary provisions of law or charter, special assessments pledged to the payment of obligations may bear interest at the rate the governing body by resolution determines, not exceeding the greater of (a) the maximum interest rate per annum which the obligations may bear under the provisions of ~~subdivisions 1 and 2 plus one percent~~ *this section* or (b) the maximum interest rate permitted to be charged against the assessments under the law or city charter pursuant to which the assessments were levied.

Subd. 4. [RATE DETERMINATION.] *On or before the 20th day of each month the commissioner of finance shall determine the most recently published yield for the Bond Buyer's Index of 20 Municipals. This rate plus one percent and rounded to the next highest percent per annum shall be the rate for the next succeeding month. The commissioner of finance shall publish the maximum rate in the state register each month.*

Subd. 5. [INTEREST.] *Obligations which are payable wholly or partly from the proceeds of special assessments or which are not secured by general obligations of the municipality may bear interest at a rate one percent greater than the maximum interest rate permitted pursuant to subdivision 1.*

Sec. 3. Minnesota Statutes 1980, Section 475.60, Subdivision 2, is amended to read:

Subd. 2. [REQUIREMENTS WAIVED.] The requirements as to public sale shall not apply to:

(1) Obligations issued under the provisions of a home rule charter or of a law specifically authorizing a different method of sale, or authorizing them to be issued in such manner or on such terms and conditions as the governing body may determine;

(2) Obligations sold by an issuer in an amount not exceeding the total sum of ~~\$200,000~~ \$300,000 in any three month period;

(3) Obligations issued by a governing body other than a school board in anticipation of the collection of taxes or other revenues appropriated for ex-

penditure in a single year, if sold in accordance with the most favorable of two or more proposals solicited privately; and

(4) Obligations sold to any board, department, or agency of the United States of America or of the state of Minnesota, in accordance with rules or regulations promulgated by such board, department, or agency.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day after final enactment."

Amend the title as follows:

Page 1, delete the title and insert:

"A bill for an act relating to municipal bonds; providing a formula for determining limitations on interest rates; changing a public sale requirement; amending Minnesota Statutes 1980, Sections 474.06, 475.55 and 475.60, Subdivision 2."

And when so amended the bill do pass. Mr. Johnson questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 1537: A bill for an act relating to local government; permitting cities to impose a separate property tax to pay the cost of elections; proposing new law coded in Minnesota Statutes, Chapter 465.

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

Page 1, line 9, after "A" insert "county, town, or a"

Page 1, line 10, delete "pay" and insert "reimburse"

Page 1, line 10, after the second "the" insert "county, town or"

Amend the title as follows:

Page 1, line 2, after "permitting" insert "counties, towns and"

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

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

S.F. No. 1582: A bill for an act relating to port authorities; authorizing seaway port authorities to establish a fiscal year based on the season for international shipping through the St. Lawrence Seaway; amending Minnesota Statutes 1981 Supplement, Section 458.14.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

S.F. No. 1691: A bill for an act relating to housing and redevelopment

authorities; amending the method of determining a quorum when a conflict of interest exists; amending Minnesota Statutes 1981 Supplement, Section 462.432, Subdivision 2.

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

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1981 Supplement, Section 462.432, Subdivision 1, is amended to read:

Subdivision 1. [DISCLOSURE.] Before taking an action or making a decision which could substantially affect his financial interests or those of an organization with which he is associated, a commissioner or employee of an authority shall: (a) prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict of interest; and (b) submit the statement to the board of commissioners of the authority, whereupon the disclosure shall be entered upon the minutes of the authority at its next meeting. The disclosure statement shall be submitted no later than one week after the employee or commissioner becomes aware of the potential conflict of interest. However, no disclosure statement shall be required if the effect on the commissioner or employee of the relevant decision or act will be no greater than on other members of his business, profession or occupation *or if the effect on the organization with which he is affiliated is indirect, remote and insubstantial. A potential conflict of interest is present if the commissioner or employee knows or has reason to expect that the organization with which the commissioner or employee is affiliated is or will in the future become a participant in a project or development which will be affected by the relevant action or decision.* Any individual who knowingly fails to submit a statement required by this subdivision or submits a statement which he knows contains false information or which he knows omits required information is guilty of a gross misdemeanor."

Page 1, line 15, after "interest" insert "*shall not attempt to influence an employee in any matter related to the action or decision in question,*"

Page 1, line 16, strike "in question" and insert a comma

Page 1, lines 17 and 18, delete "*when the authority is*"

Page 1, line 18, strike "considering such" and insert "*in which the*"

Page 1, line 18, before the period, insert "*is to be considered. Any individual who knowingly violates this subdivision is guilty of a gross misdemeanor*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "clarifying the need for a conflict of interest disclosure statement;"

Page 1, line 4, after the semicolon, insert "providing penalties;"

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

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

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

S.F. No. 1031: A bill for an act relating to the environment; establishing an environmental response fund to pay for removal and remedial action associated with certain hazardous substances released into the environment; providing for liability for releases of hazardous substances; imposing penalties; appropriating money; proposing new law coded as Minnesota Statutes, Chapter 115B.

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

Delete everything after the enacting clause and insert:

"Section 1. [115B.01] [CITATION.]

Sections 1 to 22 may be cited as the Environmental Response and Liability Act.

Sec. 2. [115B.02] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] For the purposes of sections 1 to 22, the following terms have the meanings given them.

Subd. 2. [ACT OF GOD.] "Act of God" means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.

Subd. 3. [AGENCY.] "Agency" means the pollution control agency.

Subd. 4. [DAMAGES.] "Damages" means damages for economic loss or personal injury or the loss of natural resources as specified in section 3.

Subd. 5. [DIRECTOR.] "Director" means the director of the pollution control agency.

Subd. 6. [FACILITY.] "Facility" means:

(a) Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft;

(b) Any watercraft of any description, or other artificial contrivance used or capable of being used as a means of transportation on water; or

(c) Any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located.

"Facility" does not include any consumer product in consumer use.

Subd. 7. [FEDERAL SUPERFUND ACT.] "Federal Superfund Act" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601 et seq.

Subd. 8. [FUND.] "Fund" means the environmental response, compensation and compliance fund established under section 16.

Subd. 9. [HAZARDOUS SUBSTANCE.] "Hazardous substance" means:

(a) Any substance designated pursuant to the Federal Water Pollution Con-

trol Act, under 33 U.S.C. Section 1321(b)(2)(A);

(b) Any element, compound, mixture, solution, or substance designated pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9602;

(c) Any toxic pollutant listed pursuant to the Federal Water Pollution Control Act, under 33 U.S.C. Section 1317(a);

(d) Any hazardous air pollutant listed pursuant to the Clean Air Act, under 42 U.S.C. Section 7412;

(e) Any imminently hazardous chemical substance or mixture with respect to which the administrator of the federal environmental protection agency has taken action pursuant to the Toxic Substances Control Act, under 15 U.S.C. Section 2606;

(f) Any hazardous waste; and

(g) Any PCB as defined in section 116.36.

Subd. 10. [HAZARDOUS WASTE.] "Hazardous waste" means:

(a) Hazardous waste as defined in section 116.06, subdivision 13, and those substances identified as hazardous wastes pursuant to rules adopted by the agency under section 116.07; and

(b) Any hazardous waste as defined in the Resource Conservation and Recovery Act, under 42 U.S.C. Section 6903; which is listed or has the characteristics identified under 42 U.S.C. Section 6921, not including any hazardous waste the regulation of which has been suspended by act of Congress.

Subd. 11. [NATURAL RESOURCES.] "Natural resources" has the meaning given it in section 116B.02, subdivision 4.

Subd. 12. [RELEASE.] "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment which occurred at a point in time or which continues to occur.

"Release" does not include:

(a) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, watercraft, or pipeline pumping station engine;

(b) Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, under 42 U.S.C. Section 2014, if the release is subject to requirements with respect to financial protection established by the federal nuclear regulatory commission under 42 U.S.C. Section 2210;

(c) Release of source, byproduct or special nuclear material from any processing site designated pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, under 42 U.S.C. Section 7912(a)(1) or 7942(a); or

(d) The normal application of fertilizer or normal application of recommended levels of approved agricultural chemicals.

Subd. 13. [REMEDY OR REMEDIAL ACTION.] "Remedy" or "remedial action" means those actions consistent with permanent remedy taken

instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance into the environment, to prevent, minimize or eliminate the release of hazardous substances to protect the public health or welfare or the environment.

"Remedy" or "remedial action" includes, but is not limited to:

(a) Actions at the location of the release such as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies, and any monitoring and maintenance reasonably required to assure that these actions protect the public health and welfare and the environment; and

(b) The costs of permanent relocation of residents and businesses and community facilities when the agency determines that, alone or in combination with other measures, relocation is more cost effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or may otherwise be necessary to protect the public health or welfare.

"Remedy" or "remedial action" does not include offsite transport of hazardous substances, or the storage, treatment, destruction, or secure disposition offsite of hazardous substances or contaminated materials unless the agency determines that these actions:

(1) Are more cost effective than other remedial actions;

(2) Will create new capacity to manage hazardous substances in addition to those located at the affected facility, in compliance with section 116.07 and subtitle C of the Solid Waste Disposal Act, 42 U.S.C. Section 6921 et seq.; or

(3) Are necessary to protect public health or welfare or the environment from a present or potential risk which may be created by further exposure to the continued presence of the substances or materials.

Subd. 14. [REMOVE OR REMOVAL.] "Remove" or "removal" means:

(a) The cleanup or removal of released hazardous substances from the environment;

(b) Necessary actions taken in the event of a threatened release of hazardous substances into the environment;

(c) Actions necessary to monitor, assess, and evaluate a release or threatened release of hazardous substances;

(d) Disposal or processing of removed material; or

(e) Other actions necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a release or threatened release.

"Remove" or "removal" includes, but is not limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided

for, action taken pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(b), and any emergency assistance which may be provided under the Disaster Relief Act of 1974, 42 U.S.C. Section 5121 et seq.

Subd. 15. [RESPOND OR RESPONSE.] "Respond" or "response" means remove, removal, remedy, and remedial action.

Subd. 16. [WATER.] "Water" has the meaning given to the term "waters of the state" in section 115.01, subdivision 9.

Sec. 3. [115B.03] [LIABILITY FOR RESPONSE COSTS AND DAMAGES.]

Subdivision 1. [GENERAL RULE.] Except as otherwise provided in subdivisions 3 to 9 and section 4, and notwithstanding any other provision or rule of law, any person who is responsible for a release or threatened release of a hazardous substance from a facility shall be strictly liable, jointly and severally, for:

(a) All reasonable and necessary costs of removal, or remedial action incurred by the state, a political subdivision of the state or the United States;

(b) Any other reasonable and necessary costs or expenses incurred by any person to remove a hazardous substance; and

(c) All damages for economic loss or loss due to personal injury or disease or loss of natural resources resulting from such a release including:

(1) Any injury to, destruction of, or loss of any real or personal property, including relocation costs;

(2) Any loss of use of real or personal property;

(3) Any injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss;

(4) Any loss of income or profits or impairment of earning capacity resulting from personal injury or disease or from injury to or destruction of real or personal property or natural resources without regard to the ownership of such property or resources; and

(5) All medical expenses, rehabilitation costs or burial expenses due to personal injury or disease.

Subd. 2. [RESPONSIBLE PERSON.] For the purpose of subdivision 1, a person is responsible for a release or threatened release of a hazardous substance from a facility if the person:

(a) Owned or operated the facility at the time the hazardous substance was placed or came to be located in or on the facility, during the time of the release or threatened release, or at any time between those occurrences;

(b) Owned or possessed the hazardous substance and arranged, by contract, agreement or otherwise, for the disposal, treatment or transport for disposal or treatment of the hazardous substance; or

(c) Accepted the hazardous substance for transport to a disposal or treatment facility and either selected the facility to which it was transported or disposed of the substance in a manner contrary to law.

Subd. 3. [DEFENSES AVAILABLE TO RESPONSIBLE PERSONS.]

There shall be no liability under subdivision 1 for any person otherwise liable if the person establishes by a preponderance of the evidence that the release or threatened release was caused solely by:

- (a) *An act of God;*
- (b) *An act of war; or*
- (c) *An act or omission of a third party.*

"Third party" for the purposes of clause (c) does not include an employee or agent of the defendant, or a person whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly, with the defendant.

The defense provided in clause (c) applies only if the defendant establishes by a preponderance of the evidence that he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of the hazardous substance in light of all relevant facts and circumstances which he knew or should have known, and that he took precautions against foreseeable acts or omissions of a third party and the consequences that could foreseeably result from those acts or omissions.

Subd. 4. [DEFENSE AVAILABLE TO OWNER OF REAL PROPERTY.] *An owner of real property is not liable for damages under subdivision 1, clause (c), if he:*

(a) *Shows by a preponderance of the evidence that he neither knew nor reasonably should have known that any hazardous substance was present on the property before the release or threatened release; and*

(b) *Notifies the agency of the release or threatened release as soon as practicable after he knows about it.*

Subd. 5. [CERTAIN EMPLOYEE CLAIMS NOT COVERED.] *Except for a third party who is subject to liability under section 176.061, subdivision 5, there is no liability under subdivision 1 for personal injury or disease of employees arising out of and in the course of employment which is compensable under chapter 176.*

Subd. 6. [NATURAL RESOURCES.] *No liability with respect to natural resources shall be imposed when the defendant has demonstrated that:*

(a) *The damages to natural resources complained of were specifically identified as an irreversible and irretrievable commitment of natural resources in an approved final state or federal environmental impact statement, or other comparable approved final environmental analysis; and*

(b) *The facility or project was operating within the terms of its permit or license.*

Subd. 7. [LIABILITY FOR A THREATENED RELEASE.] *Liability for a threatened release of a hazardous substance is limited to the recovery by the agency of reasonable and necessary response costs pursuant to section 14, subdivision 6.*

Subd. 8. [LIABILITY OF POLITICAL SUBDIVISIONS.] *The liability of a political subdivision under this section is subject to the limits imposed under section 466.04, subdivision 1.*

Subd. 9. [ACTS OF EMPLOYEES.] When a person who is responsible for a release or threatened release as provided in subdivision 2 is an employee who is acting in the scope of his employment:

(a) The employee is liable under subdivision 1 only if he failed to exercise due care with respect to the hazardous substance; and

(b) His employer shall be considered a person responsible for the release or threatened release and shall be liable under subdivision 1 regardless of the degree of care exercised by the employee.

Subd. 10. [AWARD OF COSTS.] Upon motion of a party prevailing in an action under sections 1 to 11 the court may award costs, disbursements and reasonable attorney fees and witness fees to that party.

Sec. 4. [115B.04] [EXEMPTION FROM LIABILITY.]

A person shall not be liable under sections 1 to 12:

(a) For damages as a result of acts taken or omitted in preparation for, or in the course of rendering care, assistance, or advice to the director or agency pursuant to section 14 or in accordance with the national hazardous substance response plan pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9605, or at the direction of an on-scene coordinator appointed under that plan, with respect to an incident creating a danger to public health or welfare or the environment as a result of any release or threatened release of a hazardous substance;

(b) For damages or response costs as a result of the release or threatened release of a hazardous substance from a hazardous waste facility as defined under section 115A.03, for which a permit has been issued pursuant to section 116.07 or pursuant to subtitle C of the Solid Waste Disposal Act, 42 U.S.C. Section 6921 et seq., if the hazardous substance is specifically identified in the permit and the release is within the limits allowed in the permit for release of that substance;

(c) For damages or response costs as a result of a release or threatened release of a hazardous substance if the substance is specifically identified in a federal or state permit and the release is within the limits allowed in the permit for release of that substance; or

(d) If his liability has been transferred to and assumed by the federal post-closure liability fund pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9607(k).

Sec. 5. [115B.05] [PROVING CAUSATION OF PERSONAL INJURY OR DISEASE.]

Subdivision 1. [RELEVANT EVIDENCE.] In adjudicating under sections 1 to 12 the question of whether a plaintiff's personal injury or disease was caused by the release of a hazardous substance, any evidence having a tendency to make it more probable or less probable, that the hazardous substance causes, contributes to or increases the risk of injury or disease of the sort suffered by the plaintiff is relevant evidence on the issue of causation including:

(a) Evidence concerning the incidence of that sort of injury or disease in the population exposed to the release of that substance;

(b) Evidence of epidemiological studies;

- (c) Evidence of animal studies;
- (d) Evidence of tissue culture studies; and
- (e) Evidence of laboratory or toxicologic studies.

Subd. 2. [BURDEN OF PRODUCING EVIDENCE.] *In adjudicating under sections 1 to 12 the question of whether a plaintiff's personal injury or disease was caused by the release of a hazardous substance, the burden of producing evidence related to causation shifts to the defendant and the question shall be submitted to the trier of fact if the plaintiff shows evidence sufficient to enable the trier of fact to find that:*

- (a) *There is a reasonable likelihood that the plaintiff was exposed to the hazardous substance found in the release;*
- (b) *There is a reasonable likelihood that exposure to the hazardous substance causes or significantly contributes to injury or disease of the sort suffered by the plaintiff; and*
- (c) *There is a reasonable likelihood that the quantity or duration of the plaintiff's exposure to the hazardous substance is sufficient to cause or significantly contribute to injury or disease of the sort suffered by the plaintiff.*

Nothing in this subdivision affects the burden of persuasion on the question of whether the release of a hazardous substance caused a personal injury or disease. That burden remains with the plaintiff.

Sec. 6. [115B.06] [APPORTIONMENT OF LIABILITY; LIMITATION; CONTRIBUTION.]

Subdivision 1. [APPORTIONMENT FACTORS.] *For the purposes of subdivisions 2 and 3, any person held jointly and severally liable under section 3 may seek an apportionment of the common liability. In apportioning the liability of any party under this section, the trier of fact shall consider the following:*

- (a) *The ability of the party to demonstrate that his contribution to a release of a hazardous substance can be distinguished;*
- (b) *The amount of hazardous substance involved;*
- (c) *The degree of toxicity of the hazardous substance involved;*
- (d) *The degree of involvement and care exercised in manufacturing, treating, transporting, and disposing of the hazardous substance;*
- (e) *The degree of cooperation with federal, state, or local officials to prevent any harm to the public health or the environment; and*
- (f) *Knowledge of the hazardous nature of the substance.*

Subd. 2. [LIMITATION OF LIABILITY.] *If a person who is held jointly and severally liable under section 3 is able to demonstrate by a preponderance of evidence that his share of the common liability can be apportioned and that his actions were not a significant factor in causing or contributing to the release or the damages resulting from it, then the liability of that person shall be limited to his proportionate share of the common liability.*

Subd. 3. [CONTRIBUTION.] *Any person held jointly and severally liable*

under section 3 who is required to pay more than that person's proportionate share of the common liability is entitled to seek contribution from any other person liable for the damages to the extent of their proportionate liability.

Sec. 7. [115B.07] [CIVIL PENALTIES; FAILURE TO TAKE REQUESTED ACTIONS.]

Any person responsible for a release or threatened release of a hazardous substance, pollutant, or contaminant from a facility shall forfeit and pay to the state a penalty in an amount to be determined by the court of not more than \$10,000 per day for each day that the person fails to take response actions or to make reasonable progress in completing response actions requested as provided in this section. A request for emergency removal action shall be made by the director. Other requests for response actions shall be made by the agency. The request shall be in writing, shall state the action requested, the reasons for the action, and a reasonable time by which the action must be begun and completed taking into account the urgency of the action for protection of the public health, welfare, and environment.

The penalty provided under this section may be recovered by an action brought by the attorney general in the name of the state in connection with an action to recover expenses of the agency under section 14, subdivision 6, or by a separate action in the district court of Ramsey County. All penalties recovered under this section shall be deposited in the fund.

Sec. 8. [115B.08] [AGREEMENTS TO TRANSFER LIABILITY; INSURANCE AND SUBROGATION.]

No indemnification, hold harmless, conveyance, or similar agreement shall be effective to transfer the liability imposed under section 3 from the owner or operator of a facility or from any person who may be liable under section 3 to any other person. Nothing in this section shall be construed:

(a) To prohibit any party who may be liable under section 3 from entering an agreement by which that party is insured, held harmless or indemnified for part or all of that liability;

(b) To prohibit the enforcement of any insurance, hold harmless or indemnification agreement; or

(c) To bar any cause of action brought by a party who may be liable under section 3 or by an insurer or guarantor, whether by right of subrogation or otherwise.

Sec. 9. [115B.09] [STATUTE OF LIMITATIONS.]

No person may recover for any injury or loss pursuant to sections 3 to 11 unless the action is commenced within six years from the date of discovery of the injury or loss.

Sec. 10. [115B.10] [OTHER REMEDIES PRESERVED.]

Nothing in sections 1 to 12 shall affect the right of any person to bring a legal action or use any remedy available under any other provision of state or federal law, including common law, to recover for injury, disease or economic loss resulting from a release of any hazardous substance, or for removal or the costs of removal of that hazardous substance.

Sec. 11. [115B.11] [DOUBLE RECOVERY PROHIBITED.]

A person who recovers response costs or damages pursuant to sections 1 to 12 may not recover the same costs or damages pursuant to any other law. A person who recovers response costs or damages pursuant to any other state or federal law may not recover for the same costs or damages pursuant to sections 1 to 12.

Sec. 12. [115B.12] [APPLICATION OF SECTIONS 1 TO 11.]

Sections 1 to 11 apply to any release or threatened release of a hazardous substance occurring on or after July 1, 1982, including any release which began before July 1, 1982, and continued after that date. Sections 1 to 11 do not apply to a release or threatened release which occurred wholly before July 1, 1982, regardless of the date of discovery of any injury or loss caused by the release or threatened release.

Sec. 13. [115B.13] [DISPOSITION OF FACILITIES.]

Subdivision 1. [CLOSED DISPOSAL FACILITIES; USE OF PROPERTY.] *No person shall use any property on or in which hazardous waste remains after closure of a disposal facility as defined in section 115A.03, subdivision 10, in any way that disturbs the integrity of the final cover, liners, or any other components of any containment system, or the function of the disposal facility's monitoring systems, unless the agency finds that the disturbance:*

(a) Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(b) Is necessary to reduce a threat to human health or the environment.

Subd. 2. [RECORDING OF AFFIDAVIT AND NOTATION.] *Before any transfer of ownership of any property on which the owner knew or should have known that a hazardous substance was disposed of or which the owner knew or should have known was contaminated by release of a hazardous substance, the owner shall record with the county recorder of the county in which the property is located an affidavit that discloses to any potential transferee:*

(a) That the land has been used to dispose of hazardous waste or that the land has been contaminated by a release of a hazardous substance;

(b) The identity, quantity, location, condition and circumstances of the disposal or contamination to the full extent known or ascertainable; and

(c) That the use of the property may be restricted as provided in subdivision 1. An owner must also file an affidavit within 60 days after any material change in any matter required to be disclosed under clauses (a) to (c) with respect to property for which an affidavit has already been recorded.

When an affidavit is recorded, the owner shall record with the county recorder a notation on the deed to the property which states the existence of a hazardous substance on the property and the place where the recorded affidavit may be found.

If the owner or any subsequent owner of the property removes the hazardous substance, together with any residues, liner, and contaminated underlying and surrounding soil, that owner may record a notation to the deed indicating the removal of the hazardous substance.

Failure to record an affidavit or notation as provided in this subdivision

does not affect or prevent any transfer of ownership of the property.

Subd. 3. [DUTY OF COUNTY RECORDER.] The county recorder shall record all affidavits and notations presented to him in accordance with subdivision 2. The affidavits shall be recorded in a manner which will assure their disclosure in the ordinary course of a title search of the subject property.

Subd. 4. [PENALTIES.] (a) Any person who knowingly violates the provisions of subdivision 1 is subject to a civil fine of not more than \$100,000, and shall be liable under section 3 for any release or threatened release of any hazardous substance resulting from the violation.

(b) Any person who knowingly fails to record an affidavit or notation as required by subdivision 2 shall be liable under section 3 for any release or threatened release of any hazardous substance from a facility located on that property.

(c) A civil fine may be imposed and recovered by an action brought by a county attorney or by the attorney general in the district court of the county in which the property is located.

(d) Any civil fines recovered under this subdivision shall be deposited in the fund.

Sec. 14. [115B.14] [STATE RESPONSE TO RELEASES OF HAZARDOUS SUBSTANCES.]

Subdivision 1. [REMOVAL AND REMEDIAL ACTION.] Whenever there is a release or substantial threat of release from a facility into the environment of any pollutant or contaminant which presents an imminent and substantial danger to the public health or welfare, or whenever a hazardous substance is released or there is a threatened release of a hazardous substance into the environment from a facility:

(a) The agency may take any removal or remedial action relating to the hazardous substance, pollutant, or contaminant which the agency deems necessary to protect the public health or welfare or the environment. Before taking any action the agency shall:

(1) Request any responsible party known to the agency to take actions which the agency deems reasonable and necessary to protect the public health, welfare or the environment, stating the reasons for the actions, a reasonable time for beginning and completing the actions taking into account the urgency of the actions for protecting the public health, welfare and environment, and the intention of the agency to take action if the requested actions are not taken as requested; and

(2) Determine that the actions requested by the agency will not be taken by any known responsible party in the manner and within the time requested.

(b) The director may take removal action which he deems necessary to protect the public health, welfare or the environment if the director determines that the release or threatened release constitutes an emergency requiring immediate action to prevent, minimize or mitigate damage to the public health, welfare or the environment. Before taking any action the director shall make reasonable efforts in light of the urgency of the action to follow the procedure provided in clause (a), sub-clauses (1) and (2).

No removal action taken by any person shall be construed as an admission of liability for a release or threatened release.

Subd. 2. [POLLUTANT OR CONTAMINANT.] *For the purposes of this section and section 7, "pollutant" or "contaminant" includes, but is not limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release from a facility into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in the organisms or their offspring.*

Subd. 3. [OTHER ACTIONS.] *Whenever the agency or director is authorized to act pursuant to subdivision 1 or whenever the agency or director has reason to believe that a release of a hazardous substance, pollutant or contaminant has occurred or is about to occur, or that illness, disease, or complaints thereof may be attributable to exposure to a hazardous substance, pollutant, or contaminant, the agency or director may undertake investigations, monitoring, surveys, testing, and other information gathering necessary or appropriate to identify the existence and extent of the release or threat thereof, the source and nature of the hazardous substances, pollutants or contaminants involved, and the extent of danger to the public health or welfare or to the environment. In addition, the agency may undertake planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations necessary or appropriate to plan and direct a response action, to recover the costs of the response action, and to enforce the provisions of sections 1 to 14.*

Subd. 4. [DUTY TO PROVIDE INFORMATION.] *Any person who is responsible for a release or threatened release as provided in section 3, subdivision 2, including a release or threatened release of a pollutant or contaminant, when requested by the agency, or any member, employee or agent thereof who is authorized by the agency, shall furnish to the agency any information which he may have or may reasonably obtain which is relevant to the release or threatened release.*

Subd. 5. [ACCESS TO INFORMATION AND PROPERTY.] *The agency or any member, employee or agent thereof authorized by the agency, upon presentation of credentials, may:*

(a) Examine and copy any books, papers, records, memoranda or data of any person who the agency has reason to believe is responsible for a release or threatened release as provided in section 3, subdivision 2, including a release of a pollutant or contaminant; and

(b) Enter upon any property, public or private, for the purpose of taking any action authorized by this section including obtaining information, examining records, conducting surveys or investigations, and taking removal or remedial action.

Any data collected or held by the agency pursuant to subdivision 4 or 5 shall be classified as private or non-public data as defined in section 15.162.

Subd. 6. [RECOVERY OF EXPENSES.] *Any reasonable and necessary*

expenses incurred by the agency or director pursuant to this section including administrative and legal expenses may be recovered in a civil action brought by the attorney general under sections 1 to 12 or under any other law. The agency's certification of expenses shall be prima facie evidence that the expenses are reasonable and necessary. Any expenses incurred pursuant to this section which are recovered by the attorney general pursuant to sections 3 to 11 or any other law shall be deposited in the fund and may be appropriated only for additional response actions as provided in section 16, subdivision 2, clause (b) or (c).

Subd. 7. [ACTIONS RELATING TO NATURAL RESOURCES.] *For the purpose of this subdivision, the state is the trustee of the air, water and wildlife of the state. An action pursuant to sections 1 to 12 for damages with respect to air, water or wildlife may be brought by the attorney general in the name of the state as trustee for those natural resources. Any damages recovered by the attorney general pursuant to sections 1 to 12 or any other law for injury to, or loss of natural resources resulting from the release of a hazardous substance shall be deposited in the fund and may be appropriated only for rehabilitation or restoration of natural resources as provided in section 16, subdivision 2, clause (c).*

Subd. 8. [ACTIONS RELATING TO PESTICIDES.] *When the commissioner of agriculture has reported an incident involving the release of pesticides under the provisions of section 18A.37, and the agency determines that the incident constitutes a release of a hazardous substance, pollutant or contaminant, the agency shall authorize the commissioner, subject to the provisions of subdivision 11, to take any action which the agency would be authorized to take under subdivisions 1 to 5. Subject to the provisions of section 16, subdivision 3, the agency shall reimburse the commissioner from the fund for the reasonable and necessary expenses incurred in taking those actions and may recover any amount spent from the fund under subdivision 6.*

Subd. 9. [ACTIONS RELATING TO OCCUPATIONAL SAFETY AND HEALTH.] *The agency, director and the commissioner of labor and industry shall make reasonable efforts to coordinate any actions taken under this section and under sections 182.65 to 182.674 to avoid duplication or conflict of actions or requirements with respect to a release or threatened release affecting the safety of any conditions or place of employment.*

Subd. 10. [LIMIT ON ACTIONS BY POLITICAL SUBDIVISIONS.] *When the agency or director has requested a person who is responsible for a release or threatened release to take any response action under subdivision 1, no political subdivision shall request or order that person to take any action which conflicts with the action requested by the agency or director.*

Subd. 11. [PRIORITIES; RULES.] *By August 1, 1982, the agency shall adopt a temporary list of priorities among releases or threatened releases for the purpose of taking remedial action and, to the extent practicable consistent with the urgency of the action, for taking removal action under this section. The temporary list, with any necessary modifications, shall remain in effect until nine months after criteria for determining priorities are published in the national contingency plan pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9605. By that date, the agency shall adopt rules establishing state criteria for determining priorities among releases and threatened re-*

leases. After rules are adopted, a permanent priority list shall be established, and may be modified from time to time, according to the criteria set forth in the rules.

The temporary list and the rules required by this subdivision shall be based upon the relative risk or danger to public health or welfare or the environment, taking into account to the extent possible the population at risk, the hazardous potential of the hazardous substances at the facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, the administrative and financial capabilities of the agency, and other appropriate factors.

Sec. 15. [PURPOSES OF FUND, TAXES AND FEES.]

In establishing the environmental response, compensation and compliance fund and imposing the taxes in sections 18 and 19, it is the purpose of the legislature to:

(a) Encourage treatment and disposal of hazardous waste in a manner that adequately protects the public health and welfare and the environment;

(b) Encourage responsible parties to provide the response actions necessary to protect the public and the environment from the effects of the release of hazardous substances;

(c) Encourage the use of alternatives to land disposal of solid and hazardous waste including resource recovery, recycling, neutralization and reduction;

(d) Provide state agencies with the financial resources needed to prepare and implement an effective and timely state response to the release of hazardous substances, including investigation, planning, removal and remedial action;

(e) Compensate local units of government for increased governmental expenses and loss of revenue and to provide other appropriate assistance to mitigate any adverse impact on communities in which commercial hazardous waste processing or disposal facilities are located under the siting process provided in chapter 115A;

(f) Recognize the environmental and public health costs of land disposal of solid waste and of the use and disposal of hazardous substances and to place the burden of financing state waste management activities on those whose products and services contribute to waste management problems and increase the risks of harm to the public and the environment.

Sec. 16. [ENVIRONMENTAL RESPONSE, COMPENSATION AND COMPLIANCE FUND.]

Subdivision 1. [ESTABLISHMENT.] The environmental response, compensation and compliance fund is created as an account in the state treasury and may be spent only for the purposes provided in subdivision 2.

Subd. 2. [PURPOSES FOR WHICH MONEY MAY BE SPENT.] Subject to appropriation by the legislature the money in the fund may be spent for any of the following purposes:

(a) Preparation by the agency for taking removal or remedial action under section 14, including investigation, monitoring and testing activities, enforce-

ment and compliance efforts relating to the release of hazardous pollutants or contaminants;

(b) Removal and remedial actions taken or authorized by the agency or director under section 14 and payment of the state share of the cost of remedial action which may be carried out under a cooperative agreement with the federal government pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(c)(3) for actions related to facilities other than those located under the siting authority of chapter 115A;

(c) Removal and remedial actions taken or authorized by the agency or director under section 14 and payment of the state share of the cost of remedial action which may be carried out under a cooperative agreement with the federal government pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(c)(3) for actions related to commercial hazardous waste facilities located under the siting authority of chapter 115A;

(d) Compensation to local units of government as provided by law, after submission by the waste management board of the report required under section 115A.08, subdivision 5, to mitigate any adverse impact of the location of commercial hazardous waste processing or disposal facilities located pursuant to the siting authority of chapter 115A;

(e) Planning and implementation by the commissioner of natural resources of the rehabilitation, restoration or acquisition of natural resources to remedy injuries or losses to natural resources resulting from the release of a hazardous substance;

(f) Inspection and monitoring by the agency, or by local units of government with agency approval, of commercial hazardous waste facilities located under the siting authority of chapter 115A;

(g) Grants by the agency or the waste management board to demonstrate alternatives to land disposal of solid and hazardous waste including reduction, separation, pretreatment, processing and resource recovery, for education of persons involved in regulating and handling solid and hazardous waste, and to assist counties to develop comprehensive waste management plans; and

(h) Intervention and environmental mediation by the legislative commission on waste management under chapter 115A.

Subd. 3. [LIMIT ON CERTAIN EXPENDITURES.] The director or agency may not spend any money under subdivision 2, clause (b) or (c) for removal or remedial actions to the extent that the costs of those actions may be compensated from any fund established under the Federal Superfund Act, 42 U.S.C. Section 9600 et seq. The director or agency shall determine the extent to which any of the costs of those actions may be compensated under the federal act based on the likelihood that the compensation will be available in a timely fashion taking into account:

(a) The urgency of the removal or remedial actions and the priority assigned under the Federal Superfund Act to the release which necessitates those actions;

(b) The availability of money in the funds established under the Federal Superfund Act; and

(c) The consistency of any compensation for the cost of the proposed actions

under the Federal Superfund Act with the national contingency plan, if such a plan has been adopted under that act.

Subd. 4. [REVENUE SOURCES.] Revenue from the following sources shall be deposited in the environmental response, compensation and compliance fund:

(a) The proceeds of the taxes imposed pursuant to sections 18 and 19, including interest and penalties;

(b) All money recovered by the state under section 14, subdivisions 6 and 7;

(c) All money paid to the agency in matters relating to the enforcement of sections 1 to 13 or any other statute or rule related to the regulation of hazardous waste or hazardous substances, including civil penalties and money paid under any agreement, stipulation or settlement;

(d) All interest attributable to investment of money deposited in the fund; and

(e) All money received in the form of gifts, grants, reimbursement or appropriation from any source for any of the purposes provided in subdivision 2, except federal grants.

Subd. 5. [RECOMMENDATION BY LCWM.] The legislative commission on waste management shall make recommendations on appropriations from the fund to the standing legislative committees on finance and appropriations.

Subd. 6. [REPORT TO LEGISLATURE.] At the end of each fiscal year, the agency shall submit to the senate finance committee, the house appropriations committee and the legislative commission on waste management a report detailing the activities for which money from the environmental response, compensation and compliance fund has been spent during that year.

Sec. 17. [TAXES AND FEES; DEFINITIONS.]

Subdivision 1. [APPLICATION.] The definitions provided in this section apply to sections 17 to 22.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of revenue.

Subd. 3. [MIXED MUNICIPAL SOLID WASTE.] "Mixed municipal solid waste" means the waste defined in section 115A.02, subdivision 21.

Subd. 4. [SOLID WASTE DISPOSAL FACILITY.] "Solid waste disposal facility" means real or personal property which is primarily used for the land disposal of mixed municipal solid waste.

Subd. 5. [GENERATOR.] "Generator" means a person who generates hazardous waste and who is required to disclose the generation of hazardous waste under the hazardous waste rules of the agency adopted under section 116.07.

Subd. 6. [OPERATOR.] "Operator" means the permittee, owner, or other person in control of the facility under a lease, contract, or other arrangement.

Sec. 18. [SOLID WASTE DISPOSAL TAX.]

Subdivision 1. [AMOUNT OF TAX; APPLICATION.] The operator of any solid waste disposal facility shall pay a tax on solid waste accepted at the

facility as follows:

(a) A solid waste disposal facility that weighs the waste which it accepts shall pay a tax of \$2 per ton of solid waste accepted.

(b) A solid waste disposal facility which does not weigh the waste which it accepts but which measures the volume of the waste shall pay a tax of 80 cents per cubic yard of waste accepted.

(c) A solid waste disposal facility which does not measure the weight or volume of waste accepted shall pay an annual tax of \$1.80 per capita based on the population served by the facility.

(d) The tax imposed under clause (a), (b), or (c) may be reduced by the amount of tax which is attributable to waste accepted by the facility which is separated for recycling or reuse and is not land disposed.

(e) The tax imposed under clause (a), (b), or (c) applies to a solid waste disposal facility operated by a political subdivision only if the political subdivision imposes a charge for the use of the facility on or after January 1, 1982.

Subd. 2. [CONSOLIDATED HEARING ON POPULATION OF SERVICE AREAS.] The tax imposed under subdivision 1, clause (c), shall be based on the population of the area served by a solid waste facility as determined by the agency under this subdivision. By July 1, 1982, the agency shall publish in the state register a list showing each facility subject to tax under subdivision 1, clause (c), and the population of its service area as determined by the agency. By July 1 in each succeeding even-numbered year the agency shall publish a list of those facilities subject to tax under subdivision 1, clause (c), for which the agency has determined a new population figure. For a facility which receives a modified landfill permit under the rules of the agency adopted pursuant to section 116.07, the population shall not be less than the number determined in the permitting process.

The list shall be published with a notice of the right of any operator of a facility subject to tax under subdivision 1, clause (c), to challenge the population determination upon which its tax will be based. A copy of the list and notice shall be sent to each operator subject to tax under subdivision 1, clause (c).

An operator who wishes to challenge the determination of the agency shall notify the agency of his intention and shall provide written evidence to the agency to support his challenge within 30 days of receipt of notice. The agency shall hold a single contested case hearing as necessary to determine any and all challenges to its determination under this subdivision. The hearing shall be completed and the decision of the agency shall be rendered not later than December 1 after the list and notice are published.

The population of a service area as determined under this subdivision shall be conclusive for the purpose of the tax imposed under subdivision 1, clause (c).

Subd. 3. [DISPOSITION OF PROCEEDS.] The proceeds of the tax imposed under this section including any interest and penalties, less the commissioner's costs of administration, shall be deposited in the fund.

Sec. 19. [HAZARDOUS WASTE GENERATOR TAX.]

Subdivision 1. [TAX IMPOSED; EXCLUSIONS.] Each generator of hazardous waste shall pay the tax imposed by this section based upon the volume and destination of the hazardous wastes generated. The generator disclosure forms, annual reports, and hazardous waste management plans required under rules of the agency adopted pursuant to section 116.07 shall be prima facie evidence of the volume and destination of hazardous wastes generated. The tax imposed by this section does not apply to hazardous wastes destined for recycling and reuse or to waste oil.

Subd. 2. [LONG TERM CONTAINMENT WITHOUT TREATMENT.] Hazardous waste destined for long term containment without treatment, including land disposal and long term storage, shall be taxed at the rate of five cents per gallon of liquid or \$5 per cubic yard of solid.

Subd. 3. [LONG TERM CONTAINMENT AFTER TREATMENT.] Hazardous waste destined for long term containment after treatment shall be taxed at the rate of four cents per gallon of liquid or \$4 per cubic yard of solid.

Subd. 4. [OTHER TREATMENT.] Hazardous waste destined for chemical treatment to produce a material which is not hazardous or which is destined for destructive treatment by incineration or other means shall be taxed at the rate of two cents per gallon of liquid or \$2 per cubic yard of solid.

Subd. 5. [ON-SITE TREATMENT; REDUCED TAX.] Hazardous wastes which are treated in a manner provided in subdivision 3 or 4 before the wastes are transported along any public street or highway as defined in section 169.01, subdivision 29, shall be taxed at one-half the rate at which they would otherwise be taxed.

Subd. 6. [DISPOSITION OF PROCEEDS.] The proceeds of the tax imposed under this section including any interest and penalties, less the commissioner's costs of administration, shall be deposited in the fund and may be appropriated for any purpose provided in section 16, subdivision 2, except the purposes provided in clauses (b) and (c) of that section.

Sec. 20. [SEVERABILITY.]

If any tax imposed under section 18 or 19 is found to be invalid because of the purpose for which the proceeds were appropriated or made available under section 16, subdivision 2, the proceeds of that tax shall not be appropriated or available for the objectionable purposes, but the tax shall continue to be imposed and the proceeds shall be appropriated and made available for other purposes provided in section 16, subdivision 2.

Sec. 21. [TAX ADMINISTRATION AND ENFORCEMENT.]

Subdivision 1. [REQUIREMENT OF DECLARATIONS OF ESTIMATED TAX.] Except as provided in subdivision 7, any person required to pay a tax under section 18 or 19 shall file with the commissioner of revenue a declaration of his estimated tax for the calendar year. For the purpose of this section, "estimated tax" means the amount which the person estimates as the sum of the taxes imposed on him by section 18 or 19 for the calendar year. The declaration shall be in the form and contain the information required by the commissioner of revenue.

Subd. 2. [DATES OF DECLARATIONS.] Declarations of estimated tax required by subdivision 1 shall be filed by April 15 each year, except that if the

person initially accrues a tax liability under section 18 or 19

(a) After April 1 and before June 2, the declaration shall be filed by June 15, or

(b) After June 1 and before September 2, the declaration shall be filed by September 15, or

(c) After September 1, the declaration shall be filed by January 15 of the succeeding year.

An individual may make amendments of a declaration filed during the taxable year, under regulations prescribed by the commissioner of revenue.

The commissioner may grant a reasonable extension of time for filing the declaration and paying the estimated tax, but for no more than six months.

Subd. 3. [DATES OF PAYMENTS.] (1) The amount of estimated tax with respect to which a declaration is required by subdivision 1 shall be paid as follows:

(a) If the declaration is filed on or before April 15, it shall be paid in four equal installments. The first installment shall be paid at the time of the filing of the declaration, the second and third on June 15 and September 15, respectively, of the year during which the liability accrues, and the fourth on January 15 of the succeeding year.

(b) If the declaration is filed after April 15 and not after June 15, and is not required by subdivision 2 to be filed on or before April 15, the estimated tax shall be paid in three equal installments. The first installment shall be paid at the time of the filing of the declaration, the second on September 15, and the third on January 15 of the succeeding year.

(c) If the declaration is filed after June 15 and not after September 15, and is not required by subdivision 2 to be filed on or before June 15, the estimated tax shall be paid in two equal installments. The first installment shall be paid at the time of the filing of the declaration, and the second on January 15 of the succeeding year.

(d) If the declaration is filed after September 15, and is not required by subdivision 2 to be filed on or before September 15, the estimated tax shall be paid in full at the time of the filing of the declaration.

(e) If the declaration is filed after the time prescribed in subdivision 2 including cases in which an extension of time for filing the declaration has been granted, subparagraphs (b), (c), and (d) of this paragraph shall not apply, and there shall be paid at the time of the filing all installments of estimated tax which would have been payable on or before that time if the declaration had been filed within the time prescribed in subdivision 2, and the remaining installments shall be paid at the times at which, and in the amounts in which, they would have been payable if the declaration had been so filed.

(2) If any amendment of a declaration is filed, the remaining installments, if any, shall be ratably increased or decreased to reflect the increase or decrease in the estimated tax under amendment, and if the amendment is made after September 15, any increase in the estimated tax by reason thereof shall be paid at the time of making the amendment.

(3) At the election of the taxpayer any installment of the estimated tax may be

paid prior to the date prescribed for its payment.

(4) Payment of the estimated tax, or any installment thereof, shall be considered payment on account of the taxes imposed upon the person by section 18 or 19 for the year.

Subd. 4. [OVERPAYMENT OF ESTIMATED TAX.] If the amount of an installment payment of estimated tax exceeds the amount determined to be the correct amount of the installment payment, the overpayment shall be credited against the unpaid installments, if any. If the total amount of the estimated tax payments exceeds by \$1 or more the taxes, and any penalties and interest, reported in the return of the taxpayer or imposed upon him by section 18 or 19, the amount of the excess shall be refunded to the taxpayer. If the amount of the excess is less than \$1 the commissioner shall not be required to refund that amount. If the amount of the excess to be refunded exceeds \$10, it shall bear interest at the rate of six percent per annum, computed from 90 days after (a) the due date of the return of the taxpayer or (b) the date on which his return is filed, whichever is later, until the date the refund is paid to the taxpayer. The provisions of section 270.10 shall not be applicable.

Any action of the commissioner in refunding the amount of the excess shall not constitute a determination of the correctness of the return of the taxpayer.

The commissioner of finance shall cause any refund of tax and interest to be paid out of the fund established in section 16, and so much of that fund as may be necessary is hereby appropriated for that purpose.

Subd. 5. [UNDERPAYMENT OF ESTIMATED TAX.] (1) In the case of any underpayment of estimated tax, except as provided in paragraph (4), there may be added to and become a part of the taxes imposed by section 18 or 19 for the year an amount determined at the rate specified in section 270.75 upon the amount of the underpayment for the period of the underpayment.

(2) For purposes of the preceding paragraph, the amount of underpayment shall be the excess of

(a) The amount of the installment which would be required to be paid if the estimated tax were equal to 80 percent of the taxes shown on the return for the year or the taxes for the year if no return was filed, over

(b) The amount, if any, of the installment paid on or before the last day prescribed for payment.

(3) The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier:

(a) April 15;

(b) With respect to any portion of the underpayment, the date on which the portion is paid. For purposes of this subparagraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent the payment exceeds the amount of the installment determined under paragraph (2) (a) for the installment date.

(4) The addition to the tax shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of the installment equals or exceeds the amount which would have been required to be paid on or before that date if the estimated tax were

whichever of the following is the lesser:

(a) The total tax liability shown on the return of the person for the preceding year (if a return showing a liability for taxes was filed by the person for the preceding year), or

(b) An amount equal to 80 percent of the tax for the tax liability computed by placing on an annualized basis the tax liability for the months in the year ending before the month in which the installment is required to be paid. For purposes of this subparagraph, the tax liability shall be placed on an annualized basis by

(i) Multiplying by 12 (or in the case of a taxable year when a tax liability accrued during a period shorter than 12 months, the number of months in the period when the liability accrued) the tax liability computed for the months in the year ending before the month in which the installment is required to be paid;

(ii) Dividing the resulting amount by the number of months in the year ending before the month in which the installment date falls.

Subd. 6. [FAILURE TO PAY.] Any person required under this section to pay an estimated tax, who wilfully fails to pay the estimated tax at the time required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a gross misdemeanor.

Subd. 7. [PAYMENT BY OUT-OF-STATE GENERATORS.] A generator of any hazardous waste which is generated outside of this state and is transported into this state for long term containment or treatment as described in subdivisions 2 to 4 shall pay the tax imposed by this section at the first point at which the hazardous wastes are received by a person in this state for storage, treatment or long term containment. The tax shall be paid to the person who first receives the wastes in this state at the time the waste is received and shall be remitted by that person to the commissioner of revenue quarterly in the form and manner provided by the commissioner.

Subd. 8. [DUTIES OF THE AGENCY.] The agency shall provide to the commissioner the names and addresses of all persons known to the agency who are subject to tax under section 18 or 19, together with any information which the agency possesses concerning the amount of solid waste accepted or hazardous waste generated and disposed of by those persons. The agency shall notify the commissioner of any suspected inaccurate or fraudulent declaration or return and may audit any person subject to tax under section 18 or 19 when requested by the commissioner.

Subd. 9. [PENALTIES; ENFORCEMENT.] The audit, penalty and enforcement provisions applicable to taxes imposed under chapter 290 apply to the taxes imposed under sections 18 and 19 and those provisions shall be administered by the commissioner.

Subd. 10. [RULES.] The commissioner may adopt temporary and permanent rules necessary to implement the provisions of this section. The agency may adopt temporary and permanent rules necessary to implement the provisions of sections 18 and 19.

Sec. 22. [SOLID AND HAZARDOUS WASTE ADMINISTRATION FEES.]

Subdivision 1. [FEE SCHEDULES.] The agency shall establish the fees provided in subdivisions 2 and 3 in the manner provided in section 16A.128 in order to raise an amount of fees sufficient to cover the non-federally funded portion of the amount appropriated to the agency for that year for administrative expenses of the solid and hazardous waste division of the agency, excluding any portion of the appropriation for which the legislature provides that fees need not be collected and any amount appropriated under section 16, subdivision 2, clauses (a) and (f). Fees collected from solid waste and hazardous waste activities shall approximate the expenses of the agency for regulation of solid waste and hazardous waste respectively. All fees collected by the agency under this section shall be deposited in the general fund.

Subd. 2. [HAZARDOUS WASTE GENERATOR FEE.] Each generator of hazardous waste shall pay a fee on the hazardous waste which he generates. The agency shall compute the amount of the fee due based on the hazardous waste disclosures submitted by the generators and other information available to the agency. The agency shall annually prepare a statement of the amount of the fee due from each generator. The fee shall be paid quarterly commencing with the first day of the calendar quarter after the date of the statement.

The agency may exempt generators of small quantities of hazardous wastes otherwise subject to the fee if it finds that the cost of administering a fee on those generators is excessive relative to the proceeds of the fee. The fee shall consist of a minimum fee for each generator not exempted by the agency and an additional fee which generally reflects the quantity of wastes generated by the generator.

If any metropolitan counties recover the costs of administering county hazardous waste regulations by charging fees, the fees charged by the agency shall not exceed the fees charged by those counties and the agency shall impose a surcharge on the fees charged by the metropolitan counties and by the agency to reflect the agency's expenses in carrying out its statewide hazardous waste regulatory responsibilities. Metropolitan counties shall remit the proceeds of the surcharge to the agency.

Subd. 3. [FACILITY FEES.] The agency shall charge an original permit fee, a reissuance fee and an annual operator's fee for any solid waste or hazardous waste facility permitted by the agency. The agency may include reasonable and necessary costs of any environmental review required under chapter 116D in the original permit fee for any solid waste or hazardous waste facility.

Sec. 23. Minnesota Statutes 1980, Section 116.03, Subdivision 3, is amended to read:

Subd. 3. The director of the pollution control agency is the state agent to apply for, receive, and disburse federal funds made available to the state by federal law or rules and regulations promulgated thereunder for any purpose related to the powers and duties of the pollution control agency or the director. He shall comply with any and all requirements of such federal law or such rules and regulations promulgated thereunder to enable him to apply for, receive, and disburse such funds. All such moneys received by the director shall be deposited in the state treasury and are hereby annually appropriated to him for the purposes for which they are received. None of such moneys in the state treasury shall cancel and they shall be available for expenditure in accordance

with the requirements of federal law.

No application for federal funds under this subdivision shall be submitted to federal authorities for approval unless the proposed budget for the expenditure of federal funds is approved by the governor and reported to the legislative committees designated in section 16.165 and, when the legislature is not in session, reported to the standing committee on finance of the senate and the standing committee on appropriations of the house of representatives.

The provisions of section 3.3005 shall not apply to emergency response moneys available without requirement of a state match under the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sections 9601 to 9657. The receipt of the moneys shall be reported to the legislative advisory commission.

Sec. 24. Minnesota Statutes 1980, Section 466.01, is amended by adding a subdivision to read:

Subd. 3. For the purposes of sections 466.01 to 466.15, "release" and "hazardous substance" have the meanings given in section 2.

Sec. 25. Minnesota Statutes 1980, Section 466.04, Subdivision 1, is amended to read:

Subdivision 1. [LIMITS; PUNITIVE DAMAGES.] Liability of any municipality on any claim within the scope of sections 466.01 to 466.15 shall not exceed

(a) \$100,000 when the claim is one for death by wrongful act or omission and \$100,000 to any claimant in any other case;

(b) \$300,000 for any number of claims arising out of a single occurrence;

(c) *Twice the limits provided in clauses (a) and (b) when the claim arises out of the release or threatened release of a hazardous substance, whether the claim is brought under sections 1 to 12 or under any other law.*

No award for damages on any such claim shall include punitive damages.

Sec. 26. [APPROPRIATION.]

Subdivision 1. [FUND.] The appropriations in this section are from the environmental response, compensation and compliance fund, and are available until July 1, 1983.

Subd. 2. [RESPONSE ACTIONS.] All revenues deposited in the fund before July 1, 1983, except the proceeds of the tax imposed under section 19, and any money recovered under section 14, subdivision 7, are appropriated to the agency for actions under section 16, subdivision 2, clause (b).

Subd. 3. [PREPARATION FOR RESPONSE.] All revenues deposited in the fund before July 1, 1983, as proceeds of the tax imposed under section 19 are appropriated to the agency for the purposes of section 16, subdivision 2, clause (a).

Sec. 27. [EFFECTIVE DATE.]

Sections 18 to 21 are effective the day following final enactment except that the taxes imposed by sections 18 and 19 are effective January 1, 1983. Section 22 is effective July 1, 1983. The remaining sections of this act are effective July

1, 1982."

Delete the title and insert:

"A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury and economic loss resulting from releases of hazardous substances; imposing taxes, fees, and penalties; appropriating money; amending Minnesota Statutes 1980, Sections 116.03, Subdivision 3; 466.01, by adding a subdivision; and 466.04, Subdivision 1; proposing new law coded as Minnesota Statutes, Chapter 115B."

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

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

S.F. No. 1443: A bill for an act relating to agriculture; prohibiting the trafficking in skunks; setting a penalty; proposing new law coded in Minnesota Statutes, Chapter 145.

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

Page 1, line 11, after "any" insert "live"

Page 1, line 12, delete "use as a personal pet" and insert "any purpose whatsoever"

Page 1, line 13, after "any" insert "live"

Page 1, line 15, delete "LIMITATION" and insert "EXCEPTION"

Page 1, after line 20, insert:

"Subd. 3. [COMMERCIAL OPERATIONS.] *Notwithstanding the provisions of subdivision 1, any person who, on the effective date of this section, is engaged in a business in this state which includes the buying or selling of skunks may continue to buy or sell skunks or to export skunks until January 1, 1985, but shall not import any live skunks after the effective date of this section. Any person may purchase a skunk from a person who is allowed to sell a skunk under this subdivision until January 1, 1985. This subdivision is repealed July 1, 1985.*"

Page 1, line 21, delete "subdivision" and insert "subdivisions" and after "I" insert "or 3"

Page 1, line 24, delete "July 31, 1987" and insert "the day following final enactment"

Renumber the subdivisions in sequence

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

SECOND READING OF SENATE BILLS

S.F. Nos. 328, 480, 1703, 1637, 1589, 1567, 1582, 1691 and 1443 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 749 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Dicklich moved that the name of Mr. Waldorf be added as a co-author to S.F. No. 709. The motion prevailed.

Mr. Peterson, C.C. moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 786. The motion prevailed.

Mr. Renneke moved that the name of Mr. Setzepfandt be stricken as a co-author to S.F. No. 1421. The motion prevailed.

Mr. Renneke moved that his name be stricken as chief author, added as a co-author, and Mr. Peterson, C.C. be added as chief author to S.F. No. 1421. The motion prevailed.

Mr. Sikorski moved that the name of Mr. Dahl be added as a co-author to S.F. No. 1563. The motion prevailed.

Mr. Willet moved that the name of Mr. Lessard be added as a co-author to S.F. No. 1747. The motion prevailed.

Mr. Spear moved that the name of Mrs. Brataas be added as a co-author to S.F. No. 1775. The motion prevailed.

Mr. Wegener moved that the name of Mr. Lessard be added as a co-author to S.F. No. 1790. The motion prevailed.

Mr. Wegener moved that the name of Mr. Lessard be added as a co-author to S.F. No. 1792. The motion prevailed.

Mr. Peterson, C.C. moved that the name of Mr. Lessard be added as a co-author to S.F. No. 1797. The motion prevailed.

Mr. Spear moved that the name of Mr. Ashbach be added as a co-author to S.F. No. 1856. The motion prevailed.

Mr. Knoll moved that the name of Mr. Merriam be added as a co-author to S.F. No. 1882. The motion prevailed.

Mr. Bertram moved that the name of Mr. Merriam be added as a co-author to S.F. No. 1897. The motion prevailed.

Mr. Penny moved that the name of Mr. Merriam be added as a co-author to S.F. No. 1899. The motion prevailed.

Mr. Merriam moved that the name of Mr. Bertram be added as a co-author to S.F. No. 1905. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Dahl be added as a co-author to S.F. No. 1935. The motion prevailed.

Mr. Rued moved that the name of Mr. Bertram be added as a co-author to S.F. No. 1938. The motion prevailed.

Mr. Peterson, D.L. moved that the name of Mr. Rued be added as a co-author to S.F. No. 1956. The motion prevailed.

Ms. Berglin moved that the names of Messrs. Spear, Ulland and Lindgren be added as co-authors to S.F. No. 1957. The motion prevailed.

NOTICE OF RECONSIDERATION

Mr. Benson gave notice of intention to move for reconsideration of S.F. No. 429 on Wednesday, February 17, 1982.

CALENDAR

H.F. No. 552: A bill for an act relating to commerce; prohibiting fraud in the use of recreational camping areas; providing a penalty; amending Minnesota Statutes 1980, Sections 327.07; and 327.14, Subdivision 8.

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:

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

Mr. Knutson voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 1612: A resolution memorializing the life and work of Sigurd F. Olson.

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

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the resolution passed and its title was agreed to.

S.F. No. 1088: A bill for an act relating to real property; providing for the registration of certain possessory estates in real property without court proceedings; providing for a changeover from a certificate of possessory title to a certificate of title after a certain number of years; proposing new law coded as Minnesota Statutes, Chapter 508A.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1539: A bill for an act relating to state collective bargaining units; adopting a modified unit composition schedule for state employees; amending Minnesota Statutes 1980, Section 179.741, Subdivision 1; and Minnesota Statutes 1981 Supplement, Section 179.74, 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S.F. No. 1422: A bill for an act relating to motor vehicles; allowing the registrar of motor vehicles to issue amateur radio and personalized license

plates to motorcycle owners; amending Minnesota Statutes 1980, Section 168.12, Subdivisions 2 and 2a.

With the unanimous consent of the Senate, Mr. Dahl moved to amend S.F. No. 1422 as follows:

Pages 1 to 3, delete sections 1 and 2 and insert:

"Section 1. Minnesota Statutes 1981 Supplement, Section 168.12, Subdivision 2, is amended to read:

Subd. 2. [AMATEUR RADIO STATION LICENSEE; SPECIAL LICENSE PLATES.] Any applicant who is an owner or joint owner of a motor vehicle and a resident of this state, and who holds an official amateur radio station license, or a citizens radio service class D license, in good standing, issued by the Federal Communications Commission shall upon compliance with all laws of this state relating to registration and the licensing of motor vehicles and drivers, be furnished with license plates for the motor vehicle, as prescribed by law for passenger cars *and motorcycles*, upon which, in lieu of the numbers required for identification under subdivision 1, shall be inscribed the official amateur call letters of the applicant, as assigned by the Federal Communications Commission. The applicant shall pay in addition to the registration tax required by law, the sum of \$10 for the special license plates, and at the time of delivery of the special license plates the applicant shall surrender to the registrar the current license plates issued for the motor vehicle. This provision for the issue of special license plates shall apply only if the applicant's passenger automobile *or motorcycle* is already registered in Minnesota so that the applicant has valid regular Minnesota plates issued for that passenger automobile *or motorcycle* under which to operate it during the time that it will take to have the necessary special license plates made. If the applicant owns or jointly owns more than one motor vehicle he may apply for special plates for each of not more than two vehicles, and, if each application complies with this subdivision, the registrar shall furnish the applicant with the special plates, inscribed with the official amateur call letters and other distinguishing information as the registrar considers necessary, for each of the two vehicles. And the registrar may make reasonable regulations governing the use of the special license plates as will assure the full compliance by the owner and holder of the special plates, with all existing laws governing the registration of motor vehicles, the transfer and the use thereof. When the ownership of a motor vehicle for which special license plates have been furnished by the registrar, changes from one person to another, the special license plates herein authorized shall be promptly removed from the motor vehicle by the seller and returned to the registrar, at which time the seller or the buyer of the motor vehicle shall be entitled to receive license plates for the motor vehicle as provided in section 168.15.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 168.12, Subdivision 2a, is amended to read:

Subd. 2a. [PERSONALIZED LICENSE PLATES.] Personalized license plates shall be issued to any applicant for registration of a passenger automobile, station wagon, van or pickup truck with a gross weight of 9,000 pounds or less, ~~or~~ self-propelled recreational vehicle, *or motorcycle*, upon compliance with all laws of this state relating to registration of the vehicle, and upon payment of a fee of \$100 in addition to the registration tax required by law for

the vehicle. In lieu of the numbers assigned as provided in subdivision 1, personalized license plates shall have imprinted thereon a series of not to exceed any combination of six numbers and letters. When an applicant has once obtained personalized plates, the applicant shall have a prior claim for similar personalized plates in the next succeeding year that plates are issued if application is made for them at least 30 days prior to the first date on which registration can be renewed. The commissioner of public safety shall adopt rules and regulations in the manner provided by chapter 15, regulating the issuance and transfer of personalized license plates. No words or combination of letters placed on personalized license plates may be used for commercial advertising or be of an obscene, indecent or immoral nature, or that would offend public morals or decency. The call signals or letters of a radio or television station shall not be construed as commercial advertising for the purposes of this subdivision.

Notwithstanding the provisions of subdivision 1, personalized license plates issued pursuant to this subdivision may be transferred to another motor vehicle upon the payment of a fee of \$5, which fee shall be paid into the state treasury and credited to the highway user tax distribution fund. The registrar may by regulation provide a form for notification.

The fee prescribed for personalized license plates shall be paid only in those years in which the number plate itself is issued, and shall not be payable in any year in which a year plate, tab or sticker is issued in lieu of a number plate.

All fees from the sale of personalized license plates shall be paid into the state treasury and credited to the highway user tax distribution fund."

Amend the title as follows:

Page 1, line 5, delete "1980" and insert "1981 Supplement"

The motion prevailed. So the amendment was adopted.

S.F. No. 1422: A bill for an act relating to motor vehicles; allowing the registrar of motor vehicles to issue amateur radio and personalized license plates to motorcycle owners; amending Minnesota Statutes 1981 Supplement, Section 168.12, Subdivisions 2 and 2a.

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

The question was taken on the passage of the bill, as amended.

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

Those who voted in the affirmative were:

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

Mr. Keefe voted in the negative.

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

GENERAL ORDERS

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

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

S.F. Nos. 233, 1510, 1499, 1256, 1621 and 709, which the committee recommends to pass.

On motion of Mr. Penny, 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. Pillsbury introduced—

S.F. No. 1973: A bill for an act relating to local government; providing for the proration of local government aids in proportion to sales tax revenues; proposing new law coded in Minnesota Statutes, Chapter 477A.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Solon, Frederick and Davies introduced—

S.F. No. 1974: A bill for an act relating to commerce; exempting dairy retailers from prohibitions against certain practices; limiting certain powers of the commissioner of agriculture; amending Minnesota Statutes 1980, Section 32A.05, Subdivision 3; and Minnesota Statutes 1981 Supplement, Section 32A.04, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Keefe, Rued and Ashbach introduced—

S.F. No. 1975: A bill for an act relating to economic development; establishing a program of challenge grants for certain University of Minnesota research centers with the ultimate purpose of aiding the state's high technology business; appropriating money.

Referred to the Committee on Finance.

Messrs. Taylor, Chmielewski, Frederick and Petty introduced—

S.F. No. 1976: A bill for an act relating to unemployment compensation; altering provision as to advance of federal funds; altering "triggers" relating to extended benefits; altering eligibility requirements for extended benefits; altering eligibility and disqualifying provisions for individuals whose training is approved under the federal trade act of 1974; providing for the interception of unemployment benefits to satisfy child support obligations; amending Minne-

sota Statutes 1980, Sections 268.05, Subdivision 6; 268.071, Subdivisions 1, 3, 5, and 6, and by adding subdivisions; 268.08, Subdivision 1; and 268.09, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 268; repealing Minnesota Statutes 1980, Section 268.07, Subdivision 4.

Referred to the Committee on Employment.

Messrs. Tennesen, Solon and Benson introduced—

S.F. No. 1977: A bill for an act relating to insurance; group health and accident; including certain debtors under the provisions relating to this insurance; amending Minnesota Statutes 1980, Section 62A.10, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Kamrath, Knutson and Bernhagen introduced—

S.F. No. 1978: A bill for an act relating to energy; making administrative changes in laws governing duties of the commissioner, fuel set-asides, report confidentiality, agency reporting, demonstration projects and energy efficient building education; deleting a requirement for reporting by public schools; amending Minnesota Statutes 1980, Section 116H.15, Subdivisions 1 and 3; Minnesota Statutes 1981 Supplement, Sections 116H.07; 116H.095, Subdivisions 4 and 5; 116H.10, Subdivision 4; 116H.11, Subdivision 1; 116H.128; 116H.15, Subdivision 2; and 116H.18; repealing Minnesota Statutes 1981 Supplement, Section 120.78, Subdivision 1.

Referred to the Committee on Energy and Housing.

Mr. Stumpf introduced—

S.F. No. 1979: A bill for an act relating to intoxicating liquor; veteran's organization licenses in first class cities; amending Minnesota Statutes 1980, Section 340.11, Subdivision 11.

Referred to the Committee on Commerce.

Mr. Stumpf introduced—

S.F. No. 1980: A bill for an act relating to libraries; requiring each county to be a member of a regional public library system; making a county's decision to join a particular system subject to board of education approval; establishing conditions under which a county shall be allowed to join an existing regional public library system; proposing new law coded in Minnesota Statutes, Chapter 375.

Referred to the Committee on Education.

Messrs. Ulland, Bernhagen, Humphrey and Mrs. Kronebusch introduced—

S.F. No. 1981: A bill for an act relating to taxation; providing that cost of certain energy conservation improvements is a special levy; extending the residential energy credit to certain superinsulation construction; amending Minnesota Statutes 1980, Section 275.50, by adding a subdivision; and Minnesota Statutes 1981 Supplement, Section 290.06, Subdivision 14.

Referred to the Committee on Energy and Housing.

Messrs. Rued and Wegener introduced—

S.F. No. 1982: A bill for an act relating to education; clarifying provisions concerning the Minnesota Indian scholarship committee which assists the state board of education in awarding scholarships to Indian residents; appropriating money; amending Minnesota Statutes 1980, Section 124.48.

Referred to the Committee on Education.

Messrs. Bernhagen, Ulland, Rued and Setzepfandt introduced—

S.F. No. 1983: A bill for an act relating to agriculture; changing certain deadlines; eliminating certain duties of the commissioner of agriculture and county agricultural agents; allowing the sale of certain flowers, canning compounds and butter; eliminating certain presumptions relating to dairy industry discrimination; amending Minnesota Statutes 1980, Section 38.02, Subdivisions 1 and 3; repealing Minnesota Statutes 1980, Sections 17.031; 17.032; 17.23; 31.401 to 31.406; 32.12; 32.472; and 32.473.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Rued and Mrs. Brataas introduced—

S.F. No. 1984: A bill for an act relating to taxation; income; deleting certain provisions relating to the taxation of unitary business income; amending Minnesota Statutes 1980, Section 290.34, Subdivision 2, as amended; Minnesota Statutes 1981 Supplement, Section 290.17, Subdivision 2, as amended; 290.21, Subdivision 4, as amended.

Referred to the Committee on Taxes and Tax Laws.

Mr. Bernhagen introduced—

S.F. No. 1985: A bill for an act relating to agriculture; transferring the state soil and water conservation board to the department of agriculture; amending Minnesota Statutes 1980, Section 40.03, Subdivisions 1, 2 and 4.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Ulland and Waldorf introduced—

S.F. No. 1986: A bill for an act relating to energy; definition of large facility; conservation information and education; emergency plan; local zoning of wind energy conversion systems; amending Minnesota Statutes 1980, Sections 116H.02, Subdivision 5; 394.25, Subdivision 2; and 462.357, Subdivision 1; Minnesota Statutes 1981 Supplement, Sections 116H.085; 116H.088, Subdivision 1; and 116H.09, Subdivision 1; repealing Minnesota Statutes 1980, Sections 116H.088, Subdivision 2; 116H.19, Subdivision 2; and Minnesota Statutes 1981 Supplement, Section 116H.19, Subdivision 1.

Referred to the Committee on Energy and Housing.

Mr. Dicklich introduced—

S.F. No. 1987: A bill for an act relating to taxation; requiring notification to school districts of certain property tax assessment challenge proceedings; au-

thorizing school districts to participate at certain hearings; amending Minnesota Statutes 1980, Sections 278.01; and 278.05, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Mr. Dicklich introduced—

S.F. No. 1988: A bill for an act relating to housing; directing the department of energy, planning and development to administer certain federal money; proposing new law coded in Minnesota Statutes, Chapter 362.

Referred to the Committee on Governmental Operations.

Mr. Taylor introduced—

S.F. No. 1989: A bill for an act relating to Blue Earth County; permitting county board members to serve on the county housing and redevelopment authority.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Solon introduced—

S.F. No. 1990: A bill for an act relating to agriculture; requiring state grain inspection and grading at terminal warehouses; amending Minnesota Statutes 1980, Section 17B.11.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Pehler, Penny and Willet introduced—

S.F. No. 1991: A bill for an act relating to education; providing for the inclusion of certain community college and state university faculty members in the definition of an employee under the public employment labor relations act of 1971; amending Minnesota Statutes 1981 Supplement, Section 179.63, Subdivision 7.

Referred to the Committee on Public Employees and Pensions.

Messrs. Rued, Engler and Belanger introduced—

S.F. No. 1992: A bill for an act relating to crimes; prohibiting plea agreements when the offense is a crime against persons involving firearms or other dangerous weapons; proposing new law coded in Minnesota Statutes, Chapter 244.

Referred to the Committee on Judiciary.

Ms. Berglin, Messrs. Setzepfandt and Davies introduced—

S.F. No. 1993: A bill for an act relating to taxation; requiring registration of certain rental housing; limiting certain income tax deductions; amending Minnesota Statutes 1981 Supplement, Section 290.01, Subdivision 20, as amended; proposing new law coded in Minnesota Statutes, Chapter 290.

Referred to the Committee on Taxes and Tax Laws.

Mr. Ulland introduced—

S.F. No. 1994: A bill for an act relating to unemployment compensation; permitting the use of contingent account moneys for investigatory purposes; regulating the collection of benefit overpayments; amending Minnesota Statutes 1980, Section 268.15, Subdivision 3; and 268.18, Subdivision 1.

Referred to the Committee on Employment.

Mr. Ulland introduced—

S.F. No. 1995: A bill for an act relating to human rights in education; establishing that ten percent or fewer minority group pupils in a school district is not an unfair discriminatory practice or segregation; amending Minnesota Statutes 1980, Section 363.02, Subdivision 3.

Referred to the Committee on Education.

Mr. Moe, R.D. introduced—

S.F. No. 1996: A bill for an act relating to Polk County; authorizing the county to establish subordinate service areas to provide and finance governmental services.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Hanson; Benson; Wegener; Peterson, C.C. and Setzepfandt introduced—

S.F. No. 1997: A bill for an act relating to retirement; volunteer ambulance services; authorizing the establishment of local volunteer ambulance attendants relief associations; authorizing the relief association to pay lump sum service pensions and other retirement benefits; establishing service pension maximums based on the ability to finance the service pension amount; establishing minimum financing guidelines; imposing an obligation to provide financing on the affiliated volunteer ambulance service; amending Minnesota Statutes 1980, Section 69.80; proposing new law coded as Minnesota Statutes, Chapter 424B.

Referred to the Committee on Public Employees and Pensions.

Mrs. Lantry and Mr. Vega introduced—

S.F. No. 1998: A bill for an act relating to retirement; public employees retirement association; authorizing the purchase of prior service credit for certain former elected officials.

Referred to the Committee on Public Employees and Pensions.

Mrs. Lantry introduced—

S.F. No. 1999: A bill for an act relating to crimes; prohibiting the sale or dissemination of obscene materials to minors; prohibiting false representation of age or parental status to procure obscene materials harmful to minors; prohibiting public display of obscene materials harmful to minors; prescribing

penalties; proposing new law coded in Minnesota Statutes, Chapter 260; repealing Minnesota Statutes 1980, Sections 617.291 to 617.297.

Referred to the Committee on Judiciary.

Messrs. Luther, Humphrey and Kroening introduced—

S.F. No. 2000: A bill for an act relating to the city of Brooklyn Center; authorizing the Brooklyn Center housing and redevelopment authority to carry out a housing interest buy-down program.

Referred to the Committee on Energy and Housing.

Messrs. Vega; Pehler; Peterson D.L.; Frederick and Merriam introduced—

S.F. No. 2001: A bill for an act relating to taxation; income; specifying the deduction for use of an automobile while making a charitable contribution; amending Minnesota Statutes 1981 Supplement, Section 290.21, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davis; Peterson, R.W. and Pehler introduced—

S.F. No. 2002: A bill for an act relating to public improvements; providing for a therapeutic pool at the Cambridge state hospital; authorizing issuance of state bonds; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Davis, Pehler, Purfeerst, Wegener and Peterson, D.L. introduced—

S.F. No. 2003: A bill for an act relating to agriculture; providing for the prevention of economic waste in the marketing of certain agricultural crops produced in Minnesota by fixing a minimum price; providing for administration and enforcement; providing a penalty; proposing new law coded in Minnesota Statutes, Chapter 17.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Belanger; Lindgren; Peterson, D.L. and Bang introduced—

S.F. No. 2004: A bill for an act relating to education; authorizing school districts to transfer money from their capital expenditure fund to the general fund.

Referred to the Committee on Education.

Messrs. Peterson, C.C.; Merriam; Willet; Johnson and Setzepfandt introduced—

S.F. No. 2005: A bill for an act relating to natural resources; authorizing the acquisition of certain state water access sites.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Berglin, Mr. Frank, Mrs. Kronebusch and Mr. Spear introduced—

S.F. No. 2006: A bill for an act relating to gambling; providing an exception for certain nonprofit organizations to the annual limitation on prizes awarded from the conduct of raffles; amending Minnesota Statutes 1980, Section 349.26, Subdivision 9, and by adding a subdivision; and Minnesota Statutes 1981 Supplement, Section 349.26, Subdivision 15.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Wegener, Rued, Langseth and Chmielewski introduced—

S.F. No. 2007: A bill for an act relating to education; authorizing school districts to transfer money from the capital expenditure fund to the general fund.

Referred to the Committee on Education.

Mrs. Stokowski introduced—

S.F. No. 2008: A bill for an act relating to Special School District No. 1; prohibiting the district from implementing a plan for closing schools until the 1983-1984 school year; amending Laws 1959, Chapter 462, Section 3, as amended.

Referred to the Committee on Education.

Ms. Berglin and Mr. Pehler introduced—

S.F. No. 2009: A bill for an act relating to local government; permitting the establishment of special service districts; providing taxing and other financial authority; proposing new law coded as Minnesota Statutes, Chapter 429A.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Dicklich introduced—

S.F. No. 2010: A bill for an act relating to local government; permitting special charges for disposal of various classes of waste; proposing new law coded in Minnesota Statutes, Chapter 471.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Rued introduced—

S.F. No. 2011: A bill for an act relating to education; providing that persons whose employment is terminated by certain schools, institutions and educational agencies because of discontinuance of position, lack of students, financial limitations or merger shall not receive unemployment benefits if the person has been rehired by the terminating employer within 12 weeks after notice of termination; amending Minnesota Statutes 1980, Section 268.08, Subdivision 6.

Referred to the Committee on Employment.

Messrs. Keefe, Engler, Belanger and Rued introduced—

S.F. No. 2012: A bill for an act relating to corrections; authorizing the

earning of good time for voluntary participation in rehabilitation oriented programs; amending Minnesota Statutes 1980, Sections 244.02; and 244.04, by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Keefe and Ramstad introduced—

S.F. No. 2013: A bill for an act relating to crimes; requiring restitution as a condition of probation for property offenses; proposing new law coded in Minnesota Statutes, Chapter 609.

Referred to the Committee on Judiciary.

Mr. Keefe introduced—

S.F. No. 2014: A bill for an act relating to controlled substances; defining "hashish"; adding new substances to the schedules of controlled substances; amending Minnesota Statutes 1980, Sections 152.01, Subdivision 16, and by adding a subdivision; 152.02, Subdivisions 2, 3, 4, and 5.

Referred to the Committee on Judiciary.

Mr. Keefe introduced—

S.F. No. 2015: A bill for an act relating to gambling; changing the penalty provision for violation of the offense of bookmaking; authorizing the forfeiture of gambling devices, prizes and proceeds; amending Minnesota Statutes 1981 Supplement, Section 609.76; proposing new law coded in Minnesota Statutes, Chapter 609.

Referred to the Committee on Judiciary.

Mr. Keefe introduced—

S.F. No. 2016: A bill for an act relating to crimes; providing for forfeiture of certain property; permitting an agency to retain forfeited property; conforming definitions with other statutes; amending Minnesota Statutes 1980, Section 152.19, Subdivisions 1, 2, 4, 5 and 8.

Referred to the Committee on Judiciary.

Mr. Keefe introduced—

S.F. No. 2017: A bill for an act relating to crimes; forfeitures of conveyances, containers, weapons used and contraband property; proposing new law coded in Minnesota Statutes, Chapter 609.

Referred to the Committee on Judiciary.

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

S.F. No. 2018: A bill for an act relating to natural resources; providing for the inventory, classification, and protection of aggregate deposits or resources within the state; proposing new law coded in Minnesota Statutes, Chapter 84.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Dicklich introduced—

S.F. No. 2019: A bill for an act relating to the city of Hibbing; fixing the amount of the mayor's contingent fund; amending Laws 1939, Chapter 329, Section 1.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Kamrath and Pillsbury introduced—

S.F. No. 2020: A bill for an act relating to state government; providing incentive bonuses for certain state employees; appropriating money.

Referred to the Committee on Public Employees and Pensions.

Messrs. Frederickson, Ashbach, Olhoft, Menning and Ramstad introduced—

S.F. No. 2021: A bill for an act relating to highway traffic regulations; requiring defendants to pay the cost of alcohol assessment reports; amending Minnesota Statutes 1980, Section 169.126, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Bertram introduced—

S.F. No. 2022: A bill for an act relating to agriculture; prohibiting waste disposal and processing sites on certain agricultural land; amending Minnesota Statutes 1980, Sections 115A.03, by adding a subdivision; 116.081, by adding a subdivision; 368.01, Subdivision 14; 412.221, Subdivision 22; Minnesota Statutes 1981 Supplement, Sections 115A.09, Subdivision 2; 115A.20; 473.153, Subdivision 2; 473.803, Subdivision 1a; proposing new law coded in Minnesota Statutes, Chapters 116C and 400.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Taylor, Mrs. Brataas, Messrs. Belanger and Ramstad introduced—

S.F. No. 2023: A bill for an act relating to unemployment compensation; redefining wages; providing for rate notices; regulating experience rating transfers; regulating eligibility for compensation; providing for determination of claims; providing for collection of contributions, reimbursements, and overpayments; providing penalties; amending Minnesota Statutes 1980, Sections 268.04, Subdivision 25; 268.06, Subdivisions 22, 25, and 28; 268.08, Subdivisions 1, 3, and 6; 268.09, Subdivisions 1, 2, and 3; 268.10, Subdivisions 1 and 2; 268.12, Subdivision 13; 268.16, Subdivisions 1 and 2; 268.18, Subdivisions 1, 2, 4, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapter 268; repealing Minnesota Statutes 1980, Section 268.16, Subdivision 3, as amended.

Referred to the Committee on Employment.

Messrs. Frederickson, Rued, Renneke and Mrs. Kronebusch introduced—

S.F. No. 2024: A bill for an act relating to economic development; removing the interest ceiling on municipal industrial development bonds; amending

Minnesota Statutes 1980, Section 474.06.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Knutson and Rued introduced—

S.F. No. 2025: A bill for an act relating to economic development; transferring the duties of the securities and real estate division under the municipal industrial development act to the department of energy, planning and development; appropriating money; amending Minnesota Statutes 1980, Section 474.01, Subdivisions 7a and 7b; Minnesota Statutes 1981 Supplement, Sections 474.01, Subdivision 7; and 474.03.

Referred to the Committee on Governmental Operations.

Messrs. Knutson, Rued and Renneke introduced—

S.F. No. 2026: A bill for an act relating to state government; authorizing the commissioner of the department of economic security to delegate certain powers; amending Minnesota Statutes 1980, Section 268.011, Subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Bang, Mrs. Kronebusch and Mr. Renneke introduced—

S.F. No. 2027: A bill for an act relating to taxation; providing for the collection of taxes; imposing penalties; amending Minnesota Statutes 1980, Sections 270.06; 270.07, Subdivision 1; 270.10, Subdivision 1; 270.70, Subdivisions 1, 2, 3, and 5, and by adding subdivisions; 290.45, Subdivision 2; 290.48, Subdivisions 3, 4, 6, and 8; 290.53, Subdivisions 2 and 5; 290.54; 290.92, Subdivision 23; 296.01, Subdivision 8; 296.14, Subdivision 1; 296.17, Subdivision 11; 297A.33, Subdivision 2; 297A.39, Subdivisions 2 and 5; 508.25; 559.21, by adding a subdivision; 580.15; Minnesota Statutes 1981 Supplement, Sections 270.063; 270.66; 270.75, by adding a subdivision; 290.92, Subdivisions 6 and 15; 296.12, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 270; repealing Minnesota Statutes 1980, Sections 290.48, Subdivisions 1 and 9; 290.51; 290.97; 297A.33, Subdivision 6; 297A.36; 297A.39, Subdivision 6; 297A.40, Subdivision 2; and Minnesota Statutes 1981 Supplement, Section 290.48, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Mr. Bang, Mrs. Kronebusch and Mr. Renneke introduced—

S.F. No. 2028: A bill for an act relating to taxation; income tax; property tax refund; providing an action to enjoin certain tax return preparers from engaging in certain conduct or from preparing returns; imposing penalties on a preparer for wilfully understating an income tax liability or wilfully overstating a property tax refund claim; proposing new law coded in Minnesota Statutes, Chapters 290 and 290A.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, D.L. and Renneke introduced—

S.F. No. 2029: A bill for an act relating to education; providing for the

deduction from foundation aid and from levy limitations the rentals and royalties paid to school districts because of permits or leases on lands or minerals and mineral rights held by the state in trust; amending Minnesota Statutes 1980, Section 93.335, by adding a subdivision; Minnesota Statutes 1981 Supplement, Sections 124.2128, Subdivision 5; and 275.125, Subdivision 9.

Referred to the Committee on Education.

Messrs. Knutson, Rued, Frederickson, Renneke and Mrs. Kronebusch introduced—

S.F. No. 2030: A bill for an act relating to economic development; granting power to the department of energy, planning and development with respect to community development corporation grants; amending Minnesota Statutes 1980, Section 362.41, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Knutson, Lindgren, Rued, Frederickson and Peterson, D.L., introduced—

S.F. No. 2031: A bill for an act relating to economic development; authorizing the formation of a state development company for small business aid purposes; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 362.

Referred to the Committee on Governmental Operations.

Messrs. Ulland, Knutson, Frederickson, Renneke and Rued introduced—

S.F. No. 2032: A bill for an act relating to economic development; permitting the commissioner of energy, planning and development to assist local governments; amending Minnesota Statutes 1981 Supplement, Section 4.12, Subdivision 5.

Referred to the Committee on Energy and Housing.

Messrs. Stern, Tennessen and Ms. Berglin introduced—

S.F. No. 2033: A bill for an act relating to taxation; providing for homestead treatment of certain condominium leased land; clarifying use of additional sales ratio study information; amending Minnesota Statutes 1980, Sections 273.13, Subdivision 7c; and 278.05, Subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Mr. Ashbach introduced—

S.F. No. 2034: A bill for an act relating to retirement; altering the period of prior service credit which may be purchased by certain employees or former employees of the department of employment services; amending Laws 1981, Chapter 297, Section 2, Subdivision 1.

Referred to the Committee on Public Employees and Pensions.

Messrs. Stern and Tennessen introduced—

S.F. No. 2035: A bill for an act relating to victim reparation for wrongful

death; a clarification of the time limitations for maintaining an action for death by intentional wrongful act where the act causing the death constitutes the crime of murder; amending Minnesota Statutes 1980, Section 573.02, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Sikorski, Knoll, Ashbach and Lindgren introduced—

S.F. No. 2036: A bill for an act relating to municipal industrial development; defining development projects; amending Minnesota Statutes 1980, Section 474.02, Subdivision 1b.

Referred to the Committee on Governmental Operations.

Messrs. Belanger, Lindgren and Chmielewski introduced—

S.F. No. 2037: A bill for an act relating to local government; providing for city facilities related to armories; authorizing issuance of bonds; proposing new law coded in Minnesota Statutes, Chapter 193.

Referred to the Committee on General Legislation and Administrative Rules.

Ms. Berglin introduced—

S.F. No. 2038: A bill for an act relating to public welfare; providing for classification, access, and destruction of certain child abuse report records; clarifying the classification of reports regarding vulnerable adults; amending Minnesota Statutes 1980, Sections 626.556, Subdivisions 3, 7, and by adding a subdivision; 626.557, by adding a subdivision; and Minnesota Statutes 1981 Supplement, Section 626.556, Subdivision 11.

Referred to the Committee on Judiciary.

Messrs. Berg, Rued, Taylor, Benson and Lindgren introduced—

S.F. No. 2039: A bill for an act relating to state government; allowing for disclosures of information between the commissioner of revenue and the department of economic security; amending Minnesota Statutes 1980, Section 268.12, Subdivision 12; and Minnesota Statutes 1981 Supplement, Section 290.61.

Referred to the Committee on Judiciary.

Mr. Pehler introduced—

S.F. No. 2040: A bill for an act relating to education; authorizing Independent School District No. 47, Sauk Rapids, to receive replacement aid and to levy replacement amounts for certain school years.

Referred to the Committee on Education.

Messrs. Davis, Wegener, Frederickson and Bertram introduced—

S.F. No. 2041: A bill for an act relating to education; authorizing school

districts to charge fees for secondary school programs and activities that do not have credit toward graduation; authorizing school districts to levy up to three mills for secondary school programs and activities that do not have credit toward graduation; requiring a public hearing prior to a proposed levy; requiring the district to present a fee schedule and program and activity costs at a public hearing; requiring a reverse referendum on a proposed levy; amending Minnesota Statutes 1980, Sections 120.73, Subdivision 1; and 275.125, by adding a subdivision.

Referred to the Committee on Education.

Mrs. Lantry introduced—

S.F. No. 2042: A bill for an act relating to Ramsey County; permitting the county to establish a small business set-aside program.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Knutson and Lindgren introduced—

S.F. No. 2043: A bill for an act relating to health insurance; providing for a statewide catastrophic health expense protection plan; providing for an increase in the income tax liability of taxpayers by the amount of the yearly premium; prescribing powers and duties; creating a certain account in the state treasury; appropriating money; proposing new law coded in Minnesota Statutes, Chapters 62E and 290; repealing Minnesota Statutes 1980, Sections 62E.51 to 62E.55.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Lindgren introduced—

S.F. No. 2044: A bill for an act relating to public welfare; modifying certain provisions relating to medical assistance; providing for a case management system and competitive bidding procedures; allowing a cause of action against responsible relatives; providing for payments to health maintenance organizations; allowing certain claims against the homesteads of recipients; altering eligibility standards related to income and liquid assets; amending Minnesota Statutes 1980, Sections 256B.01; 256B.04, by adding a subdivision; 256B.05, Subdivision 2; 256B.06, Subdivision 3; 256B.14; 256B.19, Subdivision 1; 256B.27, Subdivision 3; 510.05; 524.3-805; 525.16; Minnesota Statutes 1981 Supplement, Sections 256.966; 256B.06, Subdivision 1, as amended; 256B.15; and 525.145.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Schmitz introduced—

S.F. No. 2045: A bill for an act relating to commerce; uniform commercial code; extending the time period for the perfection of or priority over certain security interests; amending Minnesota Statutes 1980, Sections 336.9-301; 336.9-306; and 336.9-312.

Referred to the Committee on Judiciary.

Mr. Belanger introduced—

S.F. No. 2046: A bill for an act relating to local government; permitting the

city of Bloomington to acquire court facilities; authorizing the issuance of bonds for them subject to referendum; allowing for long-term lease arrangements with Hennepin county.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Wegener introduced—

S.F. No. 2047: A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1980, Sections 62E.52, Subdivisions 2 and 3; 62E.53, Subdivisions 1 and 2; 62E.531, Subdivision 2; 62E.54, by adding a subdivision; and 256.98; proposing new law coded in Minnesota Statutes, Chapter 62E.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Johnson introduced—

S.F. No. 2048: A bill for an act relating to state parks; restating the boundaries of Tower Soudan state park; authorizing conveyance of certain park lands.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Pillsbury introduced—

S.F. No. 2049: A bill for an act relating to economic development; granting a state tax credit to certain business firms which contribute to neighborhood organizations or engage in activities which tend to upgrade impoverished areas of the state; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 362.

Referred to the Committee on Taxes and Tax Laws.

Ms. Berglin and Mr. Davies introduced—

S.F. No. 2050: A bill for an act relating to victims of sexual assault; classifying certain data; specifying the competency of witnesses; amending Minnesota Statutes 1981 Supplement, Section 595.02; proposing new law coded in Minnesota Statutes, Chapter 15.

Referred to the Committee on Judiciary.

Mr. Wegener introduced—

S.F. No. 2051: A bill for an act relating to rural development; changing the purposes of rural development financing authorities; amending Minnesota Statutes 1980, Section 362A.01, Subdivision 2.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Wegener introduced—

S.F. No. 2052: A bill for an act relating to taxation; providing for reimbursement to local units of government for certain tax-exempt lands; appro-

appropriating money; amending Minnesota Statutes 1980, Sections 477A.11, by adding a subdivision; 477A.12; and 477A.14.

Referred to the Committee on Taxes and Tax Laws.

Mr. Taylor introduced—

S.F. No. 2053: A bill for an act relating to education; authorizing the state university board to lease land on Mankato state university campus; permitting Mankato state university to lease a building; transferring title for a building to the state; proposing new law coded in Minnesota Statutes, Chapter 136.

Referred to the Committee on Education.

Messrs. Sikorski, Moe, R.D. and Solon introduced—

S.F. No. 2054: A bill for an act relating to the department of economic security; regulating community action programs and agencies; amending Minnesota Statutes 1981 Supplement, Sections 268.52, Subdivisions 1, 2, and 4; 268.53, Subdivisions 1, 2, and by adding subdivisions; 268.54, Subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Merriam and Penny introduced—

S.F. No. 2055: A bill for an act relating to resource recovery; permitting the use of waste oil heaters in commercial and industrial buildings; proposing new law coded in Minnesota Statutes, Chapter 299F.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Schmitz introduced—

S.F. No. 2056: A bill for an act relating to taxation; abolishing the gravel removal production tax; repealing Minnesota Statutes 1980, Section 298.75, as amended; Minnesota Statutes 1981 Supplement, Section 298.76.

Referred to the Committee on Taxes and Tax Laws.

Mr. Lessard introduced—

S.F. No. 2057: A bill for an act relating to intoxicating liquor; authorizing the city of International Falls to issue one short term on-sale liquor license.

Referred to the Committee on Commerce.

Mr. Waldorf introduced—

S.F. No. 2058: A bill for an act relating to the environment; requiring testing of certain pipelines for integrity; providing civil penalties; proposing new law coded in Minnesota Statutes, Chapter 116.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Bang, Stern and Belanger introduced—

S.F. No. 2059: A bill for an act relating to housing; prohibiting certain rent

control ordinances in cities, counties, and towns; proposing new law coded in Minnesota Statutes, Chapter 471.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Johnson introduced—

S.F. No. 2060: A bill for an act relating to retirement; authorizing increases in benefits payable by the Eveleth police and fire trust fund.

Referred to the Committee on Public Employees and Pensions.

Messrs. Luther and Stumpf introduced—

S.F. No. 2061: A bill for an act relating to elections; fixing expenditure limits for campaigns for certain offices; amending Minnesota Statutes 1980, Section 210A.22.

Referred to the Committee on Elections and Reapportionment.

Messrs. Pehler and Davis introduced—

S.F. No. 2062: A bill for an act relating to courts; providing for the appointment of a court commissioner to solemnize marriages in the combined county court district of Benton and Stearns.

Referred to the Committee on Judiciary.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Kroening moved that S.F. No. 1969 be withdrawn from the Committee on Employment and re-referred to the Committee on Public Employees and Pensions. The motion prevailed.

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:45 a.m., Wednesday, February 17, 1982. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate