

SEVENTY-FIFTH DAY

St. Paul, Minnesota, Wednesday, February 24, 1982

The Senate met at 2:00 p.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. Theoren Smith.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Hanson and Knoll were excused from the Session of today. Mr. Sieloff was excused from the Session of today from 2:00 to 2:30 p.m. Mr. Stumpf was excused from the Session of today until 3:30 p.m.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports, at the Desk be now adopted, with the exception of the reports on S.F. Nos. 2036 and 2037 and reports pertaining to appointments. The motion prevailed.

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

S.F. No. 1700: A bill for an act relating to transportation; adding a new route

to the trunk highway system in substitution of an existing route; discontinuing and removing a route from the trunk highway system; providing for the disposal of surplus property; exempting the state transportation plan from the provisions of the administrative procedure act; requiring driver qualifications and safety requirements for certain motor carriers; regulating building movers and establishing fees; allowing expenditures from the state airports fund for educational programs to promote interest and safety in aeronautics; amending Minnesota Statutes 1980, Sections 161.41; 174.03, Subdivisions 1 and 2; 360.015, Subdivision 2; 360.017, Subdivision 1; Minnesota Statutes 1981 Supplement, Sections 221.011, Subdivision 22; and 221.81; proposing new law coded in Minnesota Statutes, Chapter 221.

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

Page 2, line 2, after "*Section 161.115*" insert a period and delete the first "*and*"

Page 2, line 3, delete "*said*" and insert "*that*"

Page 2, line 5, after "*statutes*" insert a comma

Page 2, line 7, after "*Statutes*" insert a comma

Page 2, line 24, strike "*he*" and insert "*the commissioner*"

Page 2, line 27, strike "*TRANSFERENCE*" and insert "*DISPOSITION*"

Page 2, line 27, before "*The*" insert "*The commissioner shall administer all aspects of the disposition of property declared to be surplus under this section.*"

Page 2, line 28, after "*shall*" insert "*first*"

Page 2, line 31, delete "*and*" and insert "*. The commissioner*"

Page 2, line 31, after "*may*" insert "*then*"

Page 2, line 32, before "*property*" insert "*surplus*"

Page 2, line 32, strike the comma

Page 2, line 33, strike "*government*" and insert "*this state*"

Page 2, line 33, after "*States*" insert "*government*"

Page 2, line 34, strike "*therefor*"

Page 2, line 34, strike "*the*" and insert "*an*"

Page 2, line 34, strike "*so determined*" and insert "*equal to the value of the surplus property*"

Page 2, line 36, after "*may*" insert "*also*"

Page 2, line 36, delete "*any*" and insert "*the surplus*"

Page 2, line 36, delete everything after "*property*"

Page 3, delete lines 1 to 3 and insert "*under the competitive bidding provisions of chapter 16 if no state agency or political subdivision of this state offers to purchase the surplus property for its determined value.*"

Page 3, line 5, before "*Money*" insert "*The commissioner shall deposit*"

all" and strike "shall be deposited"

Page 3, line 6, strike "and" and insert "to be"

Page 3, after line 7, insert:

"Sec. 4. Minnesota Statutes 1980, Section 169.09, Subdivision 13, is amended to read:

Subd. 13. [ACCIDENT REPORTS CONFIDENTIAL.] All written reports and supplemental reports required *under this section* to be provided to the department of public safety ~~by this section~~ shall be without prejudice to the individual so reporting and shall be for the confidential use of the department of public safety; ~~the Minnesota department of transportation~~, and *other* appropriate state, federal, county and municipal governmental agencies for accident ~~prevention~~ analysis purposes, except that the department of public safety or any law enforcement department of any municipality or county in this state shall, upon written request of any person involved in an accident or upon written request of the representative of his *or her* estate, ~~his~~ surviving spouse, or one or more of his surviving next of kin, or a trustee appointed pursuant to section 573.02, disclose to the requester, his *or her* legal counsel or a representative of his *or her* insurer any information contained therein except the parties' version of the accident as set out in the written report filed by the parties or may disclose identity of a person involved in an accident when the identity is not otherwise known or when the person denies ~~his~~ presence at the accident. No report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department of public safety shall furnish upon the demand of any person who has, or claims to have, made a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department of public safety solely to prove a compliance or a failure to comply with the requirements that the report be made to the department of public safety. Disclosing any information contained in any accident report, except as provided herein, is unlawful and a misdemeanor.

Nothing herein shall be construed to prevent any person who has made a report pursuant to this chapter from testifying in any trial, civil or criminal, arising out of an accident, as to facts within ~~his~~ *the person's* knowledge. It is intended by this subdivision to render privileged the reports required but it is not intended to prohibit proof of the facts to which the reports relate. Legally qualified newspaper publications and licensed radio and television stations shall upon request to a law enforcement agency be given an oral statement covering only the time and place of the accident, the names and addresses of the parties involved, and a general statement as to how the accident happened without attempting to fix liability upon anyone, but said legally qualified newspaper publications and licensed radio and television stations shall not be given access to the hereinbefore mentioned confidential reports, nor shall any such statements or information so orally given be used as evidence in any court proceeding, but shall merely be used for the purpose of a proper publication or broadcast of the news.

This subdivision shall supersede other state law relating to data privacy or confidentiality with regard to accident reports. When these reports are released for accident ~~prevention~~ analysis purposes the identity of any involved person shall not be revealed. Data contained in these reports shall only be used for

accident ~~prevention~~ analysis purposes, except as otherwise provided by this subdivision. Accident reports and data contained therein which may be in the possession or control of departments or agencies other than the department of public safety shall not be discoverable under any provision of law or rule of court.

The department may charge authorized persons a \$5 fee for a copy of an accident report.

Sec. 5. Minnesota Statutes 1980, Section 169.80, Subdivision 1, is amended to read:

Subdivision 1. [LIMITATIONS.] It is a misdemeanor for a person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on a highway a vehicle or vehicles of a size or weight exceeding the limitations stated in sections 169.80 to 169.88, or otherwise in violation of sections 169.80 to 169.88, and the maximum size and weight of vehicles as prescribed in sections 169.80 to 169.88 shall be lawful throughout this state, and local authorities shall have no power or authority to alter these limitations except as express authority may be granted in sections 169.80 to 169.88.

When all the axles of a vehicle or combination of vehicles are weighed separately the sum of the weights of the axles so weighed shall be evidence of the total gross weight of the vehicle or combination of vehicles so weighed.

When each of the axles of any group that contains two or more consecutive axles of a vehicle or combination of vehicles have been weighed separately the sum of the weights of the axles so weighed shall be evidence of the total gross weight on the group of axles so weighed.

When, in any group of three or more consecutive axles of a vehicle or combination of vehicles any axles have been weighed separately and two or more axles consecutive to each other in the group have been weighed together, the sum of the weights of the axles weighed separately and the axles weighed together shall be evidence of the total gross weight of the group of axles so weighed.

The provisions of sections 169.80 to 169.88 governing size, weight, and load shall not apply to fire apparatus, or to implements of husbandry temporarily moved upon a highway, or to loads of loose hay or corn stalks if transported by a horse-drawn vehicle or drawn by a farm tractor, or to a vehicle operated under the terms of a special permit issued as provided by law. For purposes of sections 169.80 to 169.88, a specialized vehicle resembling a low-slung two wheel trailer having a short bed or platform shall be deemed to be an implement of husbandry when the vehicle is used exclusively to transport implements of husbandry; and the term "temporarily moved upon a highway" shall mean a movement not to exceed 50 miles.

In addition to any other special permits authorized, an annual permit may be issued authorizing movements *on interstate highways and movements exceeding 50 miles on non-interstate highways* of oversize vehicles and loads when the vehicles or combination of vehicles are used exclusively to transport implements of husbandry. Annual permits are issued in accordance with the applicable provisions of section 169.86, except that the transporting vehicle or combination of vehicles may be moved at the discretion of the permittee without prior route approval from the permit issuing office of the department

of transportation if:

(a) The overall width of the transporting vehicle, including load, does not exceed 12 feet;

(b) The transporting vehicle otherwise complies with equipment requirements and length, height and weight limitations prescribed by this chapter;

(c) The movement is made after the hour of sunrise and not later than 30 minutes after sunset;

(d) The movement is not made when visibility is impaired by weather, fog or other conditions rendering persons and vehicles not clearly visible at a distance of 500 feet, or on Sundays *after twelve o'clock noon*, and holidays;

(e) The transporting vehicle shall display at the front and rear end of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, *whenever the overall width of the vehicle exceeds ten feet, six inches*; and

(f) The movement, if made on a trunk highway, is made on a trunk highway with a surfaced roadway width of not less than 24 feet.

The fee for an annual permit is \$24.

Sec. 6. Minnesota Statutes 1980, Section 173.02, Subdivision 2, is amended to read:

Subd. 2. "Advertising device" means any billboard, sign, notice, poster, display, or other device visible to and primarily intended to advertise and inform or to attract or which does attract the attention of operators and occupants of motor vehicles ~~on the interstate system of highways~~ and shall include any structure erected primarily for use in connection with the display of any such device and all lighting or other attachments used in connection therewith."

Page 4, line 12, reinstate "Upon" and after the stricken "promulgation" insert "completion"

Page 4, line 12, reinstate "of the plan"

Page 4, line 13, reinstate the stricken language

Page 4, line 34, strike the comma

Page 4, line 36, strike "clause (c)" and insert "section 10"

Page 7, after line 13, insert:

"(m) Any manufacturer, producer, dealer or distributor who, in the pursuit of business, owns and uses trucks for the purpose of transporting that person's own products, except as otherwise provided in section 10.

(n) Any person while engaged exclusively in the transportation of pulpwood, cordwood, mining timber, poles, posts, decorator evergreens, wood chips, sawdust, shavings, and bark from the place where the products are produced to the point where they are to be used or shipped, except as otherwise provided in section 10."

Page 7, delete lines 15 to 26 and insert:

"The exempt carriers set forth in section 221.011, subdivision 22, clauses

(m) and (n), are subject to the requirements of section 221.031 insofar as the provisions of that section apply to driver qualifications, maximum hours of service for drivers, and safety of operations and equipment. This section is applicable only to transporting vehicles licensed and registered for a gross weight of more than 10,000 pounds."

Page 9, line 26, delete "pursuant to" and insert "under"

Page 9, line 30, strike "He" and insert "The commissioner"

Page 9, line 33, strike the comma

Page 10, lines 6 and 11, strike "He" and insert "The commissioner"

Page 10, line 8, delete "He" and insert "The commissioner"

Page 10, lines 12 and 19, strike "he" and insert "the commissioner"

Page 10, line 13, strike "and" and insert ". The commissioner shall also"

Page 10, line 15, strike "him" and insert "the commissioner"

Page 10, line 15, strike ", and" and insert ". The commissioner"

Page 10, line 16, after "report" insert "the following"

Page 10, line 16, after "agency" insert ":

(1)"

Page 10, line 17, strike "him" and insert "the commissioner"

Page 10, line 17, after "permits" strike "and" and insert ":

(2)"

Page 10, line 19, strike the comma and insert a semicolon and after "and" insert:

"(3)"

Page 10, line 26, strike "Such" and insert "The"

Page 11, after line 4, insert:

"Sec. 14. [PROHIBITION ON ESTABLISHMENT OF NEW DIVISIONS IN DEPARTMENT OF TRANSPORTATION.]

Notwithstanding any other law to the contrary, the commissioner of transportation shall not establish any new divisions in the department of transportation."

Page 11, line 6, delete "2, 3, 4, 5, 6, 7, 9 and 10" and insert "to 14"

Page 11, line 7, delete everything after the period

Page 11, delete line 8

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "making certain accident reports available to governmental agencies for specified purposes and authorizing a fee for copies of these accident reports; governing the movement of certain vehi-

cles on certain highways; expanding the definition of advertising device;"

Page 1, line 14, after "161.41;" insert "169.09, Subdivision 13; 169.80, Subdivision 1; 173.02, Subdivision 2;"

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

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

S.F. No. 1808: A bill for an act relating to public welfare; amending the community social services act; removing certain requirements related to biennial plans and the sliding fee for child care; amending Minnesota Statutes 1980, Section 256E.09, Subdivision 4; Minnesota Statutes 1981 Supplement, Sections 245.84, Subdivision 2; and 256E.03, Subdivision 2; repealing Minnesota Statutes 1981 Supplement, Section 256E.07, Subdivisions 2 and 3.

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

Page 4, after line 22, insert:

"Sec. 3. Minnesota Statutes 1981 Supplement, Section 256E.05, Subdivision 3, is amended to read:

Subd. 3. [ADDITIONAL DUTIES.] The commissioner shall also:

(a) Provide necessary forms and instructions to the counties for plan format and information;

(b) *Identify and then eliminate amend or revise repeal* the portions of all applicable department rules which mandate counties to provide specific community social services or programs, unless the state or federal law requires the commissioner to mandate a service or program; ~~in addition to notice required pursuant to section 15.0411, the commissioner shall give~~. *The commissioner shall be exempt from the rulemaking provisions of chapter 15 in amending or repealing rules pursuant to this clause. However, when the commissioner proposes to amend or repeal any rule under the authority granted by this clause, notice shall be provided by publication in the state register. When the commissioner proposes to amend a rule, the notice shall include that portion of the existing rule necessary to provide adequate notice of the nature of the proposed change. When the commissioner proposes to repeal an entire rule, he need only publish that fact, giving the exact citation to the rule to be repealed. In all cases, the notice shall contain a statement indicating that interested persons may submit comment on the proposed repeal or amendment for a period of 30 days after publication of the notice. The commissioner shall take no final action until after the close of the comment period. The commissioner's actions shall not be effective until five days after the commissioner publishes notice of adoption in the state register. If the final action is the same as the action originally proposed, publication may be made by notice in the state register that the amendment and repeals have been adopted as proposed, and by citing the prior publication. If the final action differs from the action as previously proposed in the state register, the text which differs from the original proposal shall be included in the notice of adoption together with a citation to the prior state register publication. The commissioner shall provide to all county boards separate notice of all final actions which become effective under*

this clause, advising the boards with respect to services or programs which have now become optional, to be provided at county discretion;

(c) Provide to the chairman of each county board, in addition to notice required pursuant to section 15.0411, timely advance notice and a written summary of the fiscal impact in writing of any proposed new rule or changes in existing rule which will have the effect of increasing county costs for community social services;

(e) (d) Provide training and other support services to county boards to assist in needs assessment, planning, implementing, and monitoring social services programs in the counties;

(d) (e) Design and implement a method of monitoring and evaluating the social services delivered within the state, and assure compliance with applicable standards, guidelines, and the county and state social services plans;

(e) (f) Annually publish a report on community social services which shall reflect the contents of the individual county reports. The report shall be submitted to the governor and the legislature with an evaluation of community social services and recommendations for changes needed to fully implement state social service policies; and

(f) (g) Request waivers from federal programs as necessary to implement sections 256E.01 to 256E.12.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 256E.07, Subdivision 3, is amended to read:

Subd. 3. [PRIORITIES.] If any proposed federal block grant program affecting title XX funds becomes operative, the state shall, within the limits set by federal law, adopt the following priority when allocating funds: provide that in each calendar year 1982 and 1983, each county shall, for the purposes of providing the same or similar services, receive priority for an allocation of title XX funds that is equal to or greater than the amount received by the county in 1981."

Page 4, line 34, delete "Subdivisions" and insert "Subdivision"

Page 4, line 34, delete "and 3, are" and insert "is"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "providing for identification of certain rules; exempting the commissioner from certain rulemaking procedures; providing for allocation of funds to counties; providing for notice and comment procedures with respect to proposals to amend or repeal certain rules;"

Page 1, line 7, delete "and"

Page 1, line 8, after the semicolon, insert "256E.05, Subdivision 3; and 256E.07, Subdivision 3;"

Page 1, line 9, delete "Subdivisions" and insert "Subdivision" and delete "and 3"

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. 1625: A bill for an act relating to state lands; providing for the conveyance of certain lands to the heirs of John G. and Ruby A. Handberg.

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

Pages 1 and 2, delete section 1

Page 2, line 8, delete "*for a consideration of \$50*" and insert "*in consideration for a 30 year lease to the state for access to and use of the boathouse located on the property.*"

Page 2, line 11, before the colon, insert "*, together with all buildings and improvements*"

Renumber the sections in sequence

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

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

S.F. No. 1864: A bill for an act relating to the legislature; repealing the reduction in membership of the council on the economic status of women; amending Minnesota Statutes 1981 Supplement, Section 3.9222, Subdivision 2, as amended; repealing Laws 1981, Third Special Session Chapter 2, Article I, Section 8.

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

Page 2, after line 10, insert:

"Sec. 3. [APPROPRIATIONS.]

The sum of \$3,000 is appropriated from the general fund to the council on the economic status of women for the purposes of this act. The sum is available until June 30, 1983."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "women;" insert "appropriating money;"

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

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

S.F. No. 1791: A bill for an act relating to the joint exercise of powers between governmental units; authorizing governmental units to provide services for other governmental units; amending Minnesota Statutes 1980, Section 471.59, by adding a subdivision.

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

adopted.

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

S.F. No. 303: A bill for an act proposing an amendment to the Minnesota Constitution, Article X, adding a section; authorizing and taxing parimutuel wagering on races if authorized by law.

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

Page 1, lines 11 and 17, delete "and tax"

Page 1, lines 12 and 17, delete "wagering" and insert "betting"

Page 1, line 12, after the period, insert "*One-half of the net earnings inuring to the state from betting on horse racing shall be used exclusively for social services for compulsive gamblers and for law enforcement in the combatting of organized crime.*"

Page 1, line 18, after "law" insert "*and dedicate one-half of the state's net earnings from betting to assist compulsive gamblers and to combat organized crime*"

Amend the title as follows:

Page 1, line 3, delete "and taxing"

Page 1, line 4, delete "wagering" and insert "betting"

Page 1, line 4, before the period, insert "; dedicating earnings to social services for compulsive gamblers and to combatting organized crime"

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

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

S.F. No. 1790: A bill for an act relating to municipal planning; authorizing towns to plan; providing for standards and criteria for conditional uses and variances; authorizing the establishment of a board for planning in certain areas; amending Minnesota Statutes 1980, Sections 462.352, Subdivision 2; 462.357, Subdivision 6; and 462.36, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 462.

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

Page 2, after line 28, insert:

"Sec. 3. Minnesota Statutes 1980, Section 462.358, Subdivision 1a, is amended to read:

Subd. 1a. [AUTHORITY.] To protect and promote the public health, safety, and general welfare, to provide for the orderly, economic, and safe development of land, to preserve agricultural lands, to promote the availability of housing affordable to persons and families of all income levels, and to facilitate adequate provision for transportation, water, sewage, storm drainage, schools, parks, playgrounds, and other public services and facilities, a municipality may by ordinance adopt subdivision regulations establishing standards,

requirements, and procedures for the review and approval or disapproval of subdivisions. The regulations may contain varied provisions respecting, and be made applicable only to, certain classes or kinds of subdivisions. The regulations shall be uniform for each class or kind of subdivision.

A municipality may by resolution extend the application of its subdivision regulations to unincorporated territory located within two miles of its limits in any direction but not in a town which has adopted subdivision regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the subdivision of land equal distance from its boundaries within this area. However, if a municipality extends the application of its subdivision or zoning regulations to unincorporated territory, upon the petition of any county board or town board affected by the subdivision or zoning regulations, a joint board shall be established consisting of a three member committee with one member appointed from each of the municipal, town and county governing bodies. This joint board shall adopt zoning and subdivision regulations under sections 462.351 to 462.364 for the entire area within two miles of the city located within a town, and designate one of the governing bodies to serve as the governing body and board of appeals and adjustment for purposes of sections 462.357 and 462.358 within the area. During the time before the joint board adopts subdivision regulations, the subdivision regulations which the municipality has extended shall apply."

Page 2, line 30, after "city" insert "council"

Page 2, line 31, after "town" insert "board by resolution presented to the county auditor of the county of the affected territory"

Page 3, line 1, after the period, insert "Upon request of more than one county or town board with respect to the unincorporated area within two miles of the corporate limits of a single city, the parties may create one board rather than a separate board for each county or town, with equal membership from each affected governmental unit."

Page 4, line 14, delete "3" and insert "4"

Page 4, line 15, delete "4, and 5" and insert "5, and 6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, before "and" insert "462.358, Subdivision 1a;"

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

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

S.F. No. 1970: A bill for an act relating to local government; creating the Morrison County rural development finance authority; authorizing the establishment of a development and redevelopment program and the authorization of powers for it.

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

Page 1, delete section 1

Page 2, line 1, before "AUTHORITY" insert "MORRISON COUNTY RURAL DEVELOPMENT FINANCE" and after "AUTHORITY" insert "CREATION; DUTIES"

Page 2, line 2, after "1." insert "[AUTHORITY.]"

Page 3, lines 10 and 11, delete "*with the approval of the city council of the city of Little Falls*"

Page 3, line 31, delete "to 3" and insert "and 2"

Renumber the sections in sequence

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

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

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.

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

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

S.F. No. 1873: A bill for an act relating to the state agricultural society; updating and clarifying certain powers and duties of the society; amending Minnesota Statutes 1980, Sections 37.01; 37.04, Subdivision 3; 37.05; 37.06; 37.17, subdivisions 1, 2, and by adding a subdivision; 37.18; 37.19; 37.20; 37.21; and 37.22; repealing Minnesota Statutes 1980, Section 37.23; Minnesota Statutes 1981 Supplement, Sections 37.17, Subdivision 3; and 37.27.

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

Page 1, after line 11, insert:

"Section 1. [28A.065] [LICENSE REQUIREMENTS FOR A CARNIVAL, CIRCUS, OR FAIR.]

No person whose place of business is a carnival, circus, or fair and who holds a license pursuant to this chapter or chapter 157 shall be required to obtain any additional license or permit pursuant to the provisions of an ordinance or regulation of a political subdivision in order to engage in any aspect of food handling or to operate a restaurant.

This section does not exempt the person from compliance with the provisions of chapters 37 and 38, any sanitation, public health or zoning ordinance, privilege license requirements or other regulation of the fair or political subdivision having jurisdiction over the area in which the carnival, circus, or fair is conducted.

Page 7, line 20, delete "Ramsey" and insert "any"

Page 8, after line 10, insert:

"Sec. 14. Minnesota Statutes 1980, Section 177.23, Subdivision 7, is amended to read:

Subd. 7. "Employee" means any individual employed by an employer but shall not include

(1) any individual employed in agriculture on a farming unit or operation employing less than the equivalent of two full time workers and on any given day employing no more than four employees. For the purpose of this clause, equivalent of a full time worker means 40 weeks of employment in a calendar year;

(2) an individual who has not attained the age of 18 who is employed in agriculture on a farm to perform services other than corn detasseling;

(2a) for purposes of section 177.24, an individual who has not attained the age of 18 who is employed in agriculture as a corn detasseler;

(3) any staff member employed with an organized resident or day camp licensed with the state;

(4) any individual employed in a bona fide executive, administrative, or professional capacity, or a salesman who conducts no more than 20 percent of his sales on the premises of the employer, as such terms are defined and delimited by regulations of the department;

(5) any individual who renders service gratuitously for a nonprofit organization as such terms are defined by regulations of the department;

(6) any individual who serves as an elected official for a political subdivision or who serves on any governmental board, commission, committee or other similar body, or who renders service gratuitously for a political subdivision;

(7) any individual employed by a political subdivision to provide police or fire protection services or who is employed by an entity whose principal purpose is to provide police or fire protection services to a political subdivision;

(8) any individual employed by a political subdivision who is ineligible for membership in the public employees retirement association by reason of the provisions of section 353.01, subdivision 2b, clauses (a), (b), (d), and (i);

(9) any driver employed by an employer engaged in the business of operating taxicabs;

(10) any individual engaged in babysitting as a sole practitioner;

(11) any individual employed on a ~~part-time~~ seasonal basis in a carnival, circus or fair;

(12) any individual under the age of 18 employed part-time by a municipality as part of a recreational program;

(13) any individual employed by the state as a natural resource manager 1, 2, or 3 (conservation officer);

(14) any individual in a position with respect to which the U.S. Department of Transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U.S. Code, Section 304;

(15) any individual employed as a seafarer; the term "seafarer" means a

master of a vessel or any person subject to the authority, direction and control of the master including but not limited to pilots, sailors, engineers, radio operators, firefighters, watchmen, pursers, surgeons, cooks and stewards, who is exempt from federal overtime standards under 29 U.S.C. Section 213(b) (6)."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "the state agricultural society" and insert "fairs, carnivals and circuses"

Page 1, line 2, after the semicolon, insert "clarifying the food handling license requirements applicable to fairs, carnivals and circuses; changing the exclusion from minimum wage coverage for certain fair, carnival or circus workers;"

Page 1, line 3, after "the" insert "state agricultural"

Page 1, line 7, delete "and" and after "37.22;" insert "177.23, Subdivision 7; proposing new law coded in Minnesota Statutes, Chapter 28A;"

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

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

S.F. No. 1792: A bill for an act relating to towns; authorizing certain towns to exercise special powers; requiring notice; amending Minnesota Statutes 1980, Section 368.01, Subdivisions 1, 30, and by adding a subdivision.

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

Page 1, line 10, strike "in this state"

Page 1, lines 11 to 13, reinstate the stricken language

Page 1, lines 13, 14 and 15, delete the new language

Page 1, after line 18, insert:

"Sec. 2. Minnesota Statutes 1980, Section 368.01, is amended by adding a subdivision to read:

Subd. 1a. [CERTAIN OTHER TOWNS.] Any town with a population of 1,000 or more according to the most recent federal decennial census that does not otherwise qualify pursuant to subdivision 1 to exercise the powers enumerated in this section, shall have and possess the enumerated powers upon an affirmative vote of the electors of the town at the annual town meeting."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, before the first semicolon, insert "by affirmative vote of the town electors"

Page 1, line 5, delete "a subdivision" and insert "subdivisions"

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

adopted.

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

S.F. No. 1683: A bill for an act relating to metropolitan government; providing for the allocation of certain sewage costs; amending Minnesota Statutes 1980, Section 473.517, Subdivision 2.

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

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

S.F. No. 1793: A bill for an act relating to counties; authorizing the establishment of subordinate service districts in order to provide and finance governmental services; proposing new law coded as Minnesota Statutes, Chapter 375B.

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

Page 1, lines 15 and 16, delete "*compact and contiguous*"

Page 1, line 19, after the period, insert "*The boundaries of a single subordinate service district may not embrace the entire county.*"

Page 2, line 1, after the period, insert "*A function or service to be provided shall not include a function or service which the county generally provides throughout the county unless an increase in the level of the service is to be supplied in the service district.*"

Page 2, line 14, delete "*any*" and insert "*the*"

Page 2, line 14, after "*county*" insert "*proposed for the subordinate service district*"

Page 4, line 14, after the period, insert "*A tax or service charge or a combination thereof shall not be imposed to finance a function or service in the service district which the county generally provides throughout the county unless an increase in the level of the service is to be supplied in the service district in which case, in addition to the countywide tax levy, only an amount necessary to pay for the increased level of service may be imposed.*"

Page 4, after line 33, insert:

"Sec. 11. [375B.11] [WITHDRAWAL; BY RESOLUTION OF COUNTY BOARD.]

The county board may by resolution withdraw a subordinate service district from the provisions of this chapter and discontinue the service provided within the service district. The county board shall cause notice of its intention to withdraw the service district to be published at least once in the official newspaper at least six months before the resolution is adopted. If a joint powers agreement is a part of the subordinate service district arrangement no withdrawal shall be effective under sections 10 or 11 unless all parties to the joint powers agreement agree to the withdrawal.

Sec. 12. [375B.12] [LOCAL LAWS SUPERSEDED.]

A special law for a single county which authorizes the county to establish subordinate service districts or areas is hereby superseded. Any service being provided pursuant to the special law on or before the effective date of sections 1 to 13 may continue to be provided pursuant to the special law.

Sec. 13. Minnesota Statutes 1980, Section 275.50, is amended by adding a subdivision to read:

Subd. 7. A tax or service charge levied by the county board within a subordinate service district pursuant to sections 1 to 13 is a "special levy" and is not subject to tax levy limitations including those contained in sections 275.50 to 275.56 or any other law."

Amend the title as follows:

Page 1, line 4, before "proposing" insert "amending Minnesota Statutes 1980, Section 275.50, by adding a subdivision;"

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. 1748: A bill for an act relating to the city of Waconia; authorizing the sale of certain revenue bonds at a price less than par value.

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

Page 1, line 8, after "Sections" insert "475.54,"

Page 1, line 12, before the period, insert ", and the bonds may mature in years and amounts as determined by resolution of the Waconia city council"

Amend the title as follows:

Page 1, line 4, before the period, insert "and in an amount and with a maturity date to be determined by the governing body"

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

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

S.F. No. 1718: A bill for an act relating to the city of Minneapolis; changing limitations on housing programs in two Minneapolis development districts; amending Laws 1971, Chapter 677.

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

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

S.F. No. 1814: A bill for an act relating to the city of Maplewood; authorizing a project and the issuance of revenue bonds.

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

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

S.F. No. 1482: A bill for an act relating to local government; providing initial conditions for the establishment of charter commissions and charters; amending Minnesota Statutes 1980, Section 410.05, Subdivision 1, and by adding a subdivision.

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

Page 2, after line 21, insert:

"Sec. 3: [REPEALER.]

Minnesota Statutes 1980, Section 410.10, Subdivision 4, is repealed."

Amend the title as follows:

Page 1, line 6, before the period, insert ";; repealing Minnesota Statutes 1980, Section 410.10, Subdivision 4"

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

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

S.F. No. 1913: A bill for an act relating to state government; establishing a chemical dependency board; transferring powers and duties to the new board from the alcohol and other drug abuse section; abolishing the alcohol and other drug abuse section; proposing new law coded as Minnesota Statutes, Chapter 254B; repealing Minnesota Statutes 1980, Sections 254A.01; 254A.02; 254A.03, Subdivision 2; 254A.031; 254A.04; 254A.07, Subdivision 1; 254A.08, Subdivision 2; 254A.10; 254A.12; 254A.14; 254A.15; 254A.16; Minnesota Statutes 1981 Supplement, Sections 254A.03, Subdivisions 1 and 3; 254A.05, Subdivision 1; 254A.07, Subdivision 2; 254A.08, Subdivision 1; and 254A.09.

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

Page 2, line 2, delete "14" and insert "13"

Page 2, delete lines 5 and 6 and insert:

"Subd. 3. [COMPREHENSIVE PROGRAM.] '*Comprehensive program*' means the range of services which are to be made available for the purpose of prevention, care, and treatment of alcohol and drug abuse.

Subd. 4. [DRUG ABUSE.] '*Drug abuse or abuse of drugs*' is the use of any psychoactive or mood altering chemical substance, without compelling medical reason, in such a manner as to induce mental, emotional, or physical impairment and cause socially dysfunctional or socially disordering behavior and which results in psychological or physiological dependency as a function of continued use.

Subd. 5. [DRUG DEPENDENT PERSON.] '*Drug dependent person*' means any inebriate person or any person incapable of managing himself or his affairs or unable to function physically or mentally in an effective manner

because of the abuse of a drug, including alcohol.

Subd. 6. [INTOXICATED PERSON.] *"Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other drugs.*

Subd. 7. [OTHER DRUGS.] *"Other drugs" means any psychoactive chemical other than alcohol.*

Subd. 8. [AMERICAN INDIAN.] *"American Indian" means a person of one-quarter or more Indian blood.*

Subd. 9. [PURCHASE OF SERVICE AGREEMENT.] *"Purchase of service agreement" means a contract between a contractor and service provider for the provisions of services. The agreement shall specify the services to be provided, the method of delivery, the type of staff to be employed, and a method of evaluation of the services to be provided."*

Page 2, line 16, after "district" insert "*, one of whom shall represent the Minneapolis or Saint Paul urban Indian community*"

Page 2, line 18, after the period, insert "*One of the three members appointed at large shall be a representative of the Indian advisory council established in section 8.*"

Page 2, line 25, after the period, insert "*The chairperson shall be in the unclassified state civil service.*"

Page 2, line 26, before "COMPENSATION" insert "TERMS OF OFFICE AND"

Page 2, line 27, delete everything after the period and insert "*The term of office and compensation of board members, and the manner of removal and filling of vacancies, shall be as provided in section 15.0575, except that the rate of compensation shall be \$50 per day spent on board activities. The chairperson shall serve at the pleasure of the governor for a term coterminous with that of the governor.*"

Page 2, delete lines 28 to 30

Pages 2 and 3, delete section 5

Page 3, line 4, delete "[254B.06]" and insert "[254B.05]"

Page 3, lines 6 and 11, delete "14" and insert "13"

Page 3, line 16, delete "or"

Page 3, line 17, after "or" insert "the"

Page 3, line 18, after "gifts," insert "grants,"

Page 3, line 19, after "state" insert "*and its political subdivisions, or any private source*"

Page 3, line 19, delete "or any person"

Page 3, line 23, after the period, insert "*The board shall make contracts with and grants to public and private agencies and organizations, both profit and nonprofit, and individuals using federal and state funds as authorized for the provision of comprehensive program services.*"

Pages 3 and 4, delete subdivision 7 and insert:

"Subd. 7. [RESEARCH.] The board shall conduct and foster basic research relating to the cause, prevention, and methods of diagnosis, treatment, and rehabilitation of drug dependent persons. The board or the chairperson acting on behalf of the board may conduct research studies and programs, collect and analyze data, prepare reports, and order all necessary hearings and investigations in connection with its work. The board shall assure confidentiality to individuals who are the subject of research, and may not be compelled in any proceeding to disclose confidential information about individuals unless the individual gives written consent to disclosure."

Subd. 8. [INFORMATION.] The board shall gather and disseminate facts and information about alcoholism and other drug dependency and abuse to public and private agencies and to any court requesting information for guidance and assistance in prevention treatment and rehabilitation. The board is also responsible for the dissemination of information to educate the general public concerning alcohol and other drug dependency and abuse problems."

Renumber the subdivisions in sequence

Page 4, line 5, delete "engineering,"

Page 4, delete lines 15 to 22 and insert:

"Sec. 6. [254B.06] [TRANSFER OF POWERS.]

Subdivision 1. [LICENSING.] All powers, duties, and functions relating to chemical dependency programs, heretofore vested in or imposed upon the commissioner of welfare by sections 245.781 to 245.812, including the authority to develop and promulgate rules pursuant to chapter 15, regulating this licensure are transferred to, vested in, and imposed upon the chemical dependency board."

Page 4, line 30, delete "[254B.08]" and insert "[254B.07]"

Page 4, line 32, delete "board of"

Page 4, line 33, after "dependency" insert "board"

Page 4, line 36, delete "7" and insert "6"

Page 5, line 7, delete "7" and insert "6"

Page 5, line 28, delete everything after "board"

Page 5, line 29, delete everything before the period

Page 5, line 36, after "the" insert "staff of the chemical dependency"

Page 6, delete lines 1 to 23 and insert:

"Sec. 8. [254B.08] [OTHER DUTIES.]

Subdivision 1. [BIENNIAL REPORT.] Before November 15 of each even-numbered year, the board through its chairperson shall prepare and submit to the legislative commission on chemical dependency a report of the board's operations and activities pursuant to the provisions of this law, as well as any recommendations for legislative action. This report shall include a state work plan for the following biennium, which shall set forth goals and priorities for a comprehensive alcohol and other drugs dependency and abuse program for

Minnesota. All state agencies operating alcohol and other drug abuse or dependency programs or administering state or federal funds for the programs shall annually set their program goals and priorities in accordance with the comprehensive state work plan. Each state agency shall submit its plans to the board for review. The board shall certify whether proposed agency plans and services comply with the comprehensive state work plan."

Page 6, delete lines 28 to 36

Page 7, delete lines 1 to 3

Page 7, after line 10, insert:

"The chairperson of the board shall establish an American Indian advisory council to assist the board in their proposal review, policy formation, and procedures relating to programs for the abuse of alcohol and other drugs in the American Indian community. The membership of the advisory council shall be composed of not more than 17 persons, to be appointed by the chemical dependency board chairperson as follows:

(a) One member to be appointed from each federally recognized Indian reservation in Minnesota who is an enrolled member, selected by the tribal chairperson with the advice of the board chairperson; and

(b) Six members to be appointed from the following American Indian communities: one member representing International Falls northern range community, one member representing the Duluth American Indian community, two members representing the St. Paul American Indian community, and two members representing the Minneapolis American Indian community. The terms, compensation and removal of American Indian advisory council members shall be as provided for in section 15.059."

Page 7, line 20, after "programs" insert *" , in conjunction with the American Indian advisory council. The special assistant for American Indian programs shall report to the chemical dependency board annually"*

Page 7, line 21, delete "shall" and insert "may"

Page 7, line 22, delete "The" and insert *"Programs shall be designed to meet the needs identified by the American Indian community and appropriate recognition shall be given to the cultural and social needs of American Indians. The board shall enter into the agreements after consultation with the special assistant for American Indian programs and the American Indian advisory council."*

Page 7, delete lines 23 to 30 and insert:

"Subd. 4. [PREVENTION.] The board shall maintain a position on its supporting staff for a special assistant for prevention of problems related to the use of drugs and alcohol. The special assistant for prevention shall be responsible to the chairperson of the board. The responsibilities of the special assistant shall be to:

(a) Coordinate and review all activities, planning, and programs of all the various state departments and agencies as they relate to the prevention of chemical abuse, and to determine their compliance with the comprehensive state work plan and federal laws and regulations;

(b) Provide technical assistance, coordination, and support to government-

tal and non-governmental agencies, groups, and organizations, to help prevent problems related to use of alcohol and other drugs;

(c) Inform and educate the general public on the prevention of chemical use problems;

(d) Develop and distribute prevention information, training materials, and resources to state departments and agencies and to other governmental and non-governmental agencies, groups and organizations; and

(e) Report annually to the chemical dependency board."

Renumber the subdivisions in sequence

Page 7, line 31, delete "[254B.10]" and insert "[254B.09]"

Page 8, line 11, delete "[254B.11]" and insert "[254B.10]"

Page 8, line 15, after "agencies" insert "within the framework and guidelines of the comprehensive state work plan"

Page 8, delete lines 19 to 35 and insert:

"Subd. 2. [GRANTS.] The county boards may make grants for comprehensive programs for prevention, care, and treatment of alcohol and other drug abuse as developed and defined by the state comprehensive work plan and the biennial plan established in section 256E.09. Grants may be made for the cost of these comprehensive programs and services whether provided directly by county boards or by other public and private agencies and organizations, both profit and nonprofit, and individuals, pursuant to contract. Nothing herein shall prevent the chemical dependency board from entering into contracts with and making grants to other state agencies for the purpose of providing specific services and programs. With the approval of the county board, the chemical dependency board may make grants or contracts for research or demonstration projects specific to needs within that county."

Page 8, line 36, delete "[254B.12]" and insert "[254B.11]"

Page 8, line 36, delete "CENTER" and insert "SERVICES"

Page 9, lines 1 and 2, after "county" insert "board"

Page 9, line 1, delete "a"

Page 9, line 1, delete "program" and insert "services"

Page 9, line 2, after "and" insert "other"

Page 9, line 11, delete "254B.13" and insert "254B.12"

Page 10, line 7, delete "and subsequent editions" and insert "edition"

Page 10, line 8, delete everything after "shall" and insert ", in each section referred to in Column A, strike the reference referred to in Column B, and in each section referred to in Column A, insert the reference set forth in Column C."

Column A
462A.03, subdivision 18
462A.07, subdivision 14
462A.07, subdivision 15

Column B
254A.02
254A.02
254A.02

Column C
254B.02
254B.02
254B.02

256E.06, subdivision 2	254A.031	254B.08, subdivision 3
256E.03, subdivision 2	254A.07	254B.10
256E.06, subdivision 2	254A.07	254B.10
256E.03, subdivision 2	254A.08	254B.11
256E.06, subdivision 2	254A.08	254B.11"

Page 10, delete line 9

Page 10, line 18, delete "*Sections 3 and 4 are*" and insert "*This act is*"

Page 10, line 18, delete everything after the period

Page 10, delete lines 19 to 22

Renumber the sections in sequence

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

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

S.F. No. 2065: A bill for an act relating to public welfare; clarifying certain provisions of the general assistance program; modifying the eligibility standards for emergency general assistance; providing that grants of emergency general assistance be made in the form of vouchers or vendor payments; amending Minnesota Statutes 1981 Supplement, Sections 256D.05, Subdivision 1; 256D.06, Subdivision 2; and 256D.09, Subdivision 1.

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

Page 2, line 28, reinstate "as"

Page 2, lines 29 and 30, reinstate the stricken language and delete the new language

Page 2, line 35, delete "*or appeal*" and after "*for*" insert "*the program of*"

Page 2, line 36, before the second comma, insert "*or has been terminated from that program and has an appeal from that termination pending*"

Pages 3 and 4, delete sections 2 and 3

Page 4, line 17, delete "*Sections 1 and 4 are*" and insert "*This act is*"

Page 4, line 18, delete everything after the first period

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 4 to 6

Page 1, line 7, delete "vendor payments;"

Page 1, line 8, delete "Sections" and insert "Section"

Page 1, line 8, delete "; 256D.06,"

Page 1, line 9, delete everything before the period

And when so amended the bill do pass and be re-referred to the Committee

on Finance. Amendments adopted. Report adopted.

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

S.F. No. 1769: A bill for an act relating to public welfare; providing for approval of mental health clinics and centers pending promulgation of permanent rules.

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

Page 1, line 9, delete "*adopted*" and insert "*in effect*"

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

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

S.F. No. 1837: A bill for an act relating to health; establishing a permanent council on health promotion and wellness; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 145.

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

Page 2, delete section 2

Amend the title as follows:

Page 1, line 3, delete "appropriating money;"

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

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

S.F. No. 1605: A bill for an act relating to public welfare; requiring audits of nursing home cost reports; amending Minnesota Statutes 1980, Sections 256B.27, Subdivision 2a; and 256B.35, Subdivision 4.

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

Page 1, line 13, delete "*at*"

Page 1, line 14, delete "*least 15 percent of the*"

Page 1, line 15, delete everything after the period

Page 1, delete lines 16 to 18 and insert "*The commissioner shall select for audit at least five percent of these nursing homes at random and at least ten percent from the remaining nursing homes.*"

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

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

S.F. No. 1928: A bill for an act relating to public welfare; providing for

regulation of aversive or deprivation procedures for behavior modification of mentally retarded, mentally ill, or chemically dependent individuals in order that the procedures are appropriately selected, planned, and implemented with due regard for human rights and needs; establishing a penalty; proposing new law coded in Minnesota Statutes, Chapter 245:

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

Page 2, line 1, delete “, mentally ill, or chemically dependent”

Page 2, line 12, delete “a” and after “facility” insert “ staff”

Page 2, line 14, delete “and substantial”

Page 2, line 15, delete everything after “are”

Page 2, line 16, delete “basis, however”

Page 2, line 19, after “governing” insert “approval,” and before “of” insert “, monitoring, and evaluation”

Page 2, line 21, after the period, insert “No provision of these rules shall encourage or require the use of aversive or deprivation procedures.”

Page 2, after line 21, insert:

“(a) May designate public facilities under control of the commissioner as regional centers for the treatment of severe behavior problems that may include aversive, deprivation or related procedures on consumers;

(b) Shall prohibit the application of any aversive or deprivation procedures in private facilities except as authorized and monitored by the designated regional review committees under control of the commissioner;

(c) Shall authorize designated public regional facilities: (1) to provide consultation to private facilities, and (2) to approve and monitor the provision of aversive or deprivation procedures listed in subdivision 4, clause (e);”

Page 2, line 22, delete “(a)” and insert “(d)”

Page 2, line 24, delete “(b)” and insert “(e)”

Page 2, line 29, delete “(c)” and insert “(f)”

Page 2, line 36, before the semicolon, insert “. Where the facility has an operative interdisciplinary team, that team shall be involved in the system for monitoring and approval of aversive and deprivation procedures”

Page 3, line 1, delete “(d)” and insert “(g)”

Page 3, line 7, delete “(e)” and insert “(h)”

Page 3, line 10, delete “comprehensive”

Page 3, line 11, delete “comprehensive” and insert “ behavioral”

Page 3, line 12, delete everything after “and” and insert “ should include treatment measures involving”

Page 3, line 13, before the period, insert “and other appropriate psychological procedures. Aversive or deprivation procedures may be used only when positive procedures are not effective”

Page 3, line 19, before the period, insert "*in accordance with the administrative procedures act, sections 15.041 to 15.052*"

Page 4, line 21, delete "*central*" and insert "*regional*"

Page 4, line 22, delete "*of nine members*"

Page 4, line 23, delete "*to one year terms*"

Page 4, line 26, delete everything before the comma and insert "*and one or more of the following: treatment and training staff, a medical director, program director or team member, a consumer advocate, a consumer, an objective observer*"

Page 4, line 27, after "*in*" insert "*protection of*"

Pages 4 and 5, delete subdivision 5

Page 5, line 5, delete "*6*" and insert "*5*" and delete "*CIVIL ACTIONS*" and insert "*INJUNCTION*"

Page 5, line 6, delete "*knowingly*"

Page 5, line 7, delete "*actual damages,*"

Page 5, delete line 8

Page 5, line 9, delete everything before the period and insert "*injunctive relief*"

Page 5, line 10, delete "*actual damages*" and insert "*injunctive relief*"

Amend the title as follows:

Page 1, line 4, delete "*, mentally ill, or*"

Page 1, line 5, delete "*chemically dependent*"

Page 1, line 8, delete "*establishing a penalty;*"

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

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

S.F. No. 1031: 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.

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

Page 6, line 2, after "*for*" insert "*all costs and damages which result from the release or threatened release or to which the release or threatened release significantly contributes, including*"

Page 8, line 17, delete "*6*" and insert "*7*"

Page 8, line 34, delete "*sections 1 to 11*" and insert "*section 3*"

Page 9, line 2, delete "*sections 1 to 12*" and insert "*section 3*"

Page 9, delete lines 20 to 24, and insert:

"(c) For damages or response costs as a result of the release of a hazardous substance:

(1) If the hazardous substance is specifically identified in a federal or state permit held by the person and the release is within the limits allowed in the permit;

(2) If the release results from circumstances identified and reviewed and made a part of the public record of a federal or state agency with respect to a permit held by the person, the permit was issued or modified under federal or state law; and the release conformed with the permit;

(3) If the release is any part of an emission or discharge into the air or water which emission or discharge is subject to a federal or state permit held by the person, and the emission or discharge is in compliance with control rules or regulations adopted pursuant to state or federal law; or

(4) If the release is the introduction of any pollutant into a publicly owned treatment works when the pollutant is specified in, and is in compliance with, applicable pretreatment standards under state or federal law; or"

Page 9, delete lines 30 to 36

Page 10, delete lines 1 to 24 and insert:

"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 question shall be submitted to the trier of fact if the plaintiff shows evidence sufficient to enable the trier of fact to find that it is more likely than not that the plaintiff's exposure to the hazardous substance found in the release caused or significantly contributed to the injury or disease suffered by the plaintiff. Evidence to a reasonable medical certainty that a release of a hazardous substance caused or significantly contributed to a plaintiff's injury or disease is not necessary for the question of causation to be submitted to the trier of fact."

Page 11, line 13, delete "*who*"

Page 11, line 14, delete "*is able to*"

Page 11, line 15, delete everything before "*his*" and insert "*and*"

Page 11, line 16, delete everything after "*apportioned*"

Page 11, delete line 17

Page 11, line 18, delete everything before the second "*the*" and insert a comma

Page 11, line 19, after "*to*" insert "*two times*"

Page 11, line 30, before "*penalty*" insert "*civil*"

Page 12, line 9, delete "*6*" and insert "*7*"

Page 12, line 29, delete "*sections 3 to 11*" and insert "*section 3*"

Page 17, delete lines 22 to 24, and insert:

"Subd. 6. [CLASSIFICATION OF DATA.] Except as otherwise provided in this subdivision, data obtained from any person pursuant to subdivision 4 or 5 is public data as defined in section 15.162. Upon certification by the subject of the data that the data relates to sales figures, processes or methods of production unique to that person, or information which would tend to affect adversely the competitive position of that person, the director shall classify the data as private or nonpublic data as defined in section 15.162. Notwithstanding any other law to the contrary, data classified as private or nonpublic under this subdivision may be disclosed when relevant in any proceeding under sections 1 to 14, or to other public agencies concerned with the implementation of sections 1 to 14."

Page 17, line 25, delete "6" and insert "7"

Page 17, line 29, delete "sections 1 to 12" and insert "section 3"

Page 17, line 33, delete "sections 3 to 11" and insert "section 3"

Page 18, line 1, delete "7" and insert "8"

Page 18, lines 4 and 7, delete "sections 1 to 12" and insert "section 3"

Page 18, line 12, delete "(c)" and insert "(e)"

Page 18, line 13, delete "8" and insert "9"

Page 18, line 19, delete "11" and insert "13"

Page 18, line 25, delete "6" and insert "7"

Page 18, line 26, delete "9" and insert "10"

Page 18, after line 32, insert:

"Subd. 11. [ACTIONS RELATING TO HEALTH.] The agency and director shall make reasonable efforts to coordinate and consult with the commissioner of health in planning and directing response actions with respect to a release or threatened release affecting the public health. If the commissioner of health, upon the request of the agency, takes any actions authorized under this section, 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 7."

Page 18, line 33, delete "10" and insert "12"

Page 19, line 3, delete "11" and insert "13"

Page 20, line 32, after "hazardous" insert "substances."

Page 22, line 24, delete "6 and 7" and insert "7 and 8"

Page 23, line 9, delete "AND FEES"

Page 23, line 15, delete "115A.02" and insert "115A.03"

Page 26, line 15, delete "section" and insert "subdivision"

Page 30, line 34, after "in" insert "section 19,"

Page 31, line 25, after "22." insert "[116.12]"

Page 32, after line 35, insert:

"Sec. 23. Minnesota Statutes 1981 Supplement, Section 115A.06, Subdivision 13, is amended to read:

Subd. 13. [PRIVATE AND NON-PUBLIC DATA.] Any data held by the board which consists of trade secret information as defined by section 15.1673, subdivision 1, clause (b), or sales information, or any other information which, if public, would tend to adversely affect the competitive position of the subject of the data, shall be classified as private or non-public data as defined in section 15.162, subdivisions 5a and 5c if the subject of the data has certified that the data qualifies as non-public or private data under this subdivision and the chairman of the waste management board approves the classification in writing. When data is classified private or non-public pursuant to this subdivision the board may:

(a) Use the data to compile and publish analyses or summaries and to carry out its statutory responsibilities in a manner which does not identify the subject of the data; or

(b) Disclose the data when it is obligated to disclose it to comply with federal law or regulation but only to the extent required by the federal law or regulation.

The subject of data classified as private or non-public pursuant to this subdivision may authorize the disclosure of some or all of that data by the board."

Page 34, line 21, delete "7" and insert "8"

Page 34, line 31, after the period, insert "*Sections 23 and 24 are effective the day following final enactment.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after "I," insert "Minnesota Statutes 1981 Supplement, Section 115A.06, Subdivision 13;"

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

S.F. No. 1842: A bill for an act relating to transportation; establishing a highway maintenance cost containment council.

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

Page 2, line 4, delete "with" and insert "*between the department of transportation and*"

Page 2, line 7, delete "*January 11*" and insert "*March 15*"

Page 2, line 18, delete "*January 11*" and insert "*March 15*"

Page 2, line 21, after "*following*" insert "*final*"

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

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

S.F. No. 1805: A bill for an act relating to transportation; providing for the construction of a new bridge crossing the Mississippi River at Wabasha; appropriating money.

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

Page 1, line 18, delete "1985" and insert "1987"

Page 1, delete section 2

Amend the title as follows:

Page 1, line 4, delete "; appropriating money"

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

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

S.F. No. 1662: A bill for an act relating to transportation; allowing certain vehicles to cross certain railroad crossings without stopping; removing the requirement for designated routes for certain buses; modifying the public transit capital grant assistance program; providing for public transit contract procedures; amending Minnesota Statutes 1980, Sections 169.28; 169.29; 169.80, Subdivisions 2 and 2a; 174.245; Laws 1981, Chapter 363, Section 55, Subdivision 1, as amended; repealing Minnesota Statutes 1980, Section 219.21.

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

Page 2, lines 2 and 32, after "crossing" insert "*on a rail line on which service has been abandoned and*"

Page 2, line 22, after "crossing" insert a comma

Page 2, line 23, after "equipment" insert "*set forth in this section*"

Page 2, line 34, after "installed" insert a comma

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "removing certain geographical operating limitations on passenger motor buses;"

Page 1, line 5, delete "certain" and insert "intercity"

Page 1, line 6, delete "providing for" and insert "modifying certain"

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

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

S.F. No. 1780: A bill for an act relating to highway traffic regulations; allowing the use of certain combinations of vehicles; allowing certain axle weight combinations; establishing allowable axle weight combinations; establishing allowable axle weights on restricted routes; modifying the distribution of receipts collected as fines; amending Minnesota Statutes 1981 Supplement, Sections 169.81, Subdivision 3; 169.825, Subdivisions 8, 10, and 12; 299D.03, Subdivision 5; repealing Minnesota Statutes 1981 Supplement,

Section 169.861.

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

Page 2, line 17, reinstate the stricken "considered" and delete "deemed"

Page 2, line 23, delete the new language

Page 2, line 29, strike everything after the period

Page 2, strike lines 30 and 31

Page 3, line 7, before "A" insert "*The total length of*"

Page 3, line 7, delete "*between 55 and 65 feet in*" and insert "*, unladen or with load,*"

Page 3, line 8, delete "length"

Page 3, line 12, after "trailer" insert "*shall not exceed 65 feet or be less than 55 feet in length. These types of combinations of vehicles*"

Page 3, line 21, delete "section" and insert "paragraph"

Page 3, line 24, delete everything after the period

Page 3, line 25, delete everything before "For"

Page 3, line 27, delete "deemed" and insert "considered"

Page 9, line 26, after "to" insert "*the maximum*"

Page 9, line 27, after "weight" insert "*as limited in section 169.825, subdivision 10, clause (c)*"

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

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

S.F. No. 1493: A bill for an act relating to health; allowing payment for mental health center services through general assistance medical care; amending Minnesota Statutes 1981 Supplement, Sections 256B.02, Subdivision 8; and 256D.03, Subdivision 4.

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

Pages 1 to 3, delete section 1 and insert:

"Section 1. Minnesota Statutes 1981 Supplement, Section 256B.02, Subdivision 8, as amended by Laws 1981, Third Special Session Chapter 2, Article 1, Section 31, is amended to read:

Subd. 8. "Medical assistance" or "medical care" means payment of part or all of the cost of the following care and services for eligible individuals whose income and resources are insufficient to meet all of ~~such~~ the cost:

(1) Inpatient hospital services;

(2) Skilled nursing home services and services of intermediate care facilities;

(3) Physicians' services;

- (4) Outpatient hospital or clinic services- ;
- (5) Home health care services- ;
- (6) Private duty nursing services- ;
- (7) Physical therapy and related services- ;
- (8) Dental services, excluding cast metal restorations- ;
- (9) Laboratory and x-ray services- ;

(10) The following if prescribed by a licensed practitioner: drugs, eye-glasses, dentures, and prosthetic devices. The commissioner shall designate a formulary committee which shall advise the commissioner on the names of drugs for which payment shall be made, recommend a system for reimbursing providers on a set fee or charge basis rather than the present system, and develop methods encouraging use of generic drugs when they are less expensive and equally effective as trademark drugs. The commissioner shall appoint the formulary committee members no later than 30 days following July 1, 1981. The formulary committee shall consist of nine members, four of whom shall be physicians who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, three of whom shall be pharmacists who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, a consumer representative, and a nursing home representative. Committee members shall serve two year terms and shall serve without compensation. The commissioner may establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the administrative procedure act. The formulary shall not include: drugs for which there is no federal funding; over the counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, prenatal vitamins, and vitamins for children under the age of seven; nutritional products; anorectics; and drugs for which medical value has not been established. Payment to drug vendors shall not be modified before the formulary is established. The commissioner may promulgate conditions for prohibiting payment for specific drugs after considering the formulary committee's recommendations.

The basis for determining the amount of payment shall be the actual acquisition cost of the drug plus a fixed dispensing fee established by the commissioner. Actual acquisition cost includes quantity and other special discounts except time and cash discounts. Establishment of this fee shall not be subject to the requirements of the administrative procedure act. Whenever a generically equivalent product is available, payment shall be on the basis of the actual acquisition cost of the generic drug, unless the prescriber specifically indicates "dispense as written" on the prescription as required by section 151.21, subdivision 2- ;

- (11) Diagnostic, screening, and preventive services- ;

(12) Health care pre-payment plan premiums and insurance premiums if paid directly to a vendor and supplementary medical insurance benefits under Title XVIII of the Social Security Act- ;

- (13) Abortion services, but only if one of the following conditions is met:

- (a) The abortion is a medical necessity. "Medical necessity" means (1) the

signed written statement of two physicians indicating the abortion is medically necessary to prevent the death of the mother, and (2) the patient has given her consent to the abortion in writing unless the patient is physically or legally incapable of providing informed consent to the procedure, in which case consent will be given as otherwise provided by law;

(b) The pregnancy is the result of criminal sexual conduct as defined in section 609.342, clauses (c), (d), (e)(i), and (f), and the incident is reported within 48 hours after the incident occurs to a valid law enforcement agency for investigation, unless the victim is physically unable to report the criminal sexual conduct, in which case the report shall be made within 48 hours after the victim becomes physically able to report the criminal sexual conduct; or

(c) The pregnancy is the result of incest, but only if the incident and relative are reported to a valid law enforcement agency for investigation prior to the abortion- ;

(14) Transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by non-ambulatory persons in obtaining emergency or non-emergency medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services. For the purpose of this clause, a person who is incapable of transport by taxicab or bus shall be considered to be non-ambulatory- ;

(15) To the extent authorized by rule of the state agency, costs of bus or taxicab transportation incurred by any ambulatory eligible person for obtaining non-emergency medical care- ;

(16) *Day treatment services provided by mental health centers approved under section 245.69;*

(16) (17) Any other medical or remedial care licensed and recognized under state law unless otherwise prohibited by law."

Page 4, line 8, after "services," insert "*day treatment services provided by*" and delete "*center services*" and insert "*centers approved under section 245.69*"

Page 4, after line 36, insert:

"Sec. 3. [SUNSET PROVISION.]

Section 2 is repealed effective June 30, 1983. Notwithstanding the provisions of section 645.34, repeal of section 2 shall revive the corresponding section of the original law as it existed immediately before the amendment made by Laws 1981, Chapter 360, Article II, Section 2, Subdivision 2, as amended by Laws 1981, First Special Session Chapter 2, Section 16, Subdivision 2; provided, however, that amendments made to the statutory section amended by section 2 between the effective date of this section and June 30, 1983, shall remain effective after June 30, 1983, unless otherwise provided by law."

Amend the title as follows:

Page 1, line 2, after "for" insert "*day treatment services provided by*"

Page 1, line 3, delete "*center services*" and insert "*centers*" and after "through" insert "*medical assistance and*"

Page 1, line 5, after "8" insert " , as amended"

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

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

S.F. No. 1207: A bill for an act relating to intoxicating liquor; providing an exemption for franchise fees; amending Minnesota Statutes 1980, Section 340.13, Subdivision 3.

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

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

S.F. No. 1903: A bill for an act relating to economic development; excepting motor carriers from the definition of "business license;" amending Minnesota Statutes 1981 Supplement, Section 362.452, Subdivision 2a.

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

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

S.F. No. 1706: A bill for an act relating to insurance; authorizing separate accounts for certain pension plans; amending Minnesota Statutes 1981 Supplement, Section 61A.282, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 61A.

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

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

S.F. No. 1522: A bill for an act relating to local government; permitting towns to self insure in the same way as other political subdivisions; amending Minnesota Statutes 1980, Sections 471.98, Subdivision 2; and 471.981, by adding a subdivision.

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

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1980, Section 367.10, is amended to read:
367.10 [TOWN CLERK; BOND; OATH.]

Every person elected or appointed to the office of town clerk, before he enters upon the duties of his office, shall give bond to the town, with sureties approved by the town treasurer, in such penal sum as the town board directs, conditioned for the faithful discharge of his duties. The bond, with his oath of office, shall be filed with the ~~clerk of the district court~~ *county auditor*, and an action may be maintained thereon by the town or any person aggrieved.

Sec. 2. Minnesota Statutes 1980, Section 367.15, is amended to read:

367.15 [TOWN TREASURER; BOND.]

Every town treasurer, before he enters upon the duties of his office, shall give bond to the town in an amount to be determined by the board, conditioned

for the faithful discharge of his duties as such treasurer. Within six days thereafter the chairman shall file such bond, with his approval endorsed thereon, for record with the county ~~recorder~~ auditor."

Page 1, delete section 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "changing the filing of the bond of the town clerk and the town treasurer;"

Page 1, line 5, after "Sections" insert "367.10; 367.15; and"

Page 1, line 5, delete "; and 471.981, by adding"

Page 1, line 6, delete "a subdivision"

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. 1642: A bill for an act relating to agriculture; clarifying the provision of state livestock weighing services; amending Minnesota Statutes 1980, Section 17A.10.

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 1981 Supplement, Section 17A.04, Subdivision 5, is amended to read:

Subd. 5. [LICENSE FEE.] The applicant shall submit to the commissioner the following applicable fee or fees: (1) \$120 for each livestock market agency and public stockyard license; (2) \$42 for each livestock dealer license; and (3) \$24 for each agent license a fee in an amount set by the commissioner. The commissioner shall set the fees at levels required to cover the expenses of administering and enforcing this chapter.

Sec. 2. Minnesota Statutes 1980, Section 17A.04, is amended by adding a subdivision to read:

Subd. 5a. [REVOLVING FUND.] There is created in the state treasury a livestock licensing and weighing fund. All fees collected pursuant to subdivision 5 or section 17A.11 shall be deposited by the commissioner in the state treasury and credited to the livestock licensing and weighing fund. The money in the livestock licensing and weighing fund, including interest earned and any money appropriated by the legislature for the purposes of this chapter, are annually appropriated to the commissioner for the administration and enforcement of this chapter.

Sec. 3. Minnesota Statutes 1980, Section 17A.10, is amended to read:

17A.10 [PACKING PLANTS, LIVESTOCK MARKET AGENCIES AND STOCKYARDS; WEIGHERS.]

Subdivision 1. [LICENSES.] A livestock weigher who is employed privately

or by the state must have a license. The commissioner may issue a license to a person over the age of 18 who applies on a form prescribed by the commissioner, who has filed a weigher's acknowledgement and agreement as required by the packers and stockyards administration of the United States Department of Agriculture, who meets the qualifications as may be established by the commissioner and who has paid a fee set by the commissioner at a level required to cover the expenses of administering and enforcing this chapter. Licenses issued pursuant to this subdivision are annually renewable on January 1. The commissioner may refuse to issue or renew, or may suspend or revoke a license for good cause after proper notice. A person whose license has been denied, suspended or revoked may request and shall be granted a hearing before the commissioner.

Subd. 2. [PRIVATELY EMPLOYED WEIGHERS.] Any facility which does not use state employed weighers shall employ licensed livestock weighers who shall weigh all livestock coming for sale to their places of employment. The livestock agency shall keep a record of the weights. On request, the livestock agency shall furnish to the seller, buyer, packer and stockyards administration and the Minnesota department of agriculture livestock and weighing division a statement of the number of animals weighed and the weight of the animals. The statement is prima facie evidence of the facts stated. Scales at places where livestock are weighed by privately employed weighers shall be constructed and maintained in accordance with the rules and requirements of the state division of weights and measures, and shall be tested in accordance with packers and stockyards regulations of the United States Department of Agriculture at least once every 180 days up to the maximum weight that may be weighed on the scales. Private employers are responsible for the faithful performance of livestock weighers in their employ.

Subd. 3. [STATE EMPLOYED WEIGHERS.] The commissioner shall appoint state employed weighers necessary for livestock weighing at public stockyards, packing plants, slaughtering houses, buying stations, or livestock market agencies where the average daily number of livestock weighed for the purpose of establishing a basis for sale is 500 head or more, and the commissioner may appoint at public stockyards, packing plants, slaughtering houses, buying stations, or livestock market agencies on application from such the facilities where the average daily number of livestock weighed for the purpose of establishing a basis for sale is less than 500 head, such weighers as may be necessary for weighing livestock, provided that no weighers shall be required at facilities where the only livestock handled has been previously purchased or acquired, and title or terms of ownership already established. The commissioner shall prescribe and follow such reasonable regulations as he deems necessary for determining such daily average. Such requesting official state livestock weighing. State employed weighers shall weigh all livestock coming to these places for sale, and keep a record thereof of the weights. Upon request, the state employed weighers shall furnish the interested parties to an interested party a certificate setting forth stating the number of animals weighed and the actual weight of such animal or the animals. Such The certificate shall be is prima facie evidence of the facts therein certified. The scales at all such places on which where livestock is are weighed by state employed weighers shall be constructed and maintained in accordance with the rules and requirements of the state division of weights and measures, and shall be tested up to the maximum draft that may be weighed thereon, on the scales at least once every 90 180 days, and be in compliance with all the statutory requirements and regulations adopted by the state division of weights and measures pertaining to livestock scales and weighing in accordance with packer and stockyards regu-

lations of the United States Department of Agriculture.

Sec. 4. Minnesota Statutes 1980, Section 17A.11, is amended to read:

17A.11 [FEES FOR STATE LIVESTOCK WEIGHING.]

The commissioner shall prescribe the fee necessary to cover the cost of ~~such~~ *state* weighing, to be assessed and collected from the seller in ~~such the~~ manner as the commissioner may prescribe; provided, that the fee assessed *must* be the same, and the manner of collection ~~thereof of the fee must~~ be uniform at all facilities, and provided, further, that if at any location, except a public stockyard, where *state* weighing is performed in accordance with ~~Laws 1974, Chapter 347~~ *chapter 17A* and the total annual fees collected are insufficient to pay the cost of ~~such the~~ weighing, the annual deficit shall be assessed and collected in ~~such the~~ manner as the commissioner may prescribe. Additional ~~moneys~~ *money* arising from the weighing of animals by the commissioner, which ~~have~~ *has* been collected and retained by any person, shall be paid on demand to the commissioner. All ~~moneys~~ *money* collected by the commissioner shall be deposited in the state treasury and credited to the livestock *licensing and* weighing fund, and shall be paid out only on the order of the commissioner and the state's warrant.

Sec. 5. [EFFECTIVE DATE.]

This act is effective April 1, 1982."

Amend the title as follows:

Page 1, line 4, delete everything after the comma and insert "Sections 17A.04, by adding a subdivision; 17A.10; and 17A.11; Minnesota Statutes 1981 Supplement, Section 17A.04, Subdivision 5."

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

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

S.F. No. 1740: A bill for an act relating to landlords and tenants; permitting administrators of rental housing to petition the court for certain powers; clarifying the court's discretion to make certain orders; amending Minnesota Statutes 1980, Sections 566.25; and 566.29, Subdivision 4.

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

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1980, Section 363.01, is amended by adding a subdivision to read:

Subd. 32. [COOPERATIVE APARTMENT CORPORATION.] "Cooperative apartment corporation" means a corporation or association organized under sections 308.05 to 308.18 or chapter 317, the shareholders or members of which are entitled, solely by reason of their ownership of stock or membership certificates in the corporation or association, to occupy one or more residential units in a building owned or leased by the corporation or association.

Sec. 2. Minnesota Statutes 1980, Section 363.02, Subdivision 2, is

amended to read:

Subd. 2. [HOUSING.] (1) The provisions of section 363.03, subdivision 2, shall not apply to:

(a) rooms in a temporary or permanent residence home run by a nonprofit organization, if the discrimination is by sex; or

(b) the rental by an owner or occupier of a one-family accommodation in which he resides of a room or rooms in the accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance or disability. Nothing in this chapter shall be construed to require any person or group of persons selling, renting or leasing property to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this chapter be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of the lease, agreement or contract.

(2) The provisions of section 363.03, subdivision 2, prohibiting discrimination because of familial status shall not be construed to defeat the applicability of any local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling unit and shall not apply to:

(a) any unoccupied dwelling unit in one building of a housing complex consisting of two buildings or, in a housing complex consisting of three or more buildings, any unoccupied dwelling unit in up to one-third of all buildings in the housing complex. For the purposes of this clause, "housing complex" means a group of buildings each containing five or more units on a contiguous parcel of land owned by the same person; a building shall not be exempt from section 363.03, subdivision 2, pursuant to this clause unless the owner has filed an election to designate the building as exempt with the commissioner; an election made by an owner pursuant to this clause may not be withdrawn for purposes of designating another building in the housing complex as exempt for a period of one year from the filing of the election; or

(b) any unit in a condominium created prior to April 12, 1980, any unit in a condominium, other than a condominium converted from a residential building, created on or after April 12, 1980, and any unit in an adults-only condominium created from an existing adults-only rental building on or after April 12, 1980; or

(c) an unoccupied dwelling unit in any building in which at least a majority of the dwelling units are occupied by elderly persons or are unoccupied and available for occupancy solely by households of which at least one member is an elderly person; or

(d) any owner occupied building containing four or fewer dwelling units; or

(e) an unoccupied dwelling unit in any building which is the subject of a valid certificate filed with the commissioner pursuant to the provisions of this clause. To be valid, a certificate must be on a form provided by the commissioner, be received by the commissioner, state that on the date that the certificate is received by the commissioner at least a majority of the dwelling units in

the building are occupied by elderly persons or are unoccupied and available for occupancy solely by households of which at least one member is an elderly person, state that on the date that the certificate is received by the commissioner there is on file with the owner of the building or a specified duly authorized agent of the owner for each occupied unit relied upon in support of the certificate a signed statement by an elderly person occupying the unit on the date that the certificate is received by the commissioner that the person is an elderly person, state that for a period of 180 days following the receipt of the certificate by the commissioner the owner or duly authorized agent will preserve the signed statements of the elderly persons and will, upon request, make the statements available for inspection by the commissioner or by any local commission having jurisdiction over the building, be signed by the owner or the duly authorized agent, and be in all respects true and accurate. A valid certificate shall remain valid for a period of 180 days following the date on which it is received by the commissioner. Any owner or authorized agent who files a certificate containing statements or information that the owner or authorized agent knows or should reasonably know to be false shall be guilty of a misdemeanor; or

(f) any unoccupied dwelling unit of up to one-third of the units in a building that is not part of a multi-building complex ; or

(g) any dwelling unit in a building owned by a cooperative apartment corporation, other than a building converted from a residential rental building to a cooperative apartment corporation building on or after April 12, 1980, unless that conversion was from an existing adults-only residential rental building."

Page 1, line 19, strike "thereof"

Page 1, line 20, strike "such" and insert "the"

Page 1, line 25, strike "(a)" and insert "(i)"

Page 2, line 1, strike "(b)" and insert "(ii)"

Page 2, line 2, strike "there"

Page 2, line 3, strike "be"

Page 2, line 13, strike "therefor"

Page 2, line 17, strike "such" and insert "any"

Page 2, line 17, strike "as to"

Page 2, line 17, strike "may seem" and insert "deems"

Page 2, line 21, after "4." insert "[POWERS.]"

Page 2, line 28, strike "such"

Page 2, line 29, strike "as are"

Page 2, line 34, strike "to make disbursements for payment thereof" and insert "pay for them"

Page 2, line 36, delete "To"

Page 3, lines 4 and 5, delete "make disbursements for payments therefor" and insert "pay for them"

Page 3, line 7, delete "To"

Page 3, line 12, delete "make disbursements for payments therefor" and insert "pay for them"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "landlords and tenants" and insert "real estate; providing an exception for certain restrictions based on familial status in co-operative housing"

Page 1, line 6, after "Sections" insert "363.01, by adding a subdivision; 363.02, Subdivision 2;"

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. 1521: A bill for an act relating to crimes; defining "complainant" for purposes of criminal sexual misconduct offenses; amending Minnesota Statutes 1980, Section 609.341, Subdivision 13.

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

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

S.F. No. 1406: A bill for an act relating to liens for improvements made to real property; prescribing notice requirements to owners by subcontractors; defining owner; amending Minnesota Statutes 1980, Section 514.011, Subdivisions 2 and 5.

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

Page 3, line 22, after "property" insert "(1) is known to one who contributes to the improvement of the real property, or (2)"

Page 3, line 23, after "land" insert a comma

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. 1755: A bill for an act relating to crimes; establishing the crime of commercial bribery; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 609.

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

Delete everything after the enacting clause and insert:

"Section 1. [609.824] [COMMERCIAL BRIBERY.]

Subdivision 1. [DEFINITION.] "*Corruptly*" means that the actor intends the action to injure or defraud:

(1) His employer or principal; or

(2) *The employer or principal of the person to whom he offers, gives or agrees to give the bribe or from whom he requests, receives or agrees to receive the bribe.*

Subd. 2. [ACTS CONSTITUTING.] Whoever does any of the following, when not consistent with usual practices, is guilty of commercial bribery and may be sentenced as provided in subdivision 3:

(1) Corruptly offers, gives, or agrees to give, directly or indirectly, any benefit, consideration, compensation, or reward to any employee, agent or fiduciary of a person with the intent to influence the person's performance of his duties as an employee, agent, or fiduciary in relation to his employer's or principal's business; or

(2) Being an employee, agent or fiduciary of a person, corruptly requests, receives or agrees to receive, directly or indirectly, from another person any benefit, consideration, compensation, or reward with the understanding or agreement that he shall be influenced in the performance of his duties as an employee, agent, or fiduciary in relation to his employer's or principal's business.

Subd. 3. [SENTENCE.] Whoever commits commercial bribery may be sentenced as follows:

(1) To imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both, if the value of the benefit, consideration, compensation or reward is greater than \$500;

(2) In all other cases where the value of the benefit, consideration, compensation or reward is \$500 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$500; provided, however, in any prosecution of the value of the benefit, consideration, compensation or reward received by the defendant within any six month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed, or all of the offenses aggregated under this clause.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1982, and applies to crimes committed on or after that date."

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

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

S.F. No. 1666: A bill for an act relating to legal services; providing for a surcharge on civil filing fees; authorizing the supreme court to appoint an advisory committee; authorizing the distribution of the surcharge funds to qualified programs providing legal services to certain persons; requiring a report to the legislature; proposing new law coded in Minnesota Statutes, Chapter 480.

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

Page 1, line 23, delete "*both*"

Page 2, line 6, after "*payable*" insert "*by that party*"

Page 2, line 7, after "*action*" insert a comma

Page 2, line 9, delete "\$15" and insert "\$10"

Page 2, line 28, delete "*to persons*"

Page 2, line 29, delete "*unable to pay for the service*"

Page 2, line 34, delete "*the effective date of this act*" and insert "*July 1, 1982,*"

Page 3, line 2, delete "*All members of the*"

Page 3, delete lines 3 and 4

Page 3, line 5, delete everything before "*In*"

Page 3, line 14, delete "*such*" and insert "*any*"

Page 3, line 25, after "*funds*" insert "*distributed*"

Page 3, line 27, delete "*the effective date of this act*" and insert "*July 1, 1982,*"

Page 4, line 1, delete "*shall*" and insert "*distributed may*"

Page 4, line 21, delete "*having sought*" and insert "*with*"

Page 4, line 22, after "*guidelines*" insert "*in the form of court rules*"

Page 5, line 19, after the period, insert "*Section 2 applies to filings made on or after July 1, 1982.*"

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

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

S.F. No. 2064: A bill for an act relating to Minnesota Statutes, correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating certain redundant, conflicting and superseded provisions; authorizing the revisor of statutes to make necessary reference changes if the administrative procedure act is recompiled as a separate chapter; amending Minnesota Statutes 1980, Sections 60C.02, Subdivision 1; 62B.04, Subdivision 1; 92.03, Subdivision 4; 106.011, Subdivision 20; 106.021, Subdivision 2; 106.081, Subdivision 1; 106.091, Subdivision 2; 120.17, Subdivisions 4a and 5; 123.21; 123.78, Subdivision 1; 123.932, Subdivision 1a; 125.12, Subdivision 3; 129.121, Subdivision 1; 136.015; 145.833, Subdivisions 9, 10 and 11; 160.05, Subdivision 1; 175.35; 177.23, Subdivisions 4, 7 and 10; 177.27; 177.28; 177.29; 177.30; 177.31; 177.32; 177.33; 177.34; 177.35; 214.14, Subdivision 1; 273.11, Subdivision 5; 282.01, Subdivision 1; 290.41, Subdivision 3; 458.192, Subdivision 15; 462.415, Subdivisions 4 and 6; 462.421, Subdivisions 1, 2 and 20; 462.425, Subdivision 7; 462.426, Subdivision 1; 462.427, Subdivision 2; 462.428, Subdivision 3; 462.445, Subdivisions 1, 4 and 5; 462.451, Subdivision 2; 462.461, Subdivisions 1 and 2; 462.485; 462.511; 462.541, Subdivision 2; 462.545, Subdivisions 1, 2, 3 and 6; 462.555; 462.561; 462.571; 462.581; 462.591, Subdivision 1; 462.621,

Subdivisions 1 and 3; 462.631, Subdivision 1; 462.635; 462.645, Subdivisions 1, 5 and 7; 462.665; 462.671; 462.701; 462.705; 462.712; 462.713; 473.195, Subdivision 1; 504.24, Subdivision 2; Chapter 111, by adding a section; Minnesota Statutes 1981 Supplement, Sections 11A.18, Subdivision 9; 43A.08, Subdivision 2; 43A.27, Subdivision 2; 47.20, Subdivisions 4a and 4b; 60A.11, Subdivisions 9 and 10; 69.011, Subdivision 2; 69.031, Subdivision 5; 97.488, by adding a subdivision; 116H.129, Subdivisions 1, 5 and 6; 156A.02, Subdivision 6; 168.013, Subdivision 1c; 169.825, Subdivision 10; 171.36; 176.306, Subdivision 2; 204B.31; 222.63, Subdivision 4; 273.11, Subdivision 1; 290.077, Subdivision 4; 290.09, Subdivision 15; 299F.011, Subdivision 1; 353.01, Subdivisions 2a and 6; 355.11, Subdivision 5; 414.0325, Subdivision 5; 462.601; 462.605; 514.011, Subdivision 4a; 525.551, Subdivision 5; 525.6198; and Laws 1981, Chapter 224, Section 73; repealing Minnesota Statutes 1980, Section 60A.11, Subdivisions 5a and 5b; Minnesota Statutes 1981 Supplement, Section 290.971, Subdivision 7; Laws 1980, Chapter 587, Article I, Sections 31, 32, 33, 34, 35, 36, 37, 38 and 39; Laws 1981, Chapters 31, Section 7; 60, Section 14; 137, Section 3; 158; 178, Section 33; 205, Section 1; 224, Section 92; 255, Sections 1, 3 and 4; 356, Sections 99, 189, 190, 191, 210 and 212; and 357, Section 28.

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

Page 93, after line 35, insert:

"Sec. 133. Minnesota Statutes 1980, Section 145.61, Subdivision 2, is amended to read:

Subd. 2. [PROFESSIONAL.] "Professional" means a person licensed to practice a healing art under ~~Minnesota Statutes 1969~~, chapter 147; or chapter 148, to practice dentistry under ~~Minnesota Statutes 1969~~, chapter 150A, to practice as a pharmacist under ~~Minnesota Statutes 1969~~, chapter 151, or to practice podiatry under ~~Minnesota Statutes 1969~~, chapter 153."

Page 12 of the Explanation, after line 11, insert:

"Sec. 133. *Explanation.* The section was not intended to be limited to Minnesota Statutes 1969. It should reflect the current edition of Minnesota Statutes."

Amend the title as follows:

Page 1, line 15, after "136.015" insert "; 145.61, Subdivision 2"

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. 1949: A bill for an act relating to state departments and agencies; secretary of state; eliminating and simplifying certain filings; amending Minnesota Statutes 1980, Sections 303.14, Subdivision 3, as amended; 333.001, Subdivisions 2 and 3; Minnesota Statutes 1981 Supplement, Sections 301.071, Subdivision 2; 301.42, Subdivision 4; 303.05, Subdivision 1; and 322A.16; repealing Minnesota Statutes 1981 Supplement, Sections 301.06, Subdivision 3; 301.07; 301.071, Subdivision 1; and 301.33, Subdivision 3.

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

follows:

Page 1, line 16, after "2." insert "[FILING FEE.]"

Page 1, line 21, delete "1981 Supplement" and insert "1980"

Page 3, line 7, delete "*a fictitious*" and insert "*an alternate*"

Page 3, line 10, delete "*fictitious*" in both places where it occurs and insert "*alternate*"

Page 3, line 20, strike the semicolon and insert a period

Page 3, line 23, strike "; or," and insert a period

Page 3, line 31, strike "and" and insert a comma

Page 3, line 32, strike the parentheses

Page 4, line 3, strike "thereof"

Page 4, line 7, before "or" strike the parenthesis

Page 4, line 8, after "amendment" strike the parenthesis

Page 4, line 10, strike "therein" and insert "*in the amendment*"

Page 4, line 11, strike the parentheses

Page 4, line 11, strike "thereof" and insert "*of it*"

Page 4, line 15, after "2." insert "[PERSON.]"

Page 4, line 21, after "3." insert "[TRUE NAME.]"

Page 4, after line 28, insert:

"Sec. 8. Minnesota Statutes 1980, Section 300.06, is amended to read:

300.06 [FILING AND RECORD OF CERTIFICATE.]

The certificate of ~~every such~~ *each* corporation shall be filed for record with the secretary of state, who, if he finds that it conforms to law, and, if a financial corporation, has endorsed ~~thereon on it~~ the approval of the commissioner of banks, or, if an insurance company, that of the insurance commissioner, and, in every case, that the required fee has been paid, shall record ~~the same it~~ and certify that fact ~~thereon on it~~. ~~After such record, such certificate shall be filed for record with the county recorder of the county of the principal place of business, as specified in the certificate.~~

Sec. 9. Minnesota Statutes 1980, Section 300.14, Subdivision 2, is amended to read:

Subd. 2. [AGREEMENT.] The agreement shall be submitted to the stockholders of record of each corporation at a meeting ~~thereof~~ called separately for the purpose of ~~taking the same into consideration considering it~~. Notice of the time, place, and object of the meeting shall be mailed at least two weeks before the meeting to each stockholder of record, whether entitled to vote or not, at his last known ~~post office~~ address, as shown by the corporation's records; ~~and~~. At ~~such the~~ meeting the agreement shall be considered and a vote by ballot, in person or by proxy, taken for the adoption or rejection of ~~the same it~~. If the votes of stockholders of each corporation holding stock in ~~such the~~ corporation entitling them to exercise at least nine-tenths of the voting power on a proposal

to consolidate the corporation with another or ~~such any~~ other proportion of the stockholders as ~~may be~~ prescribed by the certificate of incorporation for votes on ~~said the~~ proposal shall be for the adoption of the agreement, then that fact shall be certified on the agreement by the secretary or assistant secretary of each corporation, under ~~the its~~ seal ~~thereof~~. The agreement ~~so~~ adopted and certified shall be signed by the president or vice-president and secretary or assistant secretary of each corporation under ~~the its~~ corporate seal ~~thereof~~ and acknowledged by the president or vice-president ~~thereof~~ to be the respective acts, deeds, and agreements of ~~such the~~ corporation. The ~~agreement so~~ certified and acknowledged ~~agreement~~ shall be filed for record with the secretary of state ~~and with the county recorder of the county of the principal place of business of the consolidated corporation; as specified in the agreement; and published; and proof of such publication filed with the secretary of state; all as prescribed for a certificate of incorporation; and shall thence~~ be taken and deemed to be the agreement and acts of consolidation of the constituent corporations, and the certificate of incorporation of the consolidated corporation. A certified copy ~~thereof of it~~ shall be evidence of the performance of all antecedent acts and conditions necessary to ~~such the~~ consolidation and of the existence of the consolidated corporation.

Sec. 10. Minnesota Statutes 1980, Section 300.45, is amended to read:

300.45 [CERTIFICATES OF INCORPORATION, AMENDMENT; EXCEPTIONS.]

Except for a nonprofit corporation subject to the Minnesota Nonprofit Corporation Act or any part ~~thereof of it~~, the certificate of incorporation of any corporation ~~now or hereafter~~ organized and existing under the laws of this state may be amended ~~so as to change its name, or so as to increase or decrease its capital stock, or so as to change the number and par value of the shares of its capital stock, or in respect to any other matter which an original certificate of a corporation of the same kind might lawfully have contained, by the adoption of a resolution specifying the proposed amendment at a regular meeting or at a special meeting called for that expressly stated purpose, in either of the following ways:~~

- (1) By a majority vote of all its shares, if a stock corporation; or, if not,
- (2) By a majority vote of its members; or, in either case,
- (3) By a majority vote of its entire board of directors, trustees, or other managers within one year after ~~having been thereto duly authorized authorization~~ by specific resolution duly adopted at ~~such a~~ meeting of stockholders or members, and causing the resolution to be embraced in a certificate duly executed by its president and secretary, or other presiding and recording officers, under its corporate seal, and approved; ~~and filed; recorded; and published in the manner prescribed for the execution, approval, and filing; recording; and publishing of a like original certificate. If such amendment be made for the purpose of changing the principal place of the business of such corporation; the certificate shall be published; filed; and recorded in the office of the county recorder of the county of such principal place of business immediately prior to such amendment and recorded in the county where the business is to be carried on after the amendment.~~

As to a local building and loan association and corporations organized for the establishing, maintaining, and operating of hospitals not for profit, the resolution to amend may be adopted as above provided or by a two-thirds vote of the stockholders or members of the association attending the meeting in person or by proxy."

Page 4, line 30, delete "1981 Supplement" and insert "1980"

Page 4, line 30, after "Sections" insert "300.07;"

Page 4, line 32, delete "33" and insert "3"

Page 4, line 34, delete "8" and insert "11"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "Sections" insert "300.06; 300.14, Subdivision 2; 300.45; 301.42, Subdivision 4;"

Page 1, line 7, delete "301.42, Subdivision 4;"

Page 1, line 9, delete "1981 Supplement" and insert "1980"

Page 1, line 9, after "Sections" insert "300.07;"

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. 1648: A bill for an act relating to nonprofit corporations; providing an internal reference correction; amending Minnesota Statutes 1980, Section 317.16, Subdivision 2.

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

Page 2, after line 25, insert:

"Sec. 2. Minnesota Statutes 1980, Section 317.20, Subdivision 8, is amended to read:

Subd. 8. [MEETINGS OF BOARD.] Except where the articles or bylaws prescribe otherwise:

(1) a meeting of the board of directors may be held at any place, within or without this state, designated by the board;

(2) notice of every meeting shall be given;

(3) an act of the majority of the directors present at a meeting at which a quorum is present is the act of the board;

(4) (a) A conference among directors, or among members of any committee designated by the board of directors, by any means of communication through which the participants may simultaneously hear each other during the conference, constitutes a meeting of the board, or the committee, if the same notice is given of the conference as would be required for a meeting, and if the number of persons participating in the conference would be sufficient to constitute a quorum at the meeting. Participation in a meeting by that means constitutes personal presence at the meeting;

(b) A director may participate in a meeting of the board, or any committee designated by the board, not described in paragraph (a) by any means of communication through which he, other persons so participating, and all persons physically present at the meeting may simultaneously hear each other

during the meeting. Participation in a meeting by that means constitutes personal presence at the meeting.

Sec. 3. Minnesota Statutes 1980, Section 317.22, is amended by adding a subdivision to read:

Subd. 11. [TELEPHONE CONFERENCE MEETINGS.]

(a) A conference among members, or among members of any committee designated by the members, by any means of communication through which the participants may simultaneously hear each other during the conference, constitutes a meeting of the members, or the committee, if the same notice is given of the conference as would be required for a meeting, and if the number of persons participating in the conference would be sufficient to constitute a quorum at the meeting. Participation in a meeting by that means constitutes personal presence at the meeting.

(b) A member may participate in a meeting of the membership, or any committee designated by the membership, not described in paragraph (a) by any means of communication through which he, other persons so participating, and all persons physically present at the meeting may simultaneously hear each other during the meeting. Participation in a meeting by that means constitutes personal presence at the meeting."

Page 2, line 27, after the period, insert "Sections 2 and 3 are effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon insert "providing for the conduct of meetings by telephone;"

Page 1, line 4, delete "Section" and insert "Sections"

Page 1, line 4, before the period insert "317.20, Subdivision 8; and 317.22, by adding a subdivision."

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

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

S.F. No. 1853: A bill for an act relating to agriculture; eliminating certain provisions relating to abstracts of mortgages and liens on grain crops; repealing Minnesota Statutes 1980, Sections 386.42 and 386.43.

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

Page 1; delete section 1 and insert:

"Section 1. Minnesota Statutes 1980, Section 386.42, is amended to read:

386.42 [ABSTRACT OF MORTGAGES AND LIENS ON GRAIN CROPS FOR ELEVATOR COMPANIES.]

Any elevator company or grain buyer doing business in this state may annually make written application to the county recorder for an abstract of all designated mortgages and liens upon grains grown during the year within the

county. ~~Such~~ The application shall state the name of the elevator and the post office address thereof and be accompanied by a fee of \$5 as an advance for fees and the recorder shall receive 15 cents for each instrument abstracted and at the end of the year may deduct from such advance fees or any further sums that may have been deposited, his fees earned hereunder and return the surplus, if any, to the party having made such deposit of the company. The application shall be determined by resolution of the county board upon the recommendation of the county recorder based upon the estimated cost of providing the service.

Sec. 2. Minnesota Statutes 1980, Section 386.43, is amended to read:

386.43 [CONTENTS OF AND SUPPLEMENTAL ABSTRACTS.]

Each county recorder shall on or before the 15th day of June each year mail to each and every applicant having paid such who pays the fee for such the year, an abstract of all requested existing mortgages and liens upon grain or crops raised or to be raised during such the year, showing the name of the person against whom the lien is claimed, arranged alphabetically, the name of the person holding or claiming such the lien, a description of the land upon which the grain was raised, upon which the lien is claimed, the kind of grain, if specified, and the amount of the lien claimed. Such The abstract shall further contain a list of all mortgages and liens filed against crops or grain grown in such the crop year which have been satisfied. At least once a week during the balance of the calendar year, the county recorder shall mail to each of such applicants applicant a similar abstract covering the liens, mortgages, and releases thereon on them filed in his office, since the date of furnishing such the prior abstract."

Page 1, line 12, delete "Section 1 is" and insert "Sections 1 and 2 are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "eliminating certain" and insert "changing fee"

Page 1, line 4, delete "repealing" and insert "amending"

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

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

S.F. No. 1950: A bill for an act relating to corporations; correcting certain errors; removing certain deficiencies and ambiguities; and amending Minnesota Statutes 1981 Supplement, Sections 300.083, Subdivision 2; 300.49, Subdivision 1; 302A.011, Subdivisions 4, 10, 17, 21, 25, 29, 30, and 31; 302A.021, Subdivisions 2, 4, 7, and 8; 302A.111, Subdivisions 2, 3, and 4; 302A.115, Subdivision 2; 302A.123; 302A.131; 302A.135, Subdivisions 2 and 4; 302A.181, Subdivision 3; 302A.201, Subdivision 2; 302A.207; 302A.235; 302A.239, Subdivision 1; 302A.241, Subdivisions 1 and 2; 302A.243; 302A.251, Subdivisions 2 and 3; 302A.255, Subdivision 1; 302A.401, Subdivision 2; 302A.403, Subdivisions 2 and 4; 302A.405, Subdivision 1; 302A.413, Subdivision 4; 302A.431, Subdivision 2; 302A.433, Subdivisions 1 and 2; 302A.435, Subdivision 1; 302A.437, Subdivision 1; 302A.443; 302A.445, Subdivisions 1 and 6; 302A.455; 302A.457, Subdivi-

sions 1 and 2; 302A.461, Subdivision 2; 302A.463; 302A.467; 302A.521, Subdivision 2; 302A.551, Subdivisions 1 and 2; 302A.559, Subdivision 1; 302A.613, Subdivisions 2 and 3; 302A.661, Subdivision 2; 302A.721, Subdivision 2; 302A.723, Subdivision 1; 302A.727, Subdivision 2; 302A.729, Subdivision 1; 302A.731, Subdivision 2; 302A.733, Subdivision 1; 302A.741; 302A.751, Subdivisions 2 and 3; 302A.781, Subdivision 1; 302A.821, Subdivisions 4 and 5; repealing Minnesota Statutes 1981 Supplement, Sections 302A.011, Subdivision 35; and 302A.241, Subdivision 3.

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

Page 35, line 24, strike "MANDATORY"

Page 35, line 24, before the period, insert "ON MOTION"

Page 35, line 26, before "and" insert "at the time the action is commenced"

Page 35, lines 33 to 36, delete the new language

Page 36, line 5, before the period insert "*provided that; if the shares in question are then subject to sale and purchase pursuant to the bylaws of the corporation, a shareholder control agreement, the terms of the shares, or otherwise, the court shall order the sale for the price and on the terms set forth in them, unless the court determines that the price or terms are unreasonable under all the circumstances of the case*"

Page 36, lines 31 and 34, delete "mandatory"

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. 1809: A bill for an act relating to crimes; providing for the protection of the victims of criminal sexual conduct and intrafamilial sexual abuse; amending Minnesota Statutes 1981 Supplement, Section 15.791, Subdivision 9; proposing new law coded in Minnesota Statutes, Chapter 631.

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

Page 2, line 12, delete "*of the remainder*"

Page 2, line 14, after the second "the" insert "*prosecutor,*"

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. 19: A bill for an act relating to eminent domain proceedings; allowing an award of costs and attorneys' fees under certain circumstances; amending Minnesota Statutes 1980, Section 117.195.

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

Page 1, line 10, before the period, insert " ; COSTS"

Page 1, line 11, before "All" insert:

"Subdivision 1. [AWARD; INTEREST.]"

Page 1, lines 15 and 19, strike "such" and insert "the"

Page 1, line 19, strike "as"

Page 1, line 19, after the period, insert:

"Subd. 2. [COSTS.]"

Page 1, line 19, strike "so"

Page 1, line 20, after "dismissed" insert "for nonpayment"

Page 1, line 20, strike "the same is"

Page 1, line 22, before "The" insert "In the discretion of the court,"

Page 1, line 26, after the period, insert "If the condemnation proceeding is part of a project or proposal which has received an environmental review pursuant to the Minnesota environmental policy act, or siting or routing selection pursuant to sections 116C.51 to 116C.69, the costs and expenses, including attorney fees, shall be paid by the governmental unit responsible for the review or selection."

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. 1400: A bill for an act relating to probate; changing certain records-keeping requirements; amending Minnesota Statutes 1980, Section 525.03.

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 525.03, is amended to read:
525.03 [BOOKS OF RECORD RECORDS.]

The court shall keep the following books of record records:

(1) An index in which files pertaining to estates of deceased persons shall be indexed to the court records; in which all proceedings shall be entered in alphabetical order under the name of the decedent; those pertaining to guardianships under the name of the ward; those pertaining to a mentally ill, inebriate, mentally deficient, or epileptic person under the name of such person; those pertaining to wills deposited pursuant to section 525.22, under the name of the testator; after the name of each file shall be shown the file number and; if ordered by the court, the book and page of the register in which the documents pertaining to such file are listed; subject person, together with the case number and the date of the filing of the first document; and

(2) A register, properly indexed, in which shall be listed under the name of the decedent, ward, mentally ill, inebriate, mentally deficient, or epileptic person, or testator, all in which shall be entered the title of each proceeding, the case number and a listing of each documents document filed pertaining thereto and in the order filed; such list shall show the name of the document,

with the date of the filing thereof, and shall give a reference to the volume and page of any other book in which any record shall have been made of such document;

(3) A record of wills, properly indexed, in which shall be recorded all probated wills with the order of probate thereof;

(4) A record of bonds, if ordered by the court, properly indexed, in which may be recorded such bonds as may be ordered by the court to be recorded;

(5) A record of letters, properly indexed, in which shall be entered all letters testamentary, of administration, and of conservatorship or guardianship issued;

(6) A record of orders, properly indexed, in which shall be recorded all orders authorizing, or refusing to authorize, the sale, mortgage, or lease of real estate, or confirming, or refusing to confirm, the sale or lease of real estate; all orders directing, or refusing to direct, a conveyance or lease of real estate under contract; all orders vacating a previous appealable order, judgment, or decree; all orders refusing to vacate a previous appealable order, judgment, or decree alleged to have been procured by fraud or misrepresentation, or through surprise or excusable inadvertence or neglect; all judgments or decrees of partial or final distribution; all orders of distribution and general protection; and all orders granting or denying restoration to capacity.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day after final enactment."

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. 1825: A bill for an act relating to the collection and dissemination of data; proposing the classification of certain welfare data as nonpublic; amending Minnesota Statutes 1980, Section 15.1691, Subdivision 6; Minnesota Statutes 1981 Supplement, Sections 15.781, Subdivision 1; and 15.791, Subdivision 9.

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

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

S.F. No. 1671: A bill for an act relating to environment; providing for the chairmanship, staff, and administration of the environmental quality board; amending Minnesota Statutes 1980, Section 116C.03, Subdivision 2a, and by adding subdivisions; Minnesota Statutes 1981 Supplement, Section 116C.03, Subdivisions 2 and 4; repealing Minnesota Statutes 1980, Sections 116C.04, Subdivisions 8 and 9; 116C.05; 116C.07; and Minnesota Statutes 1981 Supplement, Section 116C.03, Subdivision 3.

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

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

S.F. No. 2126: A bill for an act relating to the attorney general; establishing a division of land title litigation in the office of the attorney general; proposing new law coded in Minnesota Statutes, Chapter 8.

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

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

S.F. No. 2095: A bill for an act relating to state government; implementing the provisions of certain reorganization orders issued by the commissioner of administration; amending Minnesota Statutes 1980, Sections 176.281; and 474.01, Subdivisions 7a and 7b; and Minnesota Statutes 1981 Supplement, Section 474.03.

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

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

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.

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

Page 1, line 13, strike "Such"

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

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.

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

Page 1, line 11, delete "department" and insert "commissioner"

Amend the title as follows:

Page 1, line 3, delete "department" and insert "commissioner"

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

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

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.

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

Page 2, after line 18, insert:

“Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment and applies to grants awarded during the federal fiscal year 1983 and subsequent years.”

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

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

S.F. No. 1689: A bill for an act relating to the operation of state government; authorizing the legislative auditor to approve contracts for auditing state agencies; modifying authority of the housing finance agency and certain other agencies to contract for audits without approval; amending Minnesota Statutes 1980, Sections 3.972; and 462A.22, Subdivision 10.

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

Page 1, after line 10, insert:

“Section 1. Minnesota Statutes 1980, Section 3.97, Subdivision 4, is amended to read:

Subd. 4. ~~Until the expiration of his term the incumbent public examiner upon the effective date of this section shall continue in the legislative branch but as the legislative auditor. Thereafter, the commission shall appoint a legislative auditor. The legislative auditor is the executive secretary of the commission. After the expiration of the term of the incumbent public examiner the legislative auditor shall serve at the pleasure of the commission until May 1, 1977. Thereafter, The legislative auditor shall be appointed by the commission for a six year term. He shall serve in the unclassified service. He shall not at any time while in office hold any other public office. The legislative auditor appointed on May 2, 1977, shall not be removed from his office before the expiration of his term of service except for cause after public hearing.”~~

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

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after “agencies;” insert “clarifying certain provisions regarding the term of the legislative auditor;”

Page 1, line 7, after “Sections” insert “3.97, Subdivision 4;”

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

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

S.F. No. 1921: A bill for an act relating to the legislature; creating a legislative fiscal office; requiring fiscal notes to accompany certain bills and admin-

istrative rules; appropriating money; amending Minnesota Statutes 1980, Sections 3.98, Subdivision 1; 15.0412, Subdivision 7; proposing new law coded in Minnesota Statutes, Chapter 3; repealing Minnesota Statutes 1980, Section 3.98.

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 3.98, is amended by adding a subdivision to read:

Subd. 3a. All bills which require the expenditure of public funds by local units of government shall be submitted to the chairman of the committee of of the house of representatives and the chairman of the committee of of the senate for review and comment before any action is taken on those bills by the standing committee to which the bill has been referred."

Delete the title and insert:

"A bill for an act relating to the legislature; requiring certain bills to be reviewed by certain committees; amending Minnesota Statutes 1980, Section 3.98, by adding a subdivision."

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

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

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.

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

Page 1, line 20, after "director" insert "if the delegation has been approved by the commissioner of administration and filed with the secretary of state"

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

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

S.F. No. 1288: A bill for an act relating to agriculture; creating a family farm finance agency; authorizing the agency to issue bonds and to make loans for the acquisition of farm land; transferring the family farm security program to the agency; appropriating money; amending Minnesota Statutes 1980, Sections 41.51; 41.52, Subdivisions 1 and 10, and by adding subdivisions; 41.54, Subdivisions 1 and 4, and by adding a subdivision; 41.55; 41.57; 41.58, Subdivisions 1 and 3; 41.59, Subdivisions 1 and 2; and 41.60; Minnesota Statutes 1981 Supplement, Sections 41.52, Subdivisions 5, 8, and 9; 41.54, Subdivision 2; 41.56, Subdivisions 3 and 4; and 41.58, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 41; repealing Minnesota Statutes 1980, Sections 41.53; 41.54, Subdivisions 3 and 5; and 41.56, Subdivisions 5 and 6; and Minnesota Statutes 1981 Supplement, Section 41.56,

Subdivisions 1 and 2.

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

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

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.

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

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

S.F. No. 1459: A bill for an act relating to the hospitalization and commitment of persons who are mentally ill, mentally ill and dangerous, mentally deficient, or inebriate; providing for informal hospitalization by consent, involuntary emergency hospitalization and for involuntary commitment by civil judicial procedures; providing for rights of persons hospitalized under voluntary, emergency or involuntary judicial procedures; requiring pre-petition screening prior to filing a petition for commitment; providing for commitment hearings and procedures in conformance with due process; requiring a final hearing within 60 days before final determination of commitment; providing for commitment for determinate periods; providing for provisional discharge and partial hospitalization; requiring special review boards for mentally ill and dangerous and psychopathic personalities; establishing review boards for civilly committed persons; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 253A; repealing Minnesota Statutes 1980, Sections 253A.01 to 253A.21.

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

Delete everything after the enacting clause and insert:

"Section 1. [253B.01] [CITATION.]

This chapter may be cited as the "Minnesota Commitment Act of 1982."

Sec. 2. [253B.02] [DEFINITIONS.]

Subdivision 1. [DEFINITIONS.] For purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. [CHEMICALLY DEPENDENT PERSON.] "Chemically dependent person" means any person (a) determined as being incapable of managing himself or his affairs by reason of the habitual and excessive use of alcohol or drugs; and (b) whose recent conduct as a result of habitual and excessive use of alcohol or drugs poses a substantial likelihood of serious physical harm to himself or others as demonstrated by (i) a recent attempt or threat to seriously physically harm himself or others, (ii) evidence of recent serious physical problems, or (iii) a failure to provide necessary food, clothing, shelter, or medical care for himself.

Subd. 3. [COMMISSIONER.] *"Commissioner" means the commissioner of public welfare or his designee.*

Subd. 4. [COMMITTING COURT.] *"Committing court" means probate court.*

Subd. 5. [DESIGNATED AGENCY.] *"Designated agency" means an agency selected by the county board to provide services under this chapter.*

Subd. 6. [EMERGENCY TREATMENT.] *"Emergency treatment" means the treatment of a patient pursuant to section 5 which is necessary to protect the patient or others from immediate harm.*

Subd. 7. [EXAMINER.] *"Examiner" means a licensed physician or a licensed consulting psychologist, knowledgeable and trained in the diagnosis and treatment of the alleged impairment.*

Subd. 8. [HEAD OF THE TREATMENT FACILITY.] *"Head of the treatment facility" means the person who is charged with overall responsibility for the professional program of care and treatment of the facility or his designee.*

Subd. 9. [HEALTH OFFICER.] *"Health officer" means a licensed physician, licensed consulting psychologist, psychiatric social worker, or psychiatric or public health nurse and formally designated members of a pre-petition screening unit established by section 7.*

Subd. 10. [INTERESTED PERSON.] *"Interested person" means an adult, including but not limited to, a public official, and the legal guardian, spouse, parent, legal counsel, adult child, next of kin, or other person designated by a proposed patient.*

Subd. 11. [LICENSED CONSULTING PSYCHOLOGIST.] *"Licensed consulting psychologist" means a person as defined by section 148.91, subdivision 4.*

Subd. 12. [LICENSED PHYSICIAN.] *"Licensed physician" means a person licensed in Minnesota to practice medicine or a medical officer of the government of the United States in performance of his official duties.*

Subd. 13. [MENTALLY ILL PERSON.] *"Mentally ill person" means any person who has a substantial psychiatric disorder of thought, mood, perception, orientation, or memory which grossly impairs judgment, behavior, capacity to recognize reality, or to reason or understand, which (a) is manifested by instances of grossly disturbed behavior or faulty perceptions; and (b) poses a substantial likelihood of physical harm to himself or others demonstrated by (i) a recent attempt or threat to physically harm himself or others, or (ii) a failure to provide necessary food, clothing, shelter or medical care for himself, as a result of the impairment. This impairment excludes (a) epilepsy, (b) mental retardation, (c) brief periods of intoxication caused by alcohol or drugs, or (d) dependence upon or addiction to any alcohol or drugs.*

Subd. 14. [MENTALLY RETARDED PERSON.] *"Mentally retarded person" means any person (a) who has been diagnosed as having significantly subaverage intellectual functioning existing concurrently with demonstrated deficits in adaptive behavior; and (b) whose recent conduct is a result of mental retardation and poses a substantial likelihood of physical harm to himself or others in that there has been (i) a recent attempt or threat to seriously physi-*

cally harm himself or others, or (ii) a failure and inability to provide necessary food, clothing, shelter, safety, or medical care for himself.

Subd. 15. [PATIENT.] "Patient" means any person who is hospitalized or committed under this chapter.

Subd. 16. [PERSON MENTALLY ILL AND DANGEROUS TO THE PUBLIC.] A "person mentally ill and dangerous to the public" is a person (a) who is mentally ill; and (b) who as a result of that mental illness presents a clear danger to the safety of others as demonstrated by the facts that (i) the person has engaged in an overt act causing or attempting to cause serious physical harm to another and (ii) there is a substantial likelihood that the person will engage in acts capable of inflicting serious physical harm on another. A person diagnosed as having a psychopathic personality as defined in section 526.09 is also a person mentally ill and dangerous to the public.

Subd. 17. [PEACE OFFICER.] "Peace officer" means a sheriff, or municipal or other local police officer, or a state highway patrol officer.

Subd. 18. [REGIONAL CENTER.] "Regional center" means any state operated facility for mentally ill, mentally retarded or chemically dependent persons which is under the direct administrative authority of the commissioner of public welfare.

Subd. 19. [TREATMENT FACILITY.] "Treatment facility" means a hospital, community mental health center, or other institution qualified to provide care and treatment for mentally ill, mentally retarded, or chemically dependent persons.

Sec. 3. [253B.03] [RIGHTS OF PATIENTS.]

Subdivision 1. [RESTRAINTS.] A patient has the right to be free from restraints. Restraints shall not be applied to a patient unless the head of the treatment facility or a member of the medical staff determines that they are necessary for the safety of the patient or others. Each use of a restraint and reason for it shall be made part of the clinical record of the patient under the signature of the head of the treatment facility.

Subd. 2. [CORRESPONDENCE.] A patient has the right to correspond freely without censorship. The head of the treatment facility may restrict correspondence if he determines that the medical welfare of the patient requires it. The determination may be reviewed by the commissioner. Any limitation imposed on the exercise of a patient's correspondence rights and the reason for it shall be made a part of the clinical record of the patient. Any communication which is not delivered to a patient shall be immediately returned to the sender.

Subd. 3. [VISITORS AND PHONE CALLS.] Subject to the general rules of the treatment facility, a patient has the right to receive visitors and make phone calls. The head of the treatment facility may restrict visits and phone calls if he determines that the medical welfare of the patient requires it. Any limitation imposed on the exercise of the patient's visitation and phone call rights and the reason for it shall be made a part of the clinical record of the patient.

Subd. 4. [SPECIAL VISITATION; RELIGION.] A patient has the right to meet with or call his personal physician, spiritual advisor, and counsel at all reasonable times. The patient has the right to continue the practice of his religion.

Subd. 5. [PERIODIC ASSESSMENT.] A patient has the right to periodic medical assessment. The head of a treatment facility shall have the physical and mental condition of every patient assessed as frequently as necessary, but not less often than annually.

Subd. 6. [CONSENT FOR MEDICAL PROCEDURE.] A patient has the right to prior consent to any medical or surgical treatment, other than the treatment of mental illness, mental retardation or chemical dependency. The following procedures shall be used to obtain consent for any treatment necessary to preserve the life or health of any committed patient:

- (1) The consent of a competent adult patient for the treatment is sufficient.*
- (2) If the patient is subject to guardianship or conservatorship which includes the provision of medical care, the consent of the guardian or conservator for the treatment is sufficient.*
- (3) If the head of the treatment facility determines that the patient is not competent to consent to the treatment and the patient has not been adjudicated incompetent, consent for the surgery shall be obtained from the nearest proper relative. For this purpose, the following persons are proper relatives, in the order listed: the patient's spouse, parent, adult child, or adult sibling. If the nearest proper relatives cannot be located or refuse to consent to the procedure, the head of the treatment facility or an interested person may petition the committing court for approval for the treatment or may petition an appropriate court for the appointment of a guardian or conservator. The determination that the patient is not competent, and the reasons for the determination, shall be documented in the patient's clinical record.*
- (4) Consent for a medical procedure upon a minor shall be governed by other provisions of law relating to the provision of treatment to minors.*
- (5) In the case of an emergency and when the persons ordinarily qualified to give consent cannot be located, the head of the treatment facility may give consent.*

No person who consents to treatment pursuant to the provisions of this subdivision shall be civilly or criminally liable for the performance or the manner of performing the treatment. No person shall be liable for performing treatment without consent if consent was given pursuant to this subdivision. This provision shall not affect any other liability which may result from the manner in which the operation is performed.

Subd. 7. [PROGRAM PLAN.] A person receiving services under this chapter has the right to receive proper care and treatment, best adapted, according to contemporary professional standards, to rendering further custody, institutionalization, or other services unnecessary. The treatment facility shall devise a written program plan for each person which describes in behavioral terms the case problems, the precise goals, including the expected period of time for treatment, and the specific measures to be employed. Each plan shall be reviewed at least quarterly to determine progress toward the goals, and to modify the program plan as necessary. The program plan shall be devised and reviewed with the designated agency and with the patient. The clinical record shall reflect the program plan review. If the designated agency or the patient does not participate in the planning and review, the clinical record shall include reasons for non-participation and the plans for future

involvement. The department of public welfare shall monitor the program plan and review process for regional centers to insure compliance with the provisions of this subdivision.

Subd. 8. [MEDICAL RECORDS.] A patient has the right to access to his medical records. Notwithstanding the provisions of section 144.335, subdivision 2, every person subject to a proceeding or receiving services pursuant to this chapter shall have complete access to all medical records relevant to commitment proceedings.

Subd. 9. [RIGHT TO COUNSEL.] A patient has the right to be represented by counsel at any proceeding under this chapter. The court shall appoint counsel to represent the proposed patient if neither the proposed patient nor others provide counsel. Counsel shall be appointed at the time a petition is filed pursuant to section 7. Counsel shall have the full right of subpoena. In all proceedings under this chapter, counsel shall: (1) consult with the person prior to any hearing; (2) be given adequate time to prepare for all hearings; (3) continue to represent the person throughout any proceedings under this charge unless released as counsel by the court; and (4) be a vigorous advocate on behalf of his client.

Subd. 10. [NOTIFICATION.] All persons admitted or committed to a treatment facility shall be notified in writing of their rights under this chapter at the time of admission.

Sec. 4. [253B.04] [INFORMAL ADMISSION PROCEDURES.]

Subdivision 1. [ADMISSION.] Any person 16 years of age or older may request to be admitted to a treatment facility as an informal patient for observation, evaluation, diagnosis, care and treatment without making formal written application. The head of the treatment facility shall not arbitrarily withhold consent.

Subd. 2. [RELEASE.] Every patient admitted for mental illness or mental retardation under this section shall be informed in writing at the time of his admission that he has a right to leave the facility within 12 hours of his request, unless held under another provision of this chapter. The request shall be submitted in writing to the head of the treatment facility. The head of the treatment facility may detain a person admitted for chemical dependency for three days, exclusive of Saturdays, Sundays, and legal holidays, after the date of the demand for release. If the head of the treatment facility deems it to be in the best interest of the person, his family, or the public, he shall petition for the commitment of the person pursuant to section 7.

Sec. 5. [253B.05] [EMERGENCY ADMISSION.]

Subdivision 1. [EMERGENCY HOLD.] Any person may be admitted or held for emergency care and treatment in a treatment facility with the consent of the head of the treatment facility upon a written statement by an examiner that: (1) he has examined the person not more than 15 days prior to admission, (2) he is of the opinion, for stated reasons, that the person is mentally ill, mentally retarded or chemically dependent, and is in imminent danger of causing injury to himself or others if not immediately restrained, and (3) an order of the court cannot be obtained in time to prevent the anticipated injury.

The statement shall be: (1) sufficient authority for a peace or health officer

to transport a patient to a treatment facility, (2) stated in behavioral terms and not in conclusory language, and (3) of sufficient specificity to provide an adequate record for review. A copy of the statement shall be personally served on the person immediately upon admission. A copy of the statement shall be maintained by the treatment facility.

Subd. 2. [PEACE OR HEALTH OFFICER HOLD.] (a) A peace or health officer may take a person into custody and transport him to a licensed physician or treatment facility if the officer has reason to believe that the person is mentally ill, mentally retarded or chemically dependent and in imminent danger of injuring himself or others if not immediately restrained. If the person is not endangering himself or any person or property, the peace or health officer may transport the person to his home. Application for admission of the person to a treatment facility shall be made by the peace or health officer. The application shall contain a statement given by the peace or health officer specifying the reasons for and circumstances under which the person was taken into custody. A copy of the statement shall be made available to the person taken into custody.

(b) A person may be admitted to a treatment facility for emergency care and treatment under this subdivision with the consent of the head of the facility if a written statement is made by the medical officer on duty at the facility that after preliminary examination the person has symptoms of mental illness, mental retardation or chemical dependency and appears to be in imminent danger of harming himself or others.

Subd. 3. [DURATION OF HOLD.] Any person held pursuant to this section may be held up to 72 hours, exclusive of Saturdays, Sundays, and legal holidays, after admission unless a petition for the commitment of the person has been filed in the probate court of the county of the person's residence or of the county in which the facility is located and the court issues an order pursuant to section 7, subdivision 6. If the head of the facility believes that commitment is required and no petition has been filed, he shall file a petition for the commitment of the person. The hospitalized person may move to have the venue of the petition changed to the probate court of the county of his residence, if he is a resident of Minnesota.

Subd. 4. [CHANGE OF STATUS.] Any person admitted pursuant to this section shall be changed to the informal status provided by section 4 upon his request in writing and with the consent of the head of the treatment facility.

Subd. 5. [NOTICE.] Every person held pursuant to this section shall be informed in writing at the time of admission of his rights to leave after 72 hours, to a medical examination within 48 hours, to change of venue, and to change to informal status. The head of the treatment facility shall, upon request, assist the person in exercising the rights granted in this subdivision.

Sec. 6. [253B.06] [MEDICAL EXAMINATION.] The head of a treatment facility shall arrange to have every patient hospitalized pursuant to section 4 or section 5 examined by a physician as soon as possible but no more than 48 hours following the time of admission.

At the end of a 48 hour period, any patient admitted pursuant to section 5 shall be discharged if an examination has not been held or if the examiner fails to notify the head of the treatment facility in writing that in his opinion the

patient is apparently in need of care, treatment, and evaluation as a mentally ill, mentally retarded, or chemically dependent person.

Sec. 7. [253B.07] [JUDICIAL COMMITMENT; PRELIMINARY PROCEDURES.]

Subdivision 1. [PRE-PETITION SCREENING.] (a) Prior to filing a petition for commitment of a proposed patient, a prospective petitioner shall apply to the designated agency in the county of the proposed patient's residence or presence for conduct of a preliminary investigation. The designated agency shall appoint a screening team to conduct an investigation which shall include:

(i) a personal interview with the proposed patient and other individuals who appear to have knowledge of the condition of the proposed patient. If the proposed patient is not interviewed, reasons must be documented;

(ii) identification and investigation of specific alleged conduct which is the basis for application; and

(iii) identification, exploration, and listing of the reasons for rejecting or recommending alternatives to involuntary placement.

(b) In conducting the investigation required by this subdivision, the screening team shall have access to all relevant medical records of proposed patients currently in treatment facilities. Data collected pursuant to this clause shall be considered private data on individuals.

(c) When the pre-petition screening team recommends commitment, a written report shall be sent to the county attorney for the county in which the petition is to be filed.

(d) If, upon completion of the investigation, the proposed patient is willing to enter treatment voluntarily or it appears that the clinical evidence does not warrant commitment, the pre-petition screening team shall refuse to support a petition.

(e) If the interested person wishes to proceed with a petition contrary to the recommendation of the pre-petition screening team, application may be made directly to the county attorney, who may determine whether or not to proceed with the petition. Notice of the county attorney's determination shall be provided to the interested party.

(f) If a court petitions for commitment pursuant to the rules of criminal procedure, the pre-petition investigation required by this section shall be completed within seven days after the filing of the petition.

Subd. 2. [THE PETITION.] *Any interested person may file a petition for commitment in the probate court of the county of the proposed patient's residence or presence. The petition shall set forth the name and address of the proposed patient, the name and address of his nearest relatives, and the reasons for the petition. The petition must contain factual descriptions of the proposed patient's recent behavior, including a description of the behavior, where it occurred, and over what period of time it occurred. Each factual allegation must be supported by observations of witnesses named in the petition. Petitions shall be stated in behavioral terms and shall not contain judgmental or conclusory statements. The petition shall be accompanied by a written statement by an examiner stating that he has examined the proposed*

patient within the 15 days preceding the filing of the petition and is of the opinion that the proposed patient is suffering a designated disability and should be committed to a treatment facility. The statement shall include the reasons for the opinion. If a petitioner has been unable to secure a statement from an examiner, the petition shall include documentation that a reasonable effort has been made to secure the supporting statement.

Subd. 3. [EXAMINERS.] After a petition has been filed, the probate court shall appoint an examiner. At the proposed patient's request, the court shall appoint a second examiner of the patient's choosing to be paid for by the county at a rate of compensation fixed by the court.

Subd. 4. [PRE-HEARING EXAMINATION; NOTICE AND SUMMONS PROCEDURE.] A summons to appear for a pre-hearing examination and the commitment hearing shall be served upon the proposed patient. A plain language notice of the proceedings and notice of the filing of the petition, a copy of the petition, a copy of the physician's supporting statement, and the order for examination and a copy of the pre-petition screening report shall be given to the proposed patient, his counsel, the petitioner, any interested person, and any other persons as the court directs. All papers shall be served personally on the proposed patient. Unless otherwise ordered by the court, the notice shall be served on the proposed patient by a non-uniformed person.

Subd. 5. [PRE-HEARING EXAMINATION; REPORT.] The examination shall be held at a treatment facility or other suitable place the court determines is not likely to have a harmful effect on the health of the proposed patient. The county attorney and the patient's attorney shall be permitted to be present during the examination. Either party may waive this right. Unless otherwise agreed by the counsel for the proposed patient, a court appointed examiner shall file three copies of his report with the court not less than 48 hours prior to the hearing. Copies of the examiner's report shall be sent to the proposed patient and his counsel.

Subd. 6. [APPREHEND AND HOLD ORDERS.] When there has been a particularized showing by the petitioner that serious imminent physical harm to the proposed patient or others is likely unless the proposed patient is apprehended or when the proposed patient has not voluntarily appeared for the examination or the commitment hearing pursuant to the summons, the court may direct a health officer, peace officer, or other person to take the proposed patient into custody and transport him to a treatment facility for observation, evaluation, diagnosis, care, treatment, and, if necessary, confinement. The order of the court may be executed on any day and at any time by the use of all necessary means including the imposition of necessary restraint upon the proposed patient. Unless otherwise ordered by the court, a peace officer taking the proposed patient into custody pursuant to this subdivision shall not be in uniform and shall not use a motor vehicle visibly marked as a police vehicle.

Subd. 7. [PROBABLE CAUSE HEARING.] (a) No proposed patient may be held pursuant to subdivision 6 for longer than 72 hours, exclusive of Saturdays, Sundays, and legal holidays, unless the court holds a preliminary hearing and determines that probable cause exists to continue to hold him.

(b) The proposed patient, his counsel, the petitioner, the county attorney, and any other persons as the court directs shall be given at least 24 hours written notice of the preliminary hearing. The notice shall include the alleged

grounds for confinement. The proposed patient shall be represented at the preliminary hearing by counsel. If the court finds it to be reliable, it may admit hearsay evidence, including written reports.

(c) The court may order the continued holding of the proposed patient if it finds, by a preponderance of the evidence, that serious imminent physical harm to the patient or others is likely if the proposed patient is not confined.

Sec. 8. [253B.08] [JUDICIAL COMMITMENT; HEARING PROCEDURES.]

Subdivision 1. [TIME FOR COMMITMENT HEARING.] The hearing on the commitment petition shall be held within 14 days from the date of the filing of the petition. For good cause shown, the court may extend the time of hearing up to an additional 30 days. When any proposed patient has not had a hearing on a petition filed for his commitment within the allowed time, the proceedings shall be dismissed. The proposed patient, or the head of the treatment facility in which he is held, may demand in writing at any time that the hearing be held immediately. Unless the hearing is held within five days of the date of the demand, exclusive of Saturdays, Sundays and legal holidays, the petition shall be automatically discharged if the patient is being held in a treatment facility pursuant to court order. For good cause shown, the court may extend the time of hearing on the demand for an additional ten days.

Subd. 2. [NOTICE OF HEARING.] The proposed patient, his counsel, the petitioner, and any other persons as the court directs shall be given at least five days' notice that a hearing will be held and at least two days' notice of the time and date of the hearing, except that any person may waive notice. Notice to the proposed patient may be waived by patient's counsel. If the proposed patient has no residence in this state, the commissioner shall be notified of the proceedings by the court.

Subd. 3. [RIGHT TO ATTEND AND TESTIFY.] All persons to whom notice has been given may attend the hearing and, except for the proposed patient's counsel, may testify. The court shall notify them of their right to attend the hearing and to testify. The court may exclude any person not necessary for the conduct of the proceedings from the hearings except any person requested to be present by the proposed patient. Nothing in this section shall prevent the court from ordering the sequestration of any witness or witnesses other than the petitioner or proposed patient.

Subd. 4. [WITNESSES.] The proposed patient or his counsel and the petitioner may present and cross-examine witnesses, including examiners, at the hearing. The court may in its discretion receive the testimony of any other person. Opinions of court-appointed examiners shall not be admitted into evidence unless the examiner is present to testify, except by agreement of the parties.

Subd. 5. [ABSENCE PERMITTED.] The court may permit the proposed patient to waive his right to attend the hearing if it determines that the waiver is freely given. All waivers shall be on the record. At the time of the hearing the patient shall not be so under the influence or suffering from the effects of drugs, medication, or other treatment so as to be hampered in participating in the proceedings. When in the opinion of the licensed physician or licensed consulting psychologist attending the patient the discontinuance of drugs, medi-

cation, or other treatment is not in the best interest of the patient, the court, at the time of the hearing, shall be presented a record of all drugs, medication or other treatment which the patient has received during the 48 hours immediately prior to the hearing.

Subd. 6. [PLACE OF HEARING.] The hearing shall be conducted in a manner consistent with orderly procedure. The hearing shall be held at a courtroom meeting standards prescribed by local court rule which may be at a treatment facility.

Subd. 7. [EVIDENCE.] The court shall admit all relevant evidence at the hearing. The court shall make its determination upon the entire record pursuant to the rules of evidence.

Subd. 8. [RECORD REQUIRED.] The court shall keep accurate records containing, among other appropriate materials, notations of appearances at the hearing, including witnesses, motions made and their disposition, and all waivers of rights made by the parties. The court shall take and preserve an accurate stenographic record or tape recording of the proceedings.

Sec. 9. [253B.09] [DECISION; STANDARD OF PROOF; DURATION.]

Subdivision 1. [STANDARD OF PROOF.] If the court finds by clear and convincing evidence that the proposed patient is a mentally ill, mentally retarded, or chemically dependent person and, that after careful consideration of reasonable alternative dispositions, including but not limited to, dismissal of petition, voluntary outpatient care, informal admission to a treatment facility, appointment of a guardian or conservator, or release before commitment as provided for in subdivision 4, it finds that there is no suitable alternative to judicial commitment, the court shall commit the patient to the least restrictive treatment facility which can meet the patient's treatment needs consistent with section 3, subdivision 7.

Subd. 2. [FINDINGS.] The court shall find the facts specifically, separately state its conclusions of law, and direct the entry of an appropriate judgment. Where commitment is ordered, the findings of fact and conclusions of law shall specifically state the proposed patient's conduct which is a basis for determining that each of the requisites for commitment is met.

If commitment is ordered, the findings shall also include a listing of less restrictive alternatives considered and rejected by the court and the reasons for rejecting each alternative.

Subd. 3. [FINANCIAL DETERMINATION.] The court shall determine the nature and extent of the property of the patient and of the persons who are liable for the patient's care. If the patient is committed to a regional facility, a copy shall be transmitted to the commissioner.

Subd. 4. [RELEASE BEFORE COMMITMENT.] After the hearing and before a commitment order has been issued, the court may release a proposed patient to the custody of any individual or agency upon conditions which guarantee the care and treatment of the patient. No person against whom a criminal proceeding is pending shall be released.

The court, on its own motion or upon the petition of any person, and after notice and a hearing, may revoke any release and commit the proposed patient pursuant to this chapter.

Subd. 5. [INITIAL COMMITMENT PERIOD.] (a) For persons committed as mentally retarded, the initial commitment shall not exceed 60 days. There shall be a review of the commitment before the end of 60 days pursuant to section 12.

(b) For persons committed as mentally ill, the initial commitment shall not exceed six months. At least 60 days, but not more than 90 days, after the commencement of the initial commitment of a person as mentally ill, the head of the facility shall file an interim written report with the committing court with a copy to the patient and his counsel. The report shall set forth the information required in section 12, subdivision 1. If no written report is filed within the required time, or if it describes the patient as not in need of further institutional care and treatment or outpatient supervision, the proceedings shall be terminated by the committing court, and the patient shall be discharged from the treatment facility.

(c) For persons committed as chemically dependent, the initial commitment shall not exceed 45 days. There shall be a review of the commitment before the end of the 45 days pursuant to section 12. Any subsequent commitment, within two years after a final discharge from commitment, shall not exceed 60 days. There shall be a review of the subsequent commitment before the end of 60 days pursuant to section 12. Commitment proceedings initiated more than two years after a previous final discharge may, after a review by the court of all relevant facts, be treated by the committing court as a petition for initial commitment.

Sec. 10. [253B.10] [PROCEDURES FOR COMMITMENT.]

Subdivision 1. [ADMINISTRATIVE REQUIREMENTS.] When a person is committed, the court shall issue a warrant in duplicate, committing the patient to the custody of the head of the treatment facility. Upon the arrival of a patient at the designated treatment facility, the head of the facility shall retain the duplicate of the warrant and endorse his receipt upon the original warrant, which shall be filed in the court of commitment. After arrival, the patient shall be under the control and custody of the head of the treatment facility.

Copies of the petition for commitment, the court's findings of fact and conclusions of law, the court order committing the patient, the report of the examiners, and the pre-petition report shall be provided to the treatment facility at the time of admission.

Subd. 2. [TRANSPORTATION.] When a proposed patient is about to be placed in a treatment facility, the court may order any responsible adult to transport the patient to the treatment facility. Unless otherwise ordered by the court, a peace officer who provides the transportation shall not be in uniform and shall not use a vehicle visibly marked as a police vehicle. The proposed patient may be accompanied by one or more interested persons.

When a proposed patient requests a change of venue or when a hearing is to be held for adjudication of a patient's status pursuant to section 17, the commissioner shall provide transportation.

Subd. 3. [NOTICE OF ADMISSION.] Whenever a committed person has been admitted to a treatment facility under the provisions of sections 9 or 18, the head of the facility shall immediately notify the patient's spouse or parent and the county of the patient's legal residence if the county may be liable for a portion of the cost of institutionalization. If the committed person was admitted

upon the petition of a spouse or parent the head of the treatment facility shall notify an interested person other than the petitioner.

Subd. 4. [PRIVATE INSTITUTIONALIZATION.] *Patients or other responsible persons are required to pay the necessary charges for patients committed or transferred to private treatment facilities. Private treatment facilities may refuse to accept a committed person.*

Sec. 11. [253B.11] [CONFINEMENT IN JAIL.]

Subdivision 1. [RESTRICTION.] *Except when ordered by the court pursuant to a finding of necessity to protect the life of the proposed patient or others, no person subject to the provisions of this chapter shall be confined in jail or correctional institution, except pursuant to chapters 242 or 244.*

Subd. 2. [FACILITIES.] *Each county or a group of counties shall maintain or provide by contract a facility for confinement of persons held temporarily for observation, evaluation, diagnosis, treatment, and care. When the confinement is provided at a regional center, the commissioner shall charge the responsible county for the costs of confinement. The charge shall be based on the commissioner's determination of the average per capita cost, other than that paid from the Minnesota state building fund, for persons hospitalized pursuant to section 5, subdivision 2 and section 7, subdivision 6, at all of the regional centers during the prior fiscal year.*

Subd. 3. [TREATMENT.] *The designated agency shall take reasonable measures to assure proper care and treatment of a person temporarily detained pursuant to this section.*

Sec. 12. [253B.12] [TREATMENT REPORT; REVIEW; HEARING.]

Subdivision 1. [REPORT.] *Prior to the termination of the initial commitment order or discharge of the patient, the head of the facility shall file a written report with the committing court with a copy to the patient and his counsel, setting forth in detailed narrative form at least the following: (1) the diagnosis of the patient with the supporting data; (2) the anticipated discharge date; (3) an individualized treatment plan; (4) a detailed description of the discharge planning process with suggested after care plan; (5) whether the patient is in need of further care and treatment with evidence to support the response; (6) whether any further care and treatment must be provided in a treatment facility with evidence to support the response; (7) whether in his opinion the patient must continue to be committed to a treatment facility; and (8) whether in his opinion the patient satisfies the statutory requirement for continued commitment, with documentation to support the opinion.*

Subd. 2. [BASIS FOR DISCHARGE.] *If no written report is filed within the required time or if the written statement describes the patient as not in need of further institutional care and treatment, the proceedings shall be terminated by the committing court, and the patient shall be discharged from the treatment facility. The commitment of a person committed as mentally ill shall automatically terminate at the end of the initial commitment period unless a new petition is filed pursuant to section 7 to continue the commitment.*

Subd. 3. [EXAMINATION.] *Prior to the hearing, the court shall inform the patient that he is entitled to an independent examination by an examiner chosen by the patient and appointed in accordance with provisions of section*

7, subdivision 3. *The report of the examiner may be submitted at the hearing.*

Subd. 4. [HEARING; STANDARD OF PROOF.] *The probate court shall not make a final determination of the need to continue commitment unless a hearing is held and the court finds by clear and convincing evidence that (1) the person continues to be mentally ill, mentally retarded or chemically dependent; (2) involuntary commitment is necessary for the protection of the patient or others; and (3) there is no alternative to involuntary commitment.*

In determining whether a person continues to be mentally ill, the court need not find that there has been a recent attempt or threat to physically harm himself or others, or a recent failure to provide necessary food, clothing, shelter, or medical care for himself. Instead, the court must find that the patient is likely to attempt to physically harm himself or others, or to fail to provide necessary food, clothing, shelter, or medical care for himself unless involuntary commitment is continued.

Subd. 5. [TIME FOR HEARING.] *The hearing shall be held within 14 days after receipt by the committing court of the report of the head of the treatment facility. The court may continue the hearing for good cause shown.*

The patient, his counsel, the petitioner, and other persons as the court directs shall be given at least five days notice of the time and place of the hearing.

Subd. 6. [WAIVER.] *A patient, after consultation with his counsel, may waive any hearing under this section or section 13 in writing. The waiver shall be signed by the patient and his counsel. The waiver must be submitted to the committing court.*

Subd. 7. [RECORD REQUIRED.] *Where continued commitment is ordered, the findings of fact and conclusions of law shall specifically state the conduct of the proposed patient which is the basis for the final determination, that the statutory criteria of commitment continue to be met, and that less restrictive alternatives have been considered and rejected by the court. Reasons for rejecting each alternative shall be stated. A copy of the final order for continued commitment shall be forwarded to the head of the treatment facility.*

Subd. 8. [TRANSFER TO INFORMAL STATUS.] *At any time prior to the expiration of the initial commitment period a patient who has not been committed as mentally ill and dangerous to the public may be transferred to informal status upon his application in writing with the consent of the head of the facility. Upon transfer the head of the treatment facility shall immediately notify the court in writing and the court shall terminate the proceedings.*

Sec. 13. [253B.13] [DURATION OF CONTINUED COMMITMENT.]

Subdivision 1. [MENTALLY ILL PERSONS.] *If at the conclusion of a hearing held pursuant to section 12, it is found that the criteria for continued commitment have been satisfied, the court shall determine the probable length of commitment necessary. No period of commitment shall exceed this length of time or 12 months, whichever is less. At the conclusion of the prescribed period, commitment may not be continued unless a new petition is filed pursuant to section 7 and hearing and determination made on it.*

Subd. 2. [MENTALLY RETARDED PERSONS.] *If, at the conclusion of a hearing held pursuant to section 12, it is found that a person continues to be*

mentally retarded, the court shall order commitment of the person for a period not to exceed one year. Additional annual renewals of that commitment may be imposed as follows:

(a) Thirty days prior to the expiration of the annual commitment period the head of the treatment facility shall file a written statement with the committing court and a copy of it with the commissioner and the patient's counsel, setting forth findings as to the condition of the patient; a diagnosis of the patient; whether the patient is in need of further care and treatment; whether the care and treatment, if any, must be provided in a treatment facility and if so what type.

(b) If no written statement is filed within the required time or if the written statement describes the patient as not in need of further institutional care and treatment, the proceedings shall be terminated by the committing court and the patient shall be discharged from the facility.

(c) If the written statement describes the patient as being in need of further institutional care and treatment, the committing court shall consider that finding in making its final determination. In addition, the committing court may examine the patient's records, request the patient to appear, and make other pertinent inquiries with respect to the patient's present need for confinement.

(d) If the court finds that the patient is not in need of further institutional care and treatment, the court shall order the head of the treatment facility to discharge the patient. If the court finds that the patient is in need of further institutional care and treatment, the court shall issue an order renewing the patient's commitment for an additional one year period.

Subd. 3. [CHEMICALLY DEPENDENT PERSONS.] If, at the conclusion of a hearing held pursuant to section 12, it is found that a person continues to be chemically dependent, the court shall order the continued commitment of the person for a period of time not to exceed one year.

Sec. 14. [253B.14] [TRANSFER OF COMMITTED PERSONS.]

The commissioner may transfer any committed person from one regional center to any other institution under his jurisdiction which is capable of providing proper care and treatment. When a committed person is transferred from one treatment facility to another, written notice shall be given to the committing court and to his parent or spouse or, if none is known, to an interested person, and the designated agency.

Sec. 15. [253B.15] [PROVISIONAL DISCHARGE; PARTIAL INSTITUTIONALIZATION.]

Subdivision 1. [PROVISIONAL DISCHARGE.] The head of the treatment facility may provisionally discharge any patient without discharging the commitment, unless he was found by the committing court to be mentally ill and dangerous to the public.

Each patient released on provisional discharge shall have an aftercare plan developed which specifies the expected period of provisional discharge, the precise goals for the granting of a final discharge, and conditions or restrictions on the patient during the period of the provisional discharge.

The aftercare plan shall be reviewed on a quarterly basis by the patient,

designated agency and other appropriate persons. The aftercare plan shall contain the grounds upon which a provisional discharge may be revoked. The provisional discharge shall terminate on the date specified in the plan unless specific action is taken to revoke or extend it.

Subd. 2. [REVOCATION OF PROVISIONAL DISCHARGE.] *The head of the treatment facility may revoke a provisional discharge if the patient has violated material conditions of the provisional discharge, and the violation creates a probable danger of harm to the patient or others if the provisional discharge is not revoked.*

Any interested person, including the designated agency, may request that the head of the treatment facility revoke the patient's provisional discharge. Any person making a request shall provide the head of the treatment facility with a written report setting forth the specific facts, including witnesses, dates and locations, supporting a revocation, demonstrating that every effort has been made to avoid revocation and that revocation is the least restrictive alternative available.

Subd. 3. [PROCEDURE; NOTICE.] *When the possibility of revocation becomes apparent, the designated agency shall notify the patient and all participants in the plan, and every effort shall be made to prevent revocation:*

Revocation shall be commenced by a notice of intent to revoke provisional discharge, which shall be served upon the patient, his attorney, and the designated agency. The notice shall set forth the grounds upon which the intention to revoke is based, and shall inform the patient of his rights under this chapter.

Subd. 4. [REVIEW; HEARING.] *Any interested person or the patient may request review of the intended revocation by notifying the head of the facility within 14 days of service of the notice upon the patient. Upon receipt of a request, the head of the treatment facility shall immediately file with the committing court a petition for review of the notice of intent to revoke. Any interested person or the patient may also file a petition for review. The court shall hold a hearing on the petition within 14 days of the filing of the petition. If the patient requests an immediate hearing, it shall be held within five days of the request.*

At the hearing, the burden of proof shall be upon the party seeking revocation. At the conclusion of the hearing, the court shall find the facts specifically, and may order that the patient's provisional discharge be revoked and the patient returned to the facility. The court shall affirm the revocation if it finds a factual basis for revocation due to a violation of the terms of provisional discharge or a probable danger of harm to the patient or others if the provisional discharge is not revoked. Otherwise the court shall order a return to provisional discharge status.

If neither the patient nor others requests a review hearing within 14 days, the revocation is final and the court, without hearing, may order the patient returned to the facility.

Subd. 5. [RETURN TO FACILITY.] *The head of the treatment facility may apply to the committing court for an order directing that the patient be returned to the facility. The court may order the patient returned to the facility prior to a review hearing only upon finding that immediate return to the facility is necessary to avoid serious, imminent harm to the patient or others.*

Subd. 6. [EXCEPTION.] During the first 60 days of a provisional discharge, the head of the treatment facility, upon finding that either of the conditions set forth in subdivision 1 exists, may revoke the provisional discharge without being subject to the provisions of subdivisions 2 to 5.

Subd. 7. [EXTENSION OF PROVISIONAL DISCHARGE.] (a) A provisional discharge may be extended if the patient has not achieved the goals set forth in the provisional discharge plan or continues to need the supervision or assistance provided by an extension of the provisional discharge. The designated agency shall recommend extension of a provisional discharge only after a preliminary conference with the patient and other appropriate persons. The patient shall be given the opportunity to object or make suggestions for alternatives to extension.

(b) Any recommendation for extension shall be made in writing to the head of the treatment facility and with a copy to the patient at least 30 days prior to the expiration of the provisional discharge. The written recommendation shall include: the specific grounds for recommending the extension, the date of the preliminary conference and results, the anniversary date of the provisional discharge, the termination date of the provisional discharge, and the proposed length of extension. If the grounds for recommending the extension occur less than 30 days before the expiration, the written recommendation shall be made as soon as practicable.

(c) The head of the facility shall issue a written decision regarding extension within five days after receiving the recommendation from the designated agency. In determining whether the provisional discharge is to be extended, the head of the treatment facility shall consider the willingness and ability of the patient to voluntarily obtain needed care and treatment.

Subd. 8. [EFFECT OF EXTENSION.] No provisional discharge, revocation, or extension shall extend the term of the commitment beyond the period provided for in the commitment order.

Subd. 9. [EXPIRATION OF PROVISIONAL DISCHARGE.] Except as otherwise provided, a provisional discharge is absolute when it expires. If, while on provisional discharge or extended provisional discharge, a patient is discharged as provided in section 16, the discharge shall be absolute.

Notice of the expiration of the provisional discharge shall be given by the head of the treatment facility to the committing court, the petitioner, the commissioner, and the designated agency.

Subd. 10. [VOLUNTARY RETURN.] With the consent of the head of the treatment facility, a patient may voluntarily return to inpatient status at the treatment facility as follows:

(a) As an informal patient, in which case the patient's commitment is discharged;

(b) As a committed patient, in which case the patient's provisional discharge is voluntarily revoked; or

(c) On temporary return from provisional discharge, in which case both the commitment and the provisional discharge remain in effect.

Prior to readmission, the patient shall be informed of his status upon read-

mission.

Subd. 11. [PARTIAL INSTITUTIONALIZATION.] The head of a treatment facility may place any committed person on a status of partial institutionalization. The status shall allow the patient to be absent from the facility for certain fixed periods of time. The head of the facility may terminate the status at any time.

Sec. 16. [253B.16] [DISCHARGE OF COMMITTED PERSONS.]

Subdivision 1. [DATE.] The head of a treatment facility shall discharge any patient admitted as mentally ill, mentally retarded or chemically dependent when certified by him to be no longer in need of institutional care and treatment or at the conclusion of any period of time specified in the commitment order, whichever occurs first.

Subd. 2. [NOTIFICATION OF DISCHARGE.] Prior to the discharge or provisional discharge of any committed person, the head of the treatment facility shall notify the designated agency and the patient's spouse, or if there is no spouse, then an adult child, or if there is none, the next of kin of the patient, of the proposed discharge. The notice shall be sent to the last known address of the person to be notified by certified mail with return receipt. The notice shall include the following: (1) the proposed date of discharge or provisional discharge; (2) the date, time and place of the meeting of the staff who have been treating the patient to discuss discharge and discharge planning; (3) the fact that the patient will be present at the meeting; and (4) the fact that the next of kin may attend that staff meeting and present any information relevant to the discharge of the patient. The notice shall be sent at least one week prior to the date set for the meeting.

Sec. 17. [253B.17] [RELEASE; JUDICIAL DETERMINATION.]

Subdivision 1. [PETITION.] Any patient, except one committed as mentally ill and dangerous to the public, or any interested person may petition the committing court or the court to which venue has been transferred for an order that the patient is not in need of continued institutionalization or for an order that an individual is no longer mentally ill, mentally retarded, or chemically dependent, or for any other relief as the court deems just and equitable.

Subd. 2. [NOTICE OF HEARING.] Upon the filing of the petition, the court shall fix the time and place for the hearing on it. Ten days' notice of the hearing shall be given to the county attorney, the patient, his counsel, the person who filed the initial commitment petition, the head of the treatment facility, and other persons as the court directs. Any person may oppose the petition.

Subd. 3. [EXAMINERS.] The court shall appoint an examiner and, at the patient's request, shall appoint a second examiner of the patient's choosing to be paid for by the county at a rate of compensation to be fixed by the court.

Subd. 4. [EVIDENCE.] The patient, his counsel, the petitioner and the county attorney shall be entitled to be present at the hearing and to present and cross-examine witnesses, including examiners. The court may hear any relevant testimony and evidence which is offered at the hearing.

Subd. 5. [ORDER.] Upon completion of the hearing, the court shall enter an order stating its findings and decision and mail it to the head of the treatment facility.

Sec. 18. [253B.18] [PROCEDURES FOR PERSONS MENTALLY ILL AND DANGEROUS TO THE PUBLIC.]

Subdivision 1. [PROCEDURE.] Upon the filing of a petition alleging that a proposed patient is mentally ill and dangerous to the public, the court shall hear the petition as provided in sections 7 and 8. If the court finds by clear and convincing evidence that the proposed patient is mentally ill and dangerous to the public, it shall commit the person to the Minnesota Security Hospital, a regional center designated by the commissioner or to a treatment facility. Admission procedures shall be carried out pursuant to section 10.

Subd. 2. [REVIEW.] There shall be a review of commitment at the end of 60 days. If no written review statement is filed within 60 days or if the statement describes the committed person as not in need of further institutional care and treatment, a further hearing shall be held by the committing court within 14 days after the court's receipt of the statement. The committing court shall then make the final determination.

Subd. 3. [INDETERMINATE COMMITMENT.] At the hearing held pursuant to subdivision 2, the court may order commitment of the proposed patient for an indeterminate period of time. Subsequent to a final determination that a patient is mentally ill and dangerous to the public, the patient shall be transferred, provisionally discharged, discharged, or have his commitment status altered only as provided in this section.

Subd. 4. [SPECIAL REVIEW BOARD.] The commissioner shall establish a special review board for persons committed as mentally ill and dangerous to the public. The board shall consist of three members experienced in the field of mental illness. One member of the special review board shall be a physician and one member shall be an attorney. No member shall be affiliated with the department of public welfare. The special review board shall meet at least every six months and at the call of the commissioner. It shall hear and consider all petitions for transfer out of the Minnesota Security Hospital, all petitions relative to discharge, provisional discharge and revocation of provisional discharge, and make recommendations to the commissioner concerning them.

Members of the special review board shall receive compensation and reimbursement for expenses as established by the commissioner of public welfare.

Subd. 5. [PETITION; NOTICE OF HEARING; ATTENDANCE; ORDER.] A petition for an order of transfer, discharge, provisional discharge, or revocation of provisional discharge shall be filed with the commissioner and may be filed by the patient or by the head of the treatment facility. The special review board shall hold a hearing on each petition prior to making any recommendation. Within 45 days of the filing of the petition, the committing court, the county attorney of the county of commitment, an interested person, the petitioner and his counsel shall be given written notice by the commissioner of the time and place of the hearing before the special review board. Only those entitled to statutory notice of the hearing or those administratively required to attend may be present at the hearing. The commissioner shall issue his order no later than 14 days after receiving the recommendation of the special review board. A copy of the order shall be sent by certified mail to every person entitled to attend the hearing within five days after it is issued. No order by the commissioner shall be effective sooner than 15 days after.

Subd. 6. [TRANSFER.] (a) Persons who have been found by the committing

court to be mentally ill and dangerous to the public shall not be transferred out of the Minnesota Security Hospital unless it appears to the satisfaction of the commissioner, after a hearing and favorable recommendation by a majority of the special review board, that the transfer is appropriate. Transfer may be to other regional centers under the commissioner's control. In those instances where a commitment also exists to the department of corrections, transfer may be to a facility designated by the commissioner of corrections.

The following factors are to be considered in determining whether a transfer is appropriate:

- (i) the person's clinical progress and present treatment needs;*
- (ii) the need for security to accomplish continuing treatment;*
- (iii) the need for continued institutionalization;*
- (iv) which facility can best meet the person's needs; and*
- (v) whether transfer can be accomplished with a reasonable degree of safety for the public.*

Subd. 7. [PROVISIONAL DISCHARGE.] Patients who have been found by the committing court to be mentally ill and dangerous to the public shall not be provisionally discharged unless it appears to the satisfaction of the commissioner, after a hearing and a favorable recommendation by a majority of the special review board, that the patient is capable of making an acceptable adjustment to open society.

The following factors are to be considered in determining whether a provisional discharge shall be recommended: (a) whether conditions exist to provide a reasonable degree of protection to the public and to assist the patient in adjusting to the community and (b) whether the patient's course of institutionalization and present mental status indicate there is no longer a need for in-hospital treatment and supervision.

Subd. 8. [PROVISIONAL DISCHARGE PLAN.] A provisional discharge plan shall be developed, implemented and monitored by the designated agency in conjunction with the patient, the treatment facility and other appropriate persons. The designated agency shall, at least quarterly, review the plan with the patient and submit a written report to the commissioner and the treatment facility concerning the patient's status and compliance with each term of the plan.

Subd. 9. [PROVISIONAL DISCHARGE; REVIEW.] A provisional discharge pursuant to this section shall not automatically terminate. A full discharge shall occur only as provided in subdivision 15. The commissioner shall annually review the facts relating to the activity of a patient on provisional discharge and notify the patient that the terms of the provisional discharge shall continue unless the patient requests a change in the conditions of provisional discharge or unless the patient acts to petition the special review board for a full discharge and the discharge is granted.

Subd. 10. [PROVISIONAL DISCHARGE; REVOCATION.] The head of the treatment facility may revoke a provisional discharge if any of the following grounds exist:

- (i) the patient has departed from the conditions of the provisional discharge*

plan;

(ii) the patient is exhibiting signs of a mental illness which may require in-hospital evaluation or treatment; or

(iii) the patient is exhibiting behavior which may be dangerous to self or others.

In all non-emergency situations, prior to revoking a provisional discharge, the head of the treatment facility shall obtain a report from the designated agency outlining the specific reasons for recommending the revocation, including but not limited to the specific facts upon which the revocation recommendation is based.

The patient must be provided a copy of the revocation report and informed orally and in writing of his rights under this section.

Subd. 11. [EXCEPTIONS.] During the first 60 days of a provisional discharge or if an emergency exists, the head of the treatment facility may revoke the provisional discharge and, either orally or in writing, order that the patient be immediately returned to the treatment facility. In emergency cases, a report documenting reasons for revocation shall be submitted by the designated agency within seven days after the patient is returned to the treatment facility.

Subd. 12. [RETURN OF PATIENT.] After revocation of a provisional discharge or if the patient is absent without authorization, the head of the treatment facility may request the patient to return to the treatment facility voluntarily. He may request a health officer, a welfare officer, or a peace officer to return the patient to the treatment facility. If a voluntary return is not arranged, the head of the treatment facility shall inform the committing court of the revocation or absence and the court shall direct a health or peace officer in the county where the patient is located to return the patient to the treatment facility or to another treatment facility. The expense of returning the patient to a treatment facility shall be paid by the commissioner unless paid by the patient or his relatives.

Subd. 13. [APPEAL.] Any patient aggrieved by a revocation decision may petition the special review board within 48 hours, exclusive of Saturdays, Sundays, and legal holidays, after receipt of the revocation report for a review of the revocation. The matter shall be scheduled within 30 days. The special review board shall review the circumstances leading to the revocation and shall recommend to the commissioner whether or not the revocation shall be upheld. The special review board may also recommend a new provisional discharge at the time of a revocation hearing.

Subd. 14. [VOLUNTARY READMISSION.] With the consent of the head of the treatment facility, a patient may voluntarily return from provisional discharge for a period of up to 30 days and be released from the treatment facility without a further review by the special review board. All the terms and conditions of the provisional discharge order shall remain unchanged if the patient is released again.

Subd. 15. [DISCHARGE.] A person who has been found by the committing court to be mentally ill and dangerous to the public shall not be discharged unless it appears to the satisfaction of the commissioner, after a hearing and a favorable recommendation by a majority of the special review board, that the

patient is capable of making an acceptable adjustment to society.

In determining whether a discharge shall be recommended, the special review board and commissioner shall consider whether specific conditions exist to provide a reasonable degree of protection to the public and to assist the patient in adjusting to the community. If the desired conditions do not exist, the discharge shall not be granted.

Sec. 19. [253B.19] [JUDICIAL APPEAL PANEL; PATIENTS MENTALLY ILL AND DANGEROUS TO THE PUBLIC.]

Subdivision 1. [CREATION.] The supreme court shall establish an appeal panel composed of three probate judges and two alternate probate judges appointed from among the acting probate judges of the state. Panel members shall serve for terms of one year each. Only three judges need hear any case. One of the regular three appointed judges shall be designated as the chief judge of the appeal panel. The chief judge is vested with power to fix the time and place of all hearings before the panel, issue all notices, subpoena witnesses, appoint counsel for the patient, if necessary, and supervise and direct the operation of the appeal panel. The chief judge shall designate one of the other judges or an alternate judge to act as chief judge in any case where he is unable to act. No member of the appeal panel shall take part in the consideration of any case in which that judge committed the patient in the probate court. The chief justice of the supreme court shall determine the compensation of the judges serving on the appeal panel. The compensation shall be in addition to their regular compensation as probate judges. All compensation and expenses of the appeal panel shall be paid by the department of public welfare.

Subd. 2. [PETITION; HEARING.] The committed person or the county attorney of the county from which a patient as mentally ill and dangerous to the public was committed may petition the appeal panel for a rehearing and reconsideration of a decision by the commissioner. The petition shall be filed with the supreme court within 30 days after the decision of the commissioner. The supreme court shall refer the petition to the chief judge of the appeal panel. The chief judge shall notify the patient, the county attorney of the county of commitment, the commissioner, the head of the treatment facility, any interested person, and other persons the chief judge designates, of the time and place of the hearing on the petition. The notice shall be given at least 14 days prior to the date of the hearing. The hearing shall be within 45 days of the filing of the petition. Any person may oppose the petition. The appeal panel may appoint examiners and may adjourn the hearing from time to time. It shall hear and receive all relevant testimony and evidence and make a record of all proceedings. The patient, his counsel, and the county attorney of the committing county may be present and present and cross-examine all witnesses.

Subd. 3. [DECISION.] A majority of the appeal panel shall rule upon the petition. The order of the appeal panel shall supersede the order of the commissioner in the cases. No order of the appeal panel granting a transfer, discharge or provisional discharge shall be made effective sooner than 15 days after it is issued.

Subd. 4. [EFFECT OF PETITION.] The filing of a petition shall immediately suspend the operation of any order for transfer, discharge, provisional discharge or release from custody of the patient. The patient shall not be discharged or released in any manner except upon order of a majority of the

appeal panel.

Subd. 5. [APPEAL TO SUPREME COURT.] An interested party panel may appeal from the decision of the appeal panel to the supreme court in the same manner as other appeals in civil actions. The filing of an appeal shall immediately suspend the operation of any order granting transfer, discharge or provisional discharge, pending the determination of the appeal.

Sec. 20. [253B.20] [DISCHARGE, ADMINISTRATIVE PROCEDURE.]

Subdivision 1. [NOTICE TO COURT.] When a committed person is discharged, provisionally discharged, transferred to another treatment facility, released, or partially hospitalized, or when he dies, is absent without authorization, or is returned, the treatment facility having custody of the patient shall notify the committing court.

Subd. 2. [NECESSITIES.] The head of the treatment facility shall make necessary arrangements at the expense of the state to insure that no patient is discharged, provisionally discharged, or released without suitable clothing. The head of the treatment facility shall, if necessary, provide the patient with a sufficient sum of money to secure transportation home, or to another destination of his choice, if the destination is located within a reasonable distance of the treatment facility. The commissioner shall establish procedures by rule to help the patient receive all public assistance benefits provided by state or federal law to which his residence and circumstances entitle him. The rule shall be uniformly applied in all counties. All counties shall provide temporary relief whenever necessary to meet the intent of this subdivision.

Subd. 3. [NOTICE TO DESIGNATED AGENCY.] The head of the treatment facility, upon the provisional discharge, partial institutionalization, or release of any committed person, shall notify the designated agency before the patient leaves the treatment facility. Whenever possible the notice shall be given at least one week before the patient is to leave the facility.

Subd. 4. [AFTER-CARE SERVICES.] Prior to the date of discharge, provisional discharge, partial institutionalization, or release of any committed person, the designated agency of the county of the patient's residence, in cooperation with the head of the treatment facility, and the patient's physician, if notified pursuant to subdivision 6, shall establish a continuing plan of after-care services for the patient including a plan for medical and psychiatric treatment, nursing care, vocational assistance, and other assistance the patient needs. The designated agency shall provide case management services, supervise and assist the patient in finding employment, suitable shelter, and adequate medical and psychiatric treatment, and aid in his readjustment to the community.

Subd. 5. [CONSULTATION.] In establishing the plan for after-care services the designated agency shall consult with persons or agencies, including any public health nurse and vocational rehabilitation personnel, to insure adequate planning and periodic review for after-care services.

Subd. 6. [NOTICE TO PHYSICIAN.] The head of the treatment facility shall notify the physician of any committed person at the time of the patient's discharge, provisional discharge, partial institutionalization, or release, unless the patient objects to the notice.

Subd. 7. [SERVICES.] A committed person may at any time after discharge,

provisional discharge, partial institutionalization, or release, apply to the head of the treatment facility within whose district he resides for treatment. If the head of the treatment facility determines that the applicant requires service, he may provide needed services related to mental illness, mental retardation, or chemical dependency to the applicant. The services shall be provided in regional centers under terms and conditions established by the commissioner.

Sec. 21. [253B.21] [COMMITMENT TO AN AGENCY OF THE UNITED STATES.]

Subdivision 1. [ADMINISTRATIVE PROCEDURES.] If the patient is entitled to care by any agency of the United States in this state, the commitment warrant shall be in triplicate, committing the patient to the joint custody of the head of the treatment facility and the federal agency. If the federal agency is unable or unwilling to receive the patient at the time of commitment, the patient may subsequently be transferred to it upon its request.

Subd. 2. [APPLICABLE REGULATIONS.] Any person, when admitted to an institution of a federal agency within or without this state, shall be subject to the rules and regulations of the federal agency, except that nothing in this section shall deprive any person of rights secured to patients of state treatment facilities by this chapter.

Subd. 3. [POWERS.] The chief officer of any treatment facility operated by a federal agency to which any person is admitted shall have the same powers as the heads of treatment facilities within this state with respect to admission, retention of custody, transfer, parole, release, or discharge of the committed person.

Subd. 4. [JUDGMENTS.] The judgment or order of commitment by a court of competent jurisdiction of another state committing a person to a federal agency for care or treatment, shall have the same force and effect as to the committed person while in this state as in the jurisdiction in which is situated the court entering the judgment or making the order. Consent is given to the application of the law of the committing state in respect to the authority of the chief officer of any treatment facility of a federal agency, to retain custody of, transfer, parole, release, or discharge the committed person.

Subd. 5. [TRANSFER.] Upon receipt of a certificate of a federal agency that facilities are available for the care or treatment of any committed person, the head of the treatment facility may transfer the person to a federal agency for care or treatment. Upon the transfer, the committing court shall be notified by the transferring agency. No person shall be transferred to a federal agency if he is confined pursuant to conviction of any felony or gross misdemeanor or if he has been acquitted of the charge solely on the ground of insanity, unless prior to transfer the committing court enters an order for the transfer after appropriate motion and hearing.

Written notice of the transfer shall be given to the patient's spouse or parent, or if none be known, to some other interested person.

Sec. 22. [253B.22] [REVIEW BOARDS.]

Subdivision 1. [ESTABLISHMENT.] The commissioner shall establish a review board of three or more persons for each regional center to review the admission and retention of patients institutionalized under this chapter. One

member shall be qualified in the diagnosis of mental illness or mental retardation and one member shall be an attorney. The commissioner may, upon written request from the appropriate federal authority, establish a review panel for any federal treatment facility within the state to review the admission and retention of patients hospitalized under this chapter. For any review board established for a federal treatment facility, one of the persons appointed by the commissioner shall be the commissioner of veterans affairs or his designee.

Subd. 2. [RIGHT TO APPEAR.] Each treatment facility shall be visited by the review board at least once every six months. Upon request each patient in the treatment facility shall have the right to appear before the review board during the visit.

Subd. 3. [NOTICE.] The head of the treatment facility shall notify each patient at the time of admission by a simple written statement of the patient's right to appear before the review board and the next date when the board will visit the treatment facility. A request to appear before the board need not be in writing. Any employee of the treatment facility receiving a request to appear before the board shall notify the head of the treatment facility of the request.

Subd. 4. [REVIEW.] The board shall review the admission and retention of patients at its respective treatment facility. The board may examine the records of all patients admitted and may examine personally at its own instigation all patients who from the records or otherwise appear to justify reasonable doubt as to continued need of confinement in a treatment facility. The review board shall report its findings to the commissioner and to the head of the treatment facility. The board may also receive reports from patients, interested persons, and treatment facility employees, and investigate conditions affecting the care of patients.

Subd. 5. [COMPENSATION.] Each member of the review board shall receive compensation and reimbursement as established by the commissioner.

Sec. 23. [253B.23] [GENERAL PROVISIONS.]

Subdivision 1. [COSTS OF HEARINGS.] (a) In each proceeding under this chapter the court shall allow and order paid to each witness subpoenaed the fees and mileage prescribed by law; to each examiner a reasonable sum for his services and for travel; to persons conveying the patient to the place of detention, disbursements for the travel, board, and lodging of the patient and of themselves and their authorized assistants; and to the patient's counsel, when appointed by the court, a reasonable sum for travel and for the time spent in court or in preparing for the hearing. Upon the court's order, the county auditor shall issue a warrant on the county treasurer for payment of the amounts allowed.

(b) When the residence of the patient is found to be in another county, the committing court shall transmit to the county auditor a statement of the expenses of the taking into custody, confinement, examination, commitment, conveyance to the place of detention, and rehearing. The auditor shall transmit the statement to the auditor of the county of the patient's residence. The claim shall be paid as other claims against that county. If the auditor to whom this claim is transmitted denies the claim, he shall transmit it, together with his objections to the commissioner. The commissioner shall determine the question of residence and certify his findings to each auditor. If the claim is not paid

within 30 days after certification, an action may be maintained on it in the district court of the claimant county.

(c) Whenever venue of a proceeding has been transferred under this chapter, the costs of the proceedings shall be reimbursed to the county of the patient's residence by the state.

Subd. 2. [LEGAL RESULTS OF COMMITMENT STATUS.] (a) Except as otherwise provided in this chapter and in sections 246.15 and 246.16, no person by reason of commitment or treatment pursuant to this chapter shall be deprived of any legal right, including but not limited to the right to dispose of property, sue and be sued, execute instruments, make purchases, enter into contractual relationships, vote, and hold a driver's license. Commitment or treatment of any patient pursuant to this chapter is not a judicial determination of legal incompetency except to the extent provided in section 3, subdivision 6.

(b) Proceedings for determination of legal incompetency and the appointment of a guardian for a person subject to commitment under this chapter may be commenced before, during, or after commitment proceedings have been instituted and may be conducted jointly with the commitment proceedings. The court shall notify the head of the treatment facility to which the patient is committed of a finding that the patient is incompetent.

(c) Where the person to be committed is a minor or owns property of value and it appears to the court that the person is not competent to manage his estate, the court shall appoint a general or special guardian or conservator of the person's estate as provided by law.

Subd. 3. [FALSE REPORTS.] Any person who willfully makes, joins in, or advises the making of any false petition or report, or knowingly or willfully makes any false representation for the purpose of causing the petition or report to be made or for the purpose of causing an individual to be improperly committed under this chapter, is guilty of a gross misdemeanor. The attorney general or his designee shall prosecute violations of this section.

Subd. 4. [IMMUNITY.] All persons acting in good faith, upon either actual knowledge or information thought by them to be reliable, who act pursuant to any provision of this chapter or who procedurally or physically assist in the commitment of any individual, pursuant to this chapter, are not subject to any civil or criminal liability under this chapter. Any privilege otherwise existing between patient and physician or between patient and examiner is waived as to any physician or examiner who provides information with respect to a patient pursuant to any provision of this chapter.

Subd. 5. [HABEAS CORPUS.] Nothing in this chapter shall be construed to abridge the right of any person to the writ of habeas corpus.

Subd. 6. [COURT COMMISSIONER.] The court commissioner may act for the probate judge upon a petition for the commitment of a patient when the probate judge is unable to act.

Subd. 7. [APPEAL.] The commissioner or any other aggrieved party may appeal to the district court from any order entered under this chapter in the manner prescribed in section 487.39.

Upon perfection of the appeal, the return shall be filed forthwith. The district court shall hear the appeal within 45 days after service of the notice of

appeal. This appeal shall not suspend the operation of the order appealed from until the appeal is determined, unless otherwise ordered by the district court. Notwithstanding any contrary provision in section 487.39, an appeal may be taken from the determination of a district court judge to the supreme court without leave of the supreme court.

Subd. 8. [RULES.] The commissioner shall establish rules consistent with the provisions of this chapter. The commissioner shall prescribe the form of applications, records, reports, and medical certificates required by this chapter and the information to be contained in them.

Subd. 9. [TRANSCRIPTS.] For purposes of taking an appeal or petition for habeas corpus or for a judicial determination of mental competency or need for commitment, transcripts of commitment proceedings, or portions of them, shall be made available to the parties upon written application to the court. Upon a showing by a party that he is unable to pay the cost of a transcript, it shall be made available at no expense to the party.

Subd. 10. [SEALING OF RECORDS.] Upon a motion by a person who has been the subject of a judicial commitment proceeding, the probate court for the county in which the person resides may seal all judicial records of the commitment proceedings if it finds that access to the records creates undue hardship for the person. The county attorney shall be notified of the motion and may participate in the hearings. All hearings on the motion shall be in camera. The files and records of the court in proceedings on the motion shall be sealed except to the moving party, county attorney, or other persons by court order.

Sec. 24. [REVISOR'S INSTRUCTIONS.]

In the next edition of Minnesota Statutes, the revisor of statutes shall:

(a) Change all reference to "chapter 253A" to read "chapter 253B";

(b) Change the reference to "sections 253A.01 to 253A.21" found in sections 147.021, subdivision 2; 148.32; 148.75; and 252A.11, subdivision 3, to read "chapter 253B";

(c) Change the reference in section 241.69, subdivision 4, from "253A.07" to "253B.07 to 253B.09";

(d) Change the reference in section 241.69, subdivision 8, from "253A.02" to "253B.02";

(e) Change the reference in section 284.28, subdivision 4, from "253A.07, subdivision 17" to "chapter 253B";

(f) Change the reference in section 462A.03, subdivision 16, from "253A.02, subdivision 3" to "253B.02, subdivision 13";

(g) Change the reference in section 462A.03, subdivision 17, from "253A.02, subdivision 5" to "253B.02, subdivision 14"; and

(h) Change all references in chapter 462A from "mentally deficient person" to "mentally retarded person".

Sec. 25. [REPEALER.]

Minnesota Statutes 1980, Sections 253A.01; 253A.02; 253A.03; 253A.04; 253A.05; 253A.06; 253A.07; 253A.075; 253A.08; 253A.09; 253A.10;

253A.11; 253A.12; 253A.14; 253A.15; 253A.16; 253A.17; 253A.18; 253A.19; 253A.20; 253A.21; 253A.22; and 253A.23, are repealed.

Sec. 26. [EFFECTIVE DATE.]

This act is effective August 1, 1982 and applies to any conduct, transaction, or proceeding within its terms which occurs after August 1, 1982. A proceeding for the commitment of a person to a treatment facility commenced before August 1, 1982 is governed by the law existing at the time the proceeding was commenced; provided, however, that if the proceedings are not terminated by August 1, 1983, they shall thereafter be governed by the provisions of sections 1 to 23. Any person committed pursuant to chapter 253A whose term of commitment is indeterminate shall have his status reviewed pursuant to the provisions of section 12 prior to February 1, 1984."

Delete the title and insert:

"A bill for an act relating to the commitment of persons who are mentally ill, mentally ill and dangerous, mentally retarded, or chemically dependent; providing for informal institutionalization by consent, involuntary emergency institutionalization and for involuntary commitment by civil judicial procedures; providing for rights of persons hospitalized under voluntary, emergency or involuntary judicial procedures; requiring pre-petition screening; providing for commitment hearings and procedures in conformance with due process; requiring a final hearing within 60 days before final determination of commitment; providing for commitment for determinate periods; providing for provisional discharge and partial institutionalization; requiring special review boards for mentally ill and dangerous and psychopathic personalities; establishing review boards for civilly committed persons; providing penalties; proposing new law coded as Minnesota Statutes, Chapter 253B; repealing Minnesota Statutes 1980, Sections 253A.01 to 253A.23."

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

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

S.F. No. 1840: A bill for an act relating to commerce; providing for a determination of when certain property held by a financial institution or business organization is presumed abandoned; amending Minnesota Statutes 1980, Sections 345.32, as amended; and 345.39, as amended.

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

Page 2, line 36, delete the comma

Page 2, line 36, after "or" insert "*, if the transaction is connected to this state, issued*"

Page 3, line 2, after "instruments" insert "*, including money orders,*"

Page 3, line 10, after the comma insert "*or, in the case of money orders, has been outstanding for more than seven years from the date of its issuance,*"

Page 3, line 11, after the second comma insert "*or within seven years in the case of money orders,*"

Page 5, line 4, delete "*Property covered by*"

Page 5, line 5, delete "written instruments certified or issued"

Page 5, line 6, delete "in another state" and insert "money orders"

Page 5, after line 6, insert:

"Sec. 3. [APPLICATION.]

Sections 1 and 2 do not create any right or duty or affect any right accrued, any duty imposed, any penalty incurred, or any proceeding commenced with respect to money orders issued before July 1, 1974. Any civil suit, action, or proceeding pending to enforce any alleged rights under the authority of sections 345.32 and 345.39 before the effective date of sections 1 and 2 may be disposed of without regard to the amendments enacted by sections 1 and 2."

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

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

S.F. No. 1644: A bill for an act relating to securities; removing the exemption from filing fees for an agent who is a primary officer, partner, or director of a licensed broker-dealer; amending Minnesota Statutes 1981 Supplement, Section 80A.28, Subdivision 2.

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

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

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.

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

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

H.F. No. 12: A bill for an act relating to public utilities; requiring commission approval of interim rate changes; amending Minnesota Statutes 1980, Sections 216B.16, Subdivision 3; and 237.075, Subdivision 3.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 216B.16, Subdivision 1, is amended to read:

Subdivision 1. [NOTICE.] Unless the commission otherwise orders, no public utility shall change ~~any~~ a rate which has been duly established under this chapter, except ~~after 90~~ upon 60 days notice to the commission, ~~which~~. The notice shall include statements of facts, expert opinions, substantiating documents, and exhibits, supporting the change requested, and ~~further shall~~ state the change proposed to be made in the rates then in force; and the time when the modified rates will go into effect. The filing utility shall give written notice, as approved by the commission, of the proposed change to the governing body of each municipality and county in the area affected. All proposed changes shall be shown by filing new schedules or shall be plainly indicated

upon schedules on file and in force at the time.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 216B.16, Subdivision 1a, is amended to read:

Subd. 1a. [SETTLEMENT BARRED.] When a public utility proposes changes in general rates that would increase general rates paid by consumers by more than \$500,000 *annually*, the commission shall not approve the change until after requiring the office of administrative hearings to conduct a contested case hearing on, at a minimum, the appropriate rate base, expense and revenue levels for the test year, and the rate of return. If the formal parties to the contested case choose not to cross-examine the testimony presented, it shall be the duty of the commission and its staff to make inquiry of the witnesses presented to ensure that the testimony is well reasoned and constitutes substantial evidence. After a report of the examiner has been issued, the commission may proceed to take action on the proposed rates consistent with the provisions of this section. The commission shall not accept any stipulation that is not agreed to by all intervening parties.

Sec. 3. Minnesota Statutes 1980, Section 216B.16, Subdivision 2, is amended to read:

Subd. 2. [SUSPENSION OF RATES; HEARING.] Whenever there is filed with the commission ~~any~~ a schedule modifying or resulting in a change in any rates then in force as provided in subdivision 1, the commission may suspend the operation of the schedule by filing with the schedule of rates and delivering to the affected utility a statement in writing of its reasons for the suspension, at any time before the rates become effective. The suspension shall not be for a longer period than ~~90 days~~ *ten months* beyond the ~~time when the schedule of rates would otherwise go into effect~~ *initial filing date*. During the suspension the commission shall determine whether all questions of the reasonableness of the rates requested raised by persons deemed interested or by the administrative division of the department of public service can be resolved to the satisfaction of the commission. If the commission finds that all significant issues raised have not been resolved to its satisfaction, or upon petition by ten percent of the affected customers or ~~400~~ *250* affected customers, whichever is less, it shall refer the matter to the office of administrative hearings with instructions for a public hearing as a contested case pursuant to chapter 15, ~~and may further extend the period of suspension for a period not to exceed a total of nine months except as otherwise provided in this section. The commission may order that the issues presented by the proposed rate changes be bifurcated into two separate hearings as follows: (1) determination of the utility's revenue requirements and (2) determination of the rate design. Upon issuance of both hearing examiner reports, the issues shall again be joined for consideration and final determination by the commission. All prehearing discovery activities of state agency intervenors shall be consolidated and conducted by the department of public service. If the commission does not make a final determination concerning any a schedule of rates within a period of nine ten months beyond after the time when the schedule of rates would otherwise go into effect, under subdivision 1~~ *initial filing date*, the schedule shall be deemed to have been approved by the commission. For the purposes of this ~~subdivision~~ *section*, "final determination" means the initial decision of the commission and not any order which may be entered by the commission in response to a petition for rehearing or other further relief. The commission may further suspend rates

until it determines all ~~such~~ *those* petitions.

Sec. 4. Minnesota Statutes 1980, Section 216B.16, Subdivision 3, is amended to read:

Subd. 3. [INTERIM RATES.] Notwithstanding any order of suspension of a proposed increase in rates, the public utility may put the suspended commission shall order an interim rate schedule into effect on the date when it would have become effective if not suspended, or any date subsequent thereto within the suspension period, by filing with the commission a bond in an amount approved by the commission with sureties approved by the commission, conditioned upon the refund, in a manner to be prescribed by order of the commission, of the excess in increased rates, including interest thereon which shall be at the current rate of interest as determined by the commission, collected during the period of the suspension if the schedule so put into effect is finally disallowed by the commission. There may be substituted for the bond other arrangements satisfactory to the commission for the protection of persons affected not later than 60 days after the initial filing date. The commission shall order the interim rate schedule *ex parte* without a public hearing. Notwithstanding the provisions of sections 216.24, 216.25, 216B.27 and 216B.52, no interim rate schedule ordered by the commission pursuant to this subdivision shall be subject to an application for a rehearing or an appeal to a court until the commission has rendered its final determination. Unless the commission finds that exigent circumstances exist, the interim rate schedule shall be calculated using the proposed test year cost of capital, rate base, and expenses, except that it shall include: (1) a rate of return on common equity for the utility equal to that authorized by the commission in the utility's most recent rate proceeding; (2) rate base or expense items the same in nature and kind as those allowed by a currently effective order of the commission in the utility's most recent rate proceeding; and (3) no change in the existing rate design. In the case of a utility which has not been subject to a prior commission determination, the commission shall base the interim rate schedule on its most recent determination concerning a similar utility.

If, at the time of its final determination, the commission finds that the interim rates are in excess of the rates in the final determination, the commission shall order the utility to refund the excess amount collected under the interim rate schedule, including interest thereon which shall be at the rate of interest determined by the commission. The utility shall commence distribution of the refund to its customers within 120 days of the final order, not subject to rehearing or appeal. If, at the time of its final determination, the commission finds that the interim rates are less than the rates in the final determination, the commission shall prescribe a method whereby the utility will recover the difference in revenues from the date of the final determination to the date the new rate schedules are put into effect.

If the public utility fails to make refunds within the period of time prescribed by the commission, the commission shall sue therefor and is authorized to may recover on behalf of all persons entitled to a refund. In addition to the amount of the refund and interest due, the commission shall be entitled to recover reasonable attorney's fees, court costs and estimated cost of administering the distribution of the refund to persons entitled thereto. No suit under this subdivision shall be maintained unless instituted within two years after the end of the period of time prescribed by the commission for repayment of refunds. However, no public utility The commission shall put a suspended not order an interim rate schedule into effect as provided by this subdivision until at least 90 days four months after the commission it has made a final determination

concerning any previously filed change of the rate schedule or the change has otherwise become effective under subdivision 2, *unless it finds that a four month delay would unreasonably burden the utility, its customers, or its shareholders and that an earlier imposition of interim rates is therefore necessary.*

Sec. 5. Minnesota Statutes 1980, Section 216B.16, Subdivision 5, is amended to read:

Subd. 5. [DETERMINATION.] If, after the hearing, the commission finds the rates to be unjust or unreasonable or discriminatory, the commission shall determine the level of rates to be charged or applied by the utility for the service in question and shall fix ~~the same~~ *them* by order to be served upon the utility; ~~and~~ . The rates ~~are~~ *shall* thereafter ~~to~~ be observed until changed, as provided by ~~Laws 1974, Chapter 429 this chapter.~~ In no event shall the rates exceed the level of rates requested by the public utility, except that individual rates may be adjusted upward or downward. *Rate design changes shall be prospective from the effective date of the new rate schedules approved by the commission.*

Sec. 6. Minnesota Statutes 1980, Section 216B.16, Subdivision 7, is amended to read:

Subd. 7. [ENERGY COST ADJUSTMENTS.] Notwithstanding any other provision of ~~Laws 1974, Chapter 429 this chapter,~~ the commission may permit a public utility to file rate schedules containing provisions for the automatic adjustment of charges for public utility service in direct relation to changes in federally regulated wholesale rates for energy delivered through interstate facilities or fuel used in generation of electricity or the manufacture of gas.

Sec. 7. Minnesota Statutes 1980, Section 237.075, Subdivision 1, is amended to read:

Subdivision 1. [NOTICE.] Unless the commission otherwise orders, no telephone company shall change ~~any~~ a rate which has been duly established under this chapter, except ~~after 90~~ *upon 60* days notice to the commission. The notice shall include statements of facts, expert opinions, substantiating documents, and exhibits, supporting the change requested, and state the change proposed to be made in the rates then in force, and the time when the modified rates will go into effect. The filing telephone company shall give written notice, as approved by the commission, of the proposed change to the governing body of each municipality and county in the area affected. All proposed changes shall be shown by filing new schedules or shall be plainly indicated upon schedules on file and in force at the time.

Sec. 8. Minnesota Statutes 1981 Supplement, Section 237.075, Subdivision 1a, is amended to read:

Subd. 1a. [SETTLEMENT BARRED.] When a telephone company proposes changes in general rates that would increase general rates paid by consumers by more than \$500,000 *annually*, the commission shall not approve the change until after requiring the office of administrative hearings to conduct a contested case hearing on, at a minimum, the appropriate rate base, expense and revenue levels for the test year, and the rate of return. If the formal parties to the contested case choose not to cross-examine the testimony presented, it shall be the duty of the commission and its staff to make inquiry of the witnesses presented to ensure that the testimony is well reasoned and consti-

tutes substantial evidence. After a report of the examiner has been issued, the commission may proceed to take action on the proposed rates consistent with the provisions of this section. The commission shall not accept any stipulation that is not agreed to by all intervening parties.

Sec. 9. Minnesota Statutes 1980, Section 237.075, Subdivision 2, is amended to read:

Subd. 2. [SUSPENSION OF RATES; HEARING.] ~~When~~ Whenever there is filed with the commission as provided in subdivision 1 a schedule modifying or resulting in a change in any rate then in force, the commission may suspend the operation of the schedule by filing ~~of~~ with the schedule of rates and delivering to the affected telephone company a statement in writing of its reasons for the suspension at any time before the rates become effective. The suspension shall not be for a longer period than ~~90 days~~ *ten months* beyond the time ~~when the schedule of rates would otherwise go into effect~~ *initial filing date*. During the suspension the commission shall determine whether all questions of the reasonableness of the rates requested raised by persons deemed interested or by the administrative division of the department of public service can be resolved to the satisfaction of the commission. If the commission finds that all significant issues raised have not been resolved to its satisfaction, or upon petition by ten percent of the affected customers or ~~400~~ *250* affected customers, whichever is less, it shall refer the matter to the office of administrative hearings with instructions for a public hearing as a contested case pursuant to chapter 15, ~~and may further extend the period of suspension; but in no event shall the period of suspension be more than nine months from the date when the schedule of rates would otherwise go into effect~~ *except as otherwise provided in this section*. The commission may order that the issues presented by the proposed rate changes be bifurcated into two separate hearings as follows: (1) determination of the telephone company's revenue requirements and (2) determination of the rate design. Upon issuance of both hearing examiner reports, the issues shall again be joined for consideration and final determination by the commission. All prehearing discovery activities of state agency intervenors shall be consolidated and conducted by the department of public service. If the commission does not make a final determination ~~on or before the expiration of 12 months from the date the rates were initially filed~~ *concerning a schedule of rates within ten months after the initial filing date*, the schedule of rates shall be deemed to have been approved by the commission. ~~The overcharge resulting from implementation of the schedule prior to the final determination of the commission shall be refunded to the customers of the telephone company in a manner prescribed by rules of the commission.~~ For the purposes of this subdivision section, "final determination" means the initial decision of the commission and not any order which may be entered by the commission in response to a petition for rehearing or other further relief. The commission may further suspend rates until it determines all ~~such~~ *those* petitions.

Sec. 10. Minnesota Statutes 1980, Section 237.075, Subdivision 3, is amended to read:

Subd. 3. [INTERIM RATES.] Notwithstanding any order of suspension of a proposed increase in rates, the ~~telephone company may put the suspended commission shall order an interim rate schedule into effect on the date when it would have become effective if not suspended; or any date subsequent thereto within the suspension period; by filing with the commission a bond in an amount approved by the commission with sureties approved by the commission; conditioned upon the refund, in a manner to be prescribed by order of the commission; of the excess in increased rates, including interest thereon which~~

shall be at the current rate of interest as determined by the commission, collected during the period of the suspension if the schedule so put into effect is finally disallowed by the commission. There may be substituted for the bond other arrangements satisfactory to the commission for the protection of persons affected not later than 60 days after the initial filing date. The commission shall order the interim rate schedule *ex parte* without a public hearing. Notwithstanding the provisions of sections 216.24, 216.25, and 237.25, no interim rate schedule ordered by the commission pursuant to this subdivision shall be subject to an application for a rehearing or an appeal to a court until the commission has rendered its final determination. Unless the commission finds that exigent circumstances exist, the interim rate schedule shall be calculated using the proposed test year cost of capital, rate base, and expenses, except that it shall include: (1) a rate of return on common equity for the company equal to that authorized by the commission in the company's most recent rate proceeding; (2) rate base or expense items the same in nature and kind as those allowed by a currently effective order of the commission in the company's most recent rate proceeding; and (3) no change in the existing rate design, except for products and services offered by nonregulated competitors. In the case of a company which has not been subject to a prior commission determination or has not had a general rate adjustment in the preceding three years, the commission shall base the interim rate schedule on its most recent determination concerning a similar company.

If, at the time of its final determination, the commission finds that the interim rates are in excess of the rates in the final determination, the commission shall order the company to refund the excess amount collected under the interim rate schedule, including interest thereon which shall be at the rate of interest determined by the commission. The company shall commence distribution of the refund to its customers within 120 days of the final order, not subject to rehearing or appeal. If, at the time of its final determination, the commission finds that the interim rates are less than the rates in the final determination, the commission shall prescribe a method whereby the company will recover the difference in revenues from the date of the final determination to the date the new rate schedules are put into effect.

If the telephone company fails to make refunds within the period of time prescribed by the commission, the commission shall sue therefor and is authorized to may recover on behalf of all persons entitled to a refund. In addition to the amount of the refund and interest due, the commission shall be entitled to recover reasonable attorney's fees, court costs and estimated cost of administering the distribution of the refund to persons entitled thereto. No suit under this subdivision shall be maintained unless instituted within two years after the end of the period of time prescribed by the commission for repayment of refunds. However, no telephone company The commission shall put a suspended not order an interim rate schedule into effect as provided by this subdivision until at least 90 days four months after the commission it has made a final determination concerning any previously filed change of the rate schedule or the change has otherwise become effective under subdivision 2, unless it finds that a four month delay would unreasonably burden the company, its customers, or its shareholders and that an earlier imposition of interim rates is therefore necessary.

Sec. 11. Minnesota Statutes 1980, Section 237.075, Subdivision 5, is amended to read:

Subd. 5. [DETERMINATION.] If, after the hearing, the commission finds

the rates to be unjust or unreasonable or discriminatory, the commission shall determine the rates to be charged or applied by the telephone company for the service in question and shall fix them by order to be served upon the telephone company. The rates shall thereafter be observed until changed, as provided by this chapter. In no event shall the rates exceed the level ~~of~~ of rates requested by the telephone company, except that individual rates may be adjusted upward or downward. *Rate design changes shall be prospective from the effective date of the new rate schedules approved by the commission.*

Sec. 12. Minnesota Statutes 1980, Section 237.075, Subdivision 6, is amended to read:

Subd. 6. [FACTORS TO BE CONSIDERED.] The commission, in the exercise of its powers under this chapter to determine just and reasonable rates for telephone companies, shall give due consideration to the public need for adequate, efficient, and reasonable service and to the need of the telephone company for revenue sufficient to enable it to meet the cost of furnishing the service, including adequate provision for depreciation of its telephone company property used and useful in rendering service to the public, and to earn a fair and reasonable return upon the investment in the property. In determining the rate base upon which the telephone company is to be allowed to earn a fair rate of return, the commission shall give due consideration to evidence of the cost of the property when first devoted to public use, to prudent acquisition cost to the telephone company, less appropriate depreciation on each ~~cost~~, to construction work in progress, to offsets in the nature of capital provided by sources other than the investors, and to other expenses of a capital nature. To the extent that construction work in progress is included in the rate base, the income used in determining the actual return on the telephone company property ~~shall~~ may include an allowance for funds used during construction. For purposes of determining rate base, the commission shall consider the original cost of telephone company property included in the base and shall make no allowance for its estimated current replacement value.

Sec. 13. [EFFECTIVE DATE.]

This act is effective May 1, 1982, and applies to all applications for general rate changes filed after May 1, 1982."

Delete the title and insert:

"A bill for an act relating to public utilities; revising the process for approval of rate changes; abolishing "rates under bond"; providing for interim rates; amending Minnesota Statutes 1980, Sections 216B.16, Subdivisions 1, 2, 3, 5, and 7; and 237.075, Subdivisions 1, 2, 3, 5, and 6; and Minnesota Statutes 1981 Supplement, Sections 216B.16, Subdivision 1a; and 237.075, Subdivision 1a."

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. 198: A bill for an act relating to information practices of public bodies; regulating the treatment of government data; providing conditions for disclosure; enacting the uniform information practices code; providing penalties; amending Minnesota Statutes 1980, Sections 3.97, Subdivisions 9 and 11;

10A.02, Subdivision 11a; 72A.062, Subdivision 2; 115A.14, Subdivision 3; 123.704; 123.741, Subdivision 5; 136A.162; 144.1761, Subdivision 2; 144.216, Subdivision 2; 144.218; 144.225, Subdivision 1; 144.691, Subdivision 4; 144.693; 144A.10, Subdivision 3; 145.925, Subdivision 6; 147.073, Subdivision 1; 169.126, Subdivision 2; 197.603, Subdivision 2; 241.44, Subdivision 1a; 241.62, Subdivision 5; 241.66, Subdivision 1; 245.69, Subdivision 2; 256B.27, Subdivision 5; 268.40, Subdivision 3; 270A.11; 299F.055; 362.53, Subdivision 17; 462A.065; 481.15, Subdivision 3; 626.556, Subdivision 11; and 626.557, Subdivisions 11 and 12; proposing new law coded as Minnesota Statutes, Chapter 16B; repealing Minnesota Statutes 1980, Sections 15.1611; 15.162; 15.1621; 15.163; 15.1642; 15.165; 15.166; 15.167; 15.1671; 15.1672; 15.1673; 15.1674; 15.1675; 15.1676; 15.1677; 15.1678; 15.1679; 15.1681; 15.1691; 15.1692; 15.1693; 15.1694; 15.1695; 15.1696; 15.1697; 15.1698; and 15.1699.

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

Page 5, line 7, after the period, insert "*The provisions of this clause do not apply to the charges imposed by the department of public safety for searching for, maintaining, copying, or providing copies of motor vehicle or drivers license records.*"

Page 5, line 9, delete "*in writing*"

Page 5, line 10, after "*requester*" insert "*in writing*"

Page 5, line 24, after "*rules*" insert "*or procedures*"

Page 7, line 15, delete "*such*" and insert "*that*"

Page 9, line 32, after "*except*" insert "*(i)*"

Page 9, line 34, before the semicolon, insert "*and (ii) the prosecuting authority shall release investigative records collected by a law enforcement agency to the victim of a criminal act or his legal representative upon written request unless the prosecuting authority reasonably believes that the release of those records will interfere with the investigation or that the request is prompted by a desire on the part of the requester to engage in unlawful activities*"

Page 10, after line 20, insert:

"(c) *Notwithstanding any other provision of this chapter, the disclosure of any individually identifiable record specified in article VI is a clearly unwarranted invasion of personal privacy.*"

Page 17, line 20, delete "*thereof*" and insert "*of them*"

Page 19, line 36, before the period, insert "*in the department of administration*"

Page 20, line 1, delete "*governor*" and insert "*commissioner of administration*"

Page 20, line 1, delete "*with the advice and consent*"

Page 20, line 2, delete "*of the senate*"

Page 20, line 3, delete "*who is its chief executive officer*"

Page 20, line 10, delete "(freedom of information),"

Page 20, line 32, delete "(disclosure of personal"

Page 20, line 33, delete "records)."

Page 22, line 6, delete "rulemaking procedures of" and insert "procedure act"

Page 22, line 7, delete "this state"

Page 23, after line 6, insert:

"PROTECTED INFORMATION

Section 16B.6-101. [GENERAL.]

Disclosure of any individually identifiable information specified in this article is a clearly unwarranted invasion of personal privacy.

Sec. 16B.6-102. [LIBRARY RECORDS.]

Subdivision 1. [INFORMATION PRACTICES.] All records collected, maintained, used or disseminated by a public library shall be administered in accordance with the provisions of this chapter.

Subd. 2. [PUBLIC LIBRARY RECORDS.] That portion of records maintained by a public library which links a library patron's name with materials requested or borrowed by the patron or which links a patron's name with a specific subject about which the patron has requested information or materials is not subject to disclosure except pursuant to a valid court order.

Sec. 16B.6-103. [MEDICAL EXAMINER RECORDS.]

Subdivision 1. [DEFINITION.] As used in this section, "medical examiner records" means records relating to deceased individuals and the manner and circumstances of their death which is created, collected, used or maintained by a county coroner or medical examiner in the fulfillment of his official duties pursuant to chapter 390, or any other general or local law on county coroners or medical examiners.

Subd. 2. [PUBLIC RECORD.] Unless specifically classified otherwise by state statute or federal law, the following records created or collected by a medical examiner or coroner on a deceased individual are subject to disclosure: name of the deceased; date of birth; date of death; address; sex; race; citizenship; height; weight; hair color; eye color; build; complexion; age, if known, or approximate age; identifying marks, scars and amputations; a description of the decedent's clothing; marital status; location of death, including name of hospital where applicable; name of spouse; whether or not the decedent ever served in the armed forces of the United States; social security number; occupation; business; father's name; mother's maiden name; birthplace; birthplace of parents; cause of death; causes of cause of death; whether an autopsy was performed and if so, whether it was conclusive; date and place of injury, if applicable, including work place; how injury occurred; whether death was caused by accident, suicide, homicide, or was of undetermined cause; certification of attendance by physician; physician's name and address; certification by coroner or medical examiner; name and signature of coroner or medical examiner; type of disposition of body; burial place name and location, if applicable; date of burial, cremation or removal; funeral home

name and address; and name of local register or funeral director.

Subd. 3. [UNIDENTIFIED INDIVIDUAL; PUBLIC RECORD.] Whenever a county coroner or medical examiner is unable to identify a deceased individual subject to his investigation, he may release to the public any relevant records which would assist in ascertaining identity.

Subd. 4. [CONFIDENTIAL NONDISCLOSABLE RECORDS.] Records created or collected by a county coroner or medical examiner which are part of an active investigation mandated by chapter 390, or any other general or local law relating to coroners or medical examiners are not subject to disclosure until the completion of the coroner's or medical examiner's final summary of findings. Nothing in this subdivision shall be construed to make the records identified in subdivision 2 not subject to disclosure at any point in the investigation or thereafter.

Subd. 5. [PRIVATE RECORDS.] All other medical examiner records on deceased individuals are not subject to disclosure except pursuant to the provisions of chapter 390, or any other general or local law on county coroners or medical examiners, or pursuant to a valid court order.

Subd. 6. [OTHER RECORDS.] Unless a statute specifically provides a different classification, all other records created or collected by a county coroner or medical examiner that are not records on deceased individuals or the manner and circumstances of their death are subject to disclosure.

Subd. 7. [COURT REVIEW.] Any person may petition the district court located in the county where medical examiner records are being maintained to authorize disclosure of private or confidential medical examiner records. The petitioner shall notify the medical examiner or coroner. The court may notify other interested persons and require their presence at a hearing. A hearing may be held immediately if the parties agree, and in any event shall be held as soon as practicable. After examining the records in camera, the court may order their disclosure if it determines that disclosure would be in the public interest.

Subd. 8. [ACCESS.] The records made nondisclosable by this section shall be accessible to the legal representative of the decedent's estate or to the decedent's surviving spouse or next of kin or their legal representative after the completion of the coroner's or medical examiner's final summary of findings.

Sec. 16B.6-104. [CORRECTIONS OMBUDSMAN RECORDS.]

Subdivision 1. [NONDISCLOSABLE RECORDS.] The following records maintained by the ombudsman for corrections are not subject to disclosure:

(a) All records on individuals pertaining to contacts made by clients seeking the assistance of the ombudsman, except as specified in subdivisions 2 and 3;

(b) Records derived from personal conversations and phone conversations and in correspondence between the ombudsman's staff and persons interviewed during the course of an investigation;

(c) Client index cards;

(d) Case assignment data; and

(e) Monthly closeout data.

Subd. 2. [RESTRICTED RECORDS.] The following records maintained by the ombudsman are classified as not subject to disclosure even to its subject: the written summary of the investigation to the extent it identifies individuals.

Subd. 3. [PUBLIC RECORDS.] The following records maintained by the ombudsman may be disclosed: client name; client location; and the inmate identification number assigned by the department of corrections.

Sec. 16B. 6-105. [DOMESTIC ABUSE RECORDS.]

All government records on individuals which are collected, created, received or maintained by police departments, sheriffs' offices or clerks of court pursuant to the domestic abuse act, section 518B.01, are not subject to disclosure until a temporary court order made pursuant to subdivisions 5 or 7 of section 518B.01 is executed or served upon the subject who is the respondent to the action.

VII"

Page 23, line 10, after "9." insert "[INFORMATION PRACTICES.]"

Page 23, line 20, after "11." insert "[AUDIT; INFORMATION PRACTICES.]"

Page 23, line 22, strike everything after "are"

Page 23, line 23, strike everything before "until" and insert "*not subject to disclosure*"

Page 23, line 27, strike everything after "are"

Page 23, line 28, strike everything before "until" and insert "*not subject to disclosure*"

Page 23, line 32, strike "private" and insert "*not accessible to the public but accessible to the individual who supplied the data*"

Page 24, line 4, after "11a." insert "[INFORMATION PRACTICES.]"

Page 24, lines 10 and 14, strike "any such" and insert "*the*"

Page 24, after line 15, insert:

"Sec. 4. Minnesota Statutes 1981 Supplement, Section 15.781, Subdivision 2, is amended to read:

Subd. 2. [PRIVATE DATA.] The following data collected, created or maintained by any licensing agency are classified as private, pursuant to section 15.162, subdivision 5a: ~~data; other than their names and addresses, submitted by licensees and applicants for licenses;~~ the identity of complainants who have made reports concerning licensees or applicants which appear in inactive complaint data unless the complainant consents to having his or her name disclosed; the nature or content of unsubstantiated complaints when the information is not maintained in anticipation of legal action; the identity of patients whose medical records are received by any health licensing agency for purposes of review or in anticipation of a contested matter; inactive investigative data relating to violations of statutes or rules; and the record of any disciplinary proceeding except as limited by subdivision 4."

Page 24, line 18, after "2." insert "[REPORT.]"

Page 24, line 25, strike the comma

Page 24, strike line 26

Page 24, line 27, strike everything before the colon

Page 25, line 20, strike "such" and insert "the"

Page 25, line 21, strike "is authorized and directed to" and insert "shall"

Page 26, line 1, strike everything after "district"

Page 26, line 2, strike "individual" and insert ". No individually identifiable record"

Page 26, line 6, after "5." insert "[REPORT; DISTRIBUTION.]"

Page 26, line 20, strike "data" and insert "*personal records, except names and addresses of program recipients and participants,*"

Page 26, line 23, strike everything after "board"

Page 26, line 24, before "not" insert "are"

Page 26, strike lines 26 and 27

Page 27, line 8, strike "; said" and insert ". The"

Page 27, lines 12 and 13, strike "; said" and insert ". The"

Page 27, line 32, after "2." insert "[REPORT.]"

Page 27, line 35, strike "shall be confidential"

Page 27, line 36, strike "and"

Page 28, line 5, after "1." insert "[INFORMATION PRACTICES.]"

Page 28, lines 9 and 31, strike "are confidential"

Page 28, lines 10 and 32, strike "and"

Page 29, line 14, after "order" insert a comma

Page 29, line 15, strike ", and " and insert a period

Page 29, line 16, strike "shall be confidential"

Page 29, line 17, strike "and"

Page 30, line 12, strike "; and" and insert ". He"

Page 30, line 18, strike "On or before September"

Page 30, line 19, strike "1, 1976, and"

Page 30, line 20, strike "thereafter"

Page 31, line 19, strike "On December 1, 1976, and"

Page 31, line 19, strike "thereafter"

Page 31, line 34, strike "Laws 1976, Chapter 325" and insert "*this section*"

Pages 31 and 32, delete section 15 and insert:

"Sec. 16. Minnesota Statutes 1981 Supplement, Section 144A.10, Sub-

division 3, is amended to read:

Subd. 3. [REPORTS; POSTING.] After each inspection or reinspection required or authorized by this section, the commissioner of health shall, by certified mail, send copies of any correction order or notice of noncompliance to the nursing home. A copy of each correction order and notice of noncompliance, and copies of any documentation supplied to the commissioner of health or the commissioner of public welfare under sections 144A.03 or 144A.05 shall be kept on file at the nursing home and shall be made available for viewing by any person upon request. Except as otherwise provided by this subdivision, a copy of each correction order and notice of noncompliance received by the nursing home after its most recent inspection or reinspection shall be posted in a conspicuous and readily accessible place in the nursing home. No correction order or notice of noncompliance need be posted until any appeal, if one is requested by the facility, pursuant to subdivision 8, has been completed. All correction orders and notices of noncompliance issued to a nursing home owned and operated by the state or political subdivision of the state shall be circulated and posted at the first public meeting of the governing body after the order or notice is issued. ~~Confidential~~ Information protected by ~~section 15.163 or section 15.1691, shall not be made available or posted as provided in this subdivision unless it the uniform information practices code~~ may be made available ~~or posted~~ only in a manner authorized by ~~sections 15.1611 to 15.1699 the code.~~

Page 32, line 29, after "6." insert "[RIGHT TO REFUSE.]"

Page 33, line 18, strike " , which" and insert " . The file"

Page 33, line 19, strike "private information"

Page 33, line 32, after "2." insert "[REPORT.]"

Page 34, line 2, strike "classified as private data on"

Page 34, line 3, strike "individuals"

Page 34, delete section 19 and insert:

"Sec. 20. Minnesota Statutes 1981 Supplement, Section 197.603, Subdivision 2, is amended to read:

Subd 2. [INFORMATION.] ~~Pursuant to sections 15.1611 to 15.1699~~ The veterans service officer is the responsible authority with respect to all records in his custody. The data on clients' applications for assistance ~~is private data on individuals, as defined in section 15.162, subdivision 5a~~ are accessible to its individual subject but not to the public."

Page 34, delete section 21 and insert:

"Sec. 22. Minnesota Statutes 1981 Supplement, Section 241.62, Subdivision 5, is amended to read:

Subd. 5. [CLASSIFICATION OF DATA COLLECTED BY GRANTEEES.] Personal history information and other information collected, used or maintained by a grantee from which the identity of any battered woman may be determined is ~~private data on individuals, as defined in section 15.162, subdivision 5a~~ accessible to its individual subject but not to the public, and the grantee shall maintain the data in accordance with the ~~provisions of sections~~

~~45.1611 to 45.1699~~ *uniform information practices code.*"

Page 35, line 10, after "2." insert "[RULES.]"

Page 35, line 15, strike "both temporary and permanent"

Page 35, line 35, strike "and" and insert ". It"

Page 37, line 4, strike "private data,"

Page 37, line 5, delete "its" and insert "their"

Page 37, line 9, after "3." insert "[INFORMATION PRACTICES.]"

Page 37, line 10, strike "are"

Page 37, line 11, strike "private data on individuals and"

Page 37, line 22, strike "private and"

Page 37, line 23, strike "confidential"

Page 37, line 30, strike "any such" and insert "the"

Page 38, line 2, after "shall" insert "not"

Page 38, line 3, strike "confidential data"

Page 38, line 3, delete "and"

Page 38, line 4, delete "shall not be"

Page 38, delete section 28 and insert:

"Sec. 29. Minnesota Statutes 1981 Supplement, Section 362.53, Subdivision 17, is amended to read:

Subd. 17. [INFORMATION PRACTICES.] Financial information, including, but not limited to, credit reports, financial statements, and net worth calculations, received or prepared by the agency regarding any agency loan is ~~private data with regard to data on individuals as defined in section 15.162, subdivision 5a~~ *accessible to its individual subject but not to the public and non public data not subject to disclosure with regard to data not on individuals as defined in section 15.162, subdivision 5e.*"

Page 38, line 21, strike "private data on individuals,"

Pages 38 to 40, delete sections 30 and 31 and insert:

"Sec. 31. Minnesota Statutes 1981 Supplement, Section 626.556, Subdivision 11, is amended to read:

Subd. 11. [RECORDS.] All records maintained by a local welfare agency under this section, including any written reports filed under subdivision 7, shall be ~~private data on individuals accessible to their individual subject but not to the public~~, except insofar as copies of reports are required by subdivision 7 to be sent to the local police department or the county sheriff. Report records maintained by any police department or the county sheriff shall be ~~private data on individuals accessible to their individual subject but not to the public~~ except the reports shall be made available to the investigating, petitioning, or prosecuting authority. The welfare board shall make available to the investigating, petitioning, or prosecuting authority any records which contain information relating to a specific incident of neglect or abuse which is under investigation,

petition, or prosecution and information relating to any prior incidents of neglect or abuse involving any of the same persons. The records shall be collected and maintained in accordance with the provision of sections ~~15.1611 to 15.1699~~ *the uniform information practices code*. An individual subject of a record shall have access to the record in accordance with ~~those sections~~ *the code*, except that the name of the reporter shall be disclosed by the local welfare agency, police department, or county sheriff only upon court order or as required by law or a rule of civil or criminal procedure.

Records maintained by local welfare agencies, the police department or county sheriff under this section shall be destroyed as follows:

(a) All records relating to reports which, upon investigation, are found to be false shall be destroyed immediately;

(b) All records relating to reports which, upon investigation, are found to be substantiated shall be destroyed seven years after the date of the final entry in the case record; and

(c) All records of reports which, upon initial investigation, cannot be substantiated or disproved to the satisfaction of the local welfare agency, local police department or county sheriff may be kept for a period of one year. If the local welfare agency, local police department or county sheriff is unable to substantiate the report within that period, each agency unable to substantiate the report shall destroy its records relating to the report."

Page 40, line 22, strike "such"

Renumber the sections in sequence

Page 42, line 4, delete "VII" and insert "VIII"

Page 42, lines 7 and 9, delete "~~16B.5-101~~" and insert "~~16B.6-105~~"

Page 42, after line 9, insert:

"Sec. 2. [EXTENSION OF CERTAIN TEMPORARY CLASSIFICATIONS.]

Data classified by temporary classifications granted prior to April 1, 1983, pursuant to section 15.1642, shall retain their temporary classification until April 1, 1983.

Sec. 3. [SAVINGS CLAUSE.]

The repeal of a section of Minnesota Statutes 1980, the repeal of a section of Minnesota Statutes 1981 Supplement, or the extension of a temporary classification pursuant to article VIII shall not be interpreted as a legislative intention that the data classification in the statute or temporary classification be treated in a specific manner. The provisions of articles I to VI shall be applied to records without regard to their prior statutory or administrative classification."

Page 42, delete lines 11 to 15 and insert:

"Minnesota Statutes 1980, Sections 15.167; 15.1674; 15.1675; 15.1676; 15.1677; 15.1678; 15.1679; 15.1681; 15.1691; 15.1694; 15.1696; and 15.1697; and Minnesota Statutes 1981 Supplement, Sections 15.1611; 15.162; 15.1621; 15.163; 15.1642; 15.165; 15.166; 15.1671; 15.1672;

15.1673; 15.1682; 15.1683; 15.1692; 15.1693; 15.1695; 15.1698; 15.1699; 15.771; 15.772; 15.773; 15.774; 15.775; 15.776; 15.777; 15.778; 15.779; 15.781; 15.782; 15.783; 15.784; 15.785; 15.786; 15.787; 15.788; 15.789; 15.791; 15.792; and 15.793 are repealed."

Page 42, line 17, before "This" insert "Article VII, section 4, is effective the day following final enactment. The remainder of"

Page 42, line 17, delete "January 1, 1982" and insert "April 1, 1983, except that the rulemaking powers granted to any agency by this act may be exercised prior to its effective date. Any rules adopted pursuant to this act shall not take effect before April 1, 1983"

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to information practices of public bodies; regulating the treatment of government data; providing conditions for disclosure; enacting the uniform information practices code; providing penalties; amending Minnesota Statutes 1980, Sections 3.97, Subdivisions 9 and 11; 10A.02, Subdivision 11a; 72A.062, Subdivision 2; 115A.14, Subdivision 3; 123.704; 123.741, Subdivision 5; 136A.162; 144.1761, Subdivision 2; 144.216, Subdivision 2; 144.218; 144.225, Subdivision 1; 144.691, Subdivision 4; 144.693; 145.925, Subdivision 6; 147.073, Subdivision 1; 169.126, Subdivision 2; 241.44, Subdivision 1a; 241.66, Subdivision 1; 245.69, Subdivision 2; 256B.27, Subdivision 5; 268.40, Subdivision 3; 270A.11; 299F.055; 462A.065; and 626.557, Subdivisions 11 and 12; Minnesota Statutes 1981 Supplement, Sections 15.781, Subdivision 2; 144A.10, Subdivision 3; 197.603, Subdivision 2; 241.62, Subdivision 5; 362.53, Subdivision 17; 626.556, Subdivision 11; proposing new law coded as Minnesota Statutes, Chapter 16B; repealing Minnesota Statutes 1980, Sections 15.167; 15.1674; 15.1675; 15.1676; 15.1677; 15.1678; 15.1679; 15.1681; 15.1691; 15.1694; 15.1696; and 15.1697; and Minnesota Statutes 1981 Supplement, Sections 15.1611; 15.162; 15.1621; 15.163; 15.1642; 15.165; 15.166; 15.1671; 15.1672; 15.1673; 15.1682; 15.1683; 15.1692; 15.1693; 15.1695; 15.1698; 15.1699; 15.771; 15.772; 15.773; 15.774; 15.775; 15.776; 15.777; 15.778; 15.779; 15.781; 15.782; 15.783; 15.784; 15.785; 15.786; 15.787; 15.788; 15.789; 15.791; 15.792; and 15.793."

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. 2125: A bill for an act relating to real property; providing that covenants, conditions, restrictions or extensions thereof annexed to a grant, devise or conveyance of land that are or become nominal shall not operate as a basis of forfeiture; removing a time limitation of the duration of covenants, conditions and restrictions; amending Minnesota Statutes 1980, Section 500.20, Subdivision 1; repealing Minnesota Statutes 1980, Section 500.20, Subdivision 2.

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

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

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 Stéarns.

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

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

S.F. No. 1955: A bill for an act relating to tax forfeited land; restoring certain funds to the real estate assurance account; appropriating money; amending Minnesota Statutes 1981 Supplement, Section 284.28, Subdivision 8.

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

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

S.F. No. 1561: A bill for an act relating to child support and maintenance payments; providing for the collection and withholding of payments; amending Minnesota Statutes 1981 Supplement, Sections 518.551, Subdivisions 1 and 2; and 518.611, 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 1981 Supplement, Section 256.872, Subdivision 1, as amended by Laws 1981, Third Special Session Chapter 3, Section 14, is amended to read:

Sec. 14. Minnesota Statutes 1981 Supplement, Section 256.872, Subdivision 1, is amended to read:

Subdivision 1. [WITHHOLDING ORDER.] Whenever an obligation for support of a dependent child or maintenance of a spouse, or both, in a proceeding for dissolution or legal separation or determination of parentage, has been determined and ordered by a court of this state, the public agency responsible for child support enforcement may move and the district or county that court shall grant an order providing for the withholding of the amount of child support or maintenance as determined by court order, from the income, regardless of source, of the person obligated to pay the support or maintenance. If the public agency responsible for child support enforcement determines that the obligor's arrearages have accumulated for more than one month, and if the agency is not pursuing another appropriate remedy, the agency shall move the district or county court for an order for withholding under this section or shall document a reason or reasons why withholding would not result in payment being made. When an order for withholding has not previously been secured, the obligee may or the public agency responsible for child support enforcement shall move the court, and the court shall grant the order. "Income" means any form of periodic payments to an individual, including, but not limited to, wages, salary, income as an independent contractor, workers' compensation, unemployment compensation, annuity, military and naval retirement, pension and disability payments.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 256.872, Subdivision

2, is amended to read:

Subd. 2. [CONDITIONS.] Each order for withholding shall provide for a conspicuous notice to the obligor that withholding may result if the obligor fails to make the maintenance or support payments, and that no withholding shall be made until the following conditions are met:

(a) The *obligee* or public agency responsible for child support enforcement determines that the obligor is at least 30 days in arrears;

(b) The *obligee* or agency serves written notice of its determination on the obligor at least 15 days before service of the determination and a copy of the court's order for withholding on the payor of funds;

(c) Within the 15 day period, the obligor has failed either to pay all arrearages or to move the court, under section 518.64, to modify the order respecting the amount of maintenance or support and, ex parte, to stay service on the payor of funds until the motion to modify is heard; ~~and~~

(d) The *obligee* or agency serves a copy of its determination of delinquency and a copy of the court's withholding order on the payor of funds; ~~and~~

(e) *The obligee serves on the public authority a copy of the determination of arrearage, a copy of the court's withholding order and an application to use the public authority's collection services if the obligee is not receiving public assistance.*

Sec. 3. Minnesota Statutes 1981 Supplement, Section 518.551, Subdivision 1, is amended to read:

Subdivision 1. [ORDER.] ~~A court having jurisdiction over proceedings for dissolution, legal separation or determination of parentage shall direct that all payments ordered for maintenance and support shall be made to the public authority so long as the obligee is receiving or has applied for public assistance. Amounts received by the public authority greater than the amount granted to the obligee shall be remitted to the obligee. Whenever an obligation for support of a dependent child or maintenance of a spouse, or both, in a proceeding for dissolution or legal separation or determination of parentage, has been determined and ordered by a court of this state, that court shall order the withholding of the amount of child support or maintenance as determined by court order, from the income, regardless of source, of the person obligated to pay the support or maintenance. When an order for withholding has not previously been secured, the obligee may or the public agency responsible for child support enforcement shall move the court, and the court shall grant the order.~~

Each order shall provide that the obligor's employer, trustee, or other payor of funds shall withhold from the obligor's income, regardless of source, an amount equal to the court's order for support or maintenance.

The court shall direct that all payments ordered for maintenance and support be made to the public agency responsible for child support enforcement so long as the obligee is receiving or has applied for public assistance. Amounts received by the public agency responsible for child support enforcement greater than the amount granted to the obligee shall be remitted to the obligee.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 518.551, Subdivision 2, is amended to read:

Subd. 2. [NOTICE OF CONDITIONS.] Each order for withholding shall provide for a conspicuous notice to the obligor that withholding may result if the obligor fails to make maintenance or support payments, and that no withholding shall be made until the following conditions are met:

(a) The *obligee* or public authority determines that the obligor is at least 30 days in arrears;

(b) The *obligee* or public authority serves written notice of its determination of arrearage on the obligor at least 15 days before service of the determination and a copy of the court's order for withholding on the payor of funds;

(c) Within the 15 day period, the obligor has failed either to pay all arrearages or to move the court, under section 518.64, to modify the order respecting the amount of maintenance or support and, ex parte, to stay service on the payor of funds until the motion to modify is heard; ~~and~~

(d) The *obligee* or public authority serves a copy of its determination of arrearage and a copy of the court's withholding order on the payor of funds; ~~and~~

(e) *The obligee serves on the public authority a copy of the determination of arrearage, a copy of the court's withholding order and an application to use the public authority's collection services if the obligee is not receiving public assistance.*

Sec. 5. Minnesota Statutes 1981 Supplement, Section 518.611, Subdivision 1, is amended to read:

Subdivision 1. [ORDER TO WITHHOLD INCOME.] ~~The obligee or the public authority may at any time move the court to order, and the court shall order the employer, trustee or other payor of funds to withhold from the obligor's income, regardless of source, an amount equal to the court's order for support or maintenance. Whenever an obligation for support of a dependent child or maintenance of a spouse, or both, in a proceeding for dissolution or legal separation or determination of parentage, has been determined and ordered by a court of this state, that court shall order the withholding of the amount of child support or maintenance as determined by court order, from the income, regardless of source, of the person obligated to pay the support or maintenance. When an order for withholding has not previously been secured, the obligee may or the public agency responsible for child support enforcement shall move the court, and the court shall grant the order.~~

Sec. 6. [518.645] [FORM OF ORDER.]

Unless otherwise ordered by the court, an order for withholding of support or maintenance payments issued pursuant to sections 256.872, subdivision 1, 518.551, subdivision 1, or 518.611, subdivision 1, shall be substantially in the following form:

IT IS ORDERED:

1. That the sum of per, representing child support and/or spousal maintenance, ordered by the Court, shall be withheld from the (Husband/Wife Respondent/Petitioner)'s income on by (his/her) present employer,, and any future employer, and shall be remitted at least monthly to:, monthly or more frequently, in accordance with the

provisions of Minnesota Statutes, Chapter 518. The file number above and the employee's name shall be included with each remittance.

2. That the parties are notified that **CHILD SUPPORT AND/OR MAINTENANCE WILL BE WITHHELD FROM INCOME ONLY AFTER ALL OF THE FOLLOWING CONDITIONS HAVE BEEN MET:**

(a) or the Oblige determines that the Obligor is at least thirty days in arrears in the payment of child support and/or spousal maintenance;

(b) or the Oblige serves written notice on the Obligor of its determination that child support and/or maintenance payments are thirty days in arrears;

(c) Within fifteen days after service of the notice, the Obligor either fails to pay all past due payments or to move the Court, Minnesota Statutes, Section 518.64, to modify the order respecting the amount of child support and/or spousal maintenance and, ex parte, to stay service of withholding on the employer until the motion to modify is heard; and

(d) Not sooner than fifteen days after service of written notice in paragraph (b) on the Obligor, or the Oblige serves a copy of its determination of a thirty-day delinquency and a copy of the Court's withholding order on the employer, who will then be obligated to withhold payments from income and forward the amount withheld to

3. That the parties and the employer are further notified that **NO EMPLOYER MAY DISCHARGE, SUSPEND, OR OTHERWISE PENALIZE OR DISCIPLINE AN EMPLOYEE BECAUSE THE EMPLOYER MUST WITHHOLD SUPPORT OR MAINTENANCE MONEY.** Minnesota Statutes, Sections 256.873 and 518.611, Subdivision 4. **A VIOLATION OF THIS PROVISION IS A MISDEMEANOR.** Minnesota Statutes, Section 256.878.

4. That, in the event the Oblige performs service on the employer under paragraph 2 (d), the determination and order shall also be served on, together with an application to use collection services.

5. That service of this Order shall be.....

Sec. 7. [REPEALER.]

Minnesota Statutes 1980, Sections 256.874 and 256.878; and Minnesota Statutes 1981 Supplement, Sections 256.875 and 256.877 are repealed."

Amend the title as follows:

Page 1, line 5, after "Sections" insert "256.872, Subdivision 1, as amended, and 2;"

Page 1, line 6, before the period, insert "; proposing new law coded in Minnesota Statutes, Chapter 518; repealing Minnesota Statutes 1980, Sections 256.874 and 256.878; and Minnesota Statutes 1981 Supplement, Sections 256.875 and 256.877"

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

Mr. Humphrey from the Committee on Energy and Housing, to which was

referred

S.F. No. 1657: A bill for an act relating to residential energy credits; extending the effective date; amending Minnesota Statutes 1981 Supplement, Section 290.06, Subdivision 14.

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

Page 1, line 12, strike "and" and insert a comma

Page 1, line 12, after "(d)" insert ", and (e)"

Page 2, line 28, strike "and"

Page 3, line 18, strike the period and insert "; and"

Page 3, after line 18, insert:

"(e) Expenditures for superinsulation construction. For purposes of this credit, "superinsulation construction" means a residential structure which complies with applicable building standards and is constructed to meet the following performance standard:

Total heat loss is less than or equal to .136 BTU's per hour per degree Fahrenheit per square foot. This number is calculated by dividing the design heat loss, including infiltration, by total heated floor area and design temperature difference. Design heat loss is calculated in accordance with procedures in the 1981 American Society of Heating, Refrigeration And Air Conditioning Engineers (ASHRAE) Handbook of Fundamentals, not including the insulating value of movable window insulation;

Eligible superinsulation construction expenditures shall be for:

- (1) Insulation materials;*
- (2) Air to air heat exchanger, including installation;*
- (3) Airtight vapor barrier and caulking materials;*
- (4) Extra costs of windows with more than two layers of glass."*

Page 3, line 35, delete "1987" and insert "1989"

Amend the title as follows:

Page 1, delete lines 2 to 4 and insert "relating to taxation; providing energy credits for property providing a certain thermal integrity factor; extending the effective date for the credit; amending Minnesota Statutes 1981 Supplement, Section 290.06, Subdivision 14."

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. Humphrey from the Committee on Energy and Housing, to which was referred

S.F. No. 927: A bill for an act relating to taxation; authorizing governmental subdivisions to levy taxes for energy conservation measures; amending Minnesota Statutes 1980, Section 275.50, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be

re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

S.F. No. 929: A bill for an act relating to commerce; requiring manufacturers of alcohol fueled motor vehicles to offer the same for sale within the state; proposing new law coded in Minnesota Statutes, Chapter 325E.

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

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

S.F. No. 1886: A bill for an act relating to energy; specifying the role of the department of energy, planning and development before the public utilities commission; clarifying certain public utilities commission responsibilities; amending Minnesota Statutes 1980, Sections 116H.02, Subdivision 5; and 216B.03; Minnesota Statutes 1981 Supplement, Sections 116H.07; 116H.11, by adding a subdivision; and 216B.241, Subdivision 2.

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

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

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 2 to 9 and insert

“relating to energy; changing the definition of large energy facility; amending Minnesota Statutes 1980, Section 116H.02, Subdivision 5.”

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

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

S.F. No. 959: A bill for an act relating to taxation; property tax; extending the energy device exemption to certain devices used to provide energy for sale; amending Minnesota Statutes 1980, Section 273.11, Subdivision 6.

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

Page 1, line 17, delete “of”

Page 1, line 18, delete “less than” and insert “not to exceed”

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. Humphrey from the Committee on Energy and Housing, to which was referred

S.F. No. 1221: A bill for an act relating to the city of Brooklyn Center; authorizing the establishment of a home energy conservation program as part of its municipal utility system and the issuance of bonds or notes for that

purpose.

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

Delete everything after the enacting clause and insert:

"Section 1. [PROGRAM.]

The city of Brooklyn Center may establish a home energy conservation improvement program to provide means for the city to aid all residents of the city to maintain their home energy requirements by reducing overall energy demand, thus tending to assure the continuance of essential public, industrial, and commercial activities. The expenditures of public funds authorized by this act are determined to be necessary governmental actions, particularly under present conditions of uncertain and limited energy supplies, increasing costs for gas and oil, and difficulty and delay in the increase of energy supplies from all sources due to environmental concerns.

Provisions for the operation and financing of the program shall be made by and pursuant to resolutions adopted by the city council. The powers granted by this act are supplemental, and the procedures authorized for exercising them are alternative to those provided in other law.

Sec. 2. [DEFINITION.]

"Residential energy conservation improvement" means the following devices, methods, and materials, if recommended by an approved energy audit and having a maximum cost of \$3,000, which increase the efficiency of residential use of energy:

- (1) Insulation and ventilation;*
- (2) Storm or thermal doors or windows;*
- (3) Caulking and weatherstripping;*
- (4) Furnace efficiency modifications and replacements;*
- (5) Thermostat or lighting controls; and*
- (6) Systems to turn off or vary the delivery of energy.*

The term "residential energy conservation improvement" does not include any device or method which creates, converts, or actively uses energy from renewable sources such as solar, wind, or biomass.

Sec. 3. [LOCAL IMPROVEMENTS; PAYMENTS.]

Subdivision 1. [CONTRACTS.] To provide for home energy conservation improvements, when requested by the owner of a one to four unit residential building, the city may develop a program which allows:

(a) The city to negotiate and contract with contractors to perform work or furnish materials or both, for one or more projects, in accordance with schedules coordinated and approved by the city;

(b) The homeowner, subject to the approval of the city, to negotiate and contract with contractors to perform work or furnish materials or both, for one or more projects, in accordance with schedules coordinated and approved by the city; or

(c) *The city to contract with a homeowner for labor or materials or both, provided that in such cases the city may inspect the work performed and shall not pay the homeowner for his labor.*

Subd. 2. [PAYMENTS.] (a) *The city may contract with each homeowner for payment of the cost in cash upon completion of the project, with payment secured by deposit in advance of an amount equal to at least 90 percent of the contract price, or by a written commitment by a bank or other approved financial institution to loan the full amount of the contract price to the homeowner. The homeowner, the financial institution and the city, may agree to any convenient method of repayment.*

(b) *The city may accept payment by a promissory note in a principal amount equal to the contract price, repayable in equal periodic installments, including both principal and interest on the declining principal balance. Provisions may be agreed upon to permit or restrict prepayment.*

(c) *The city may specially assess the benefited property in the manner provided in Minnesota Statutes, Chapter 429.*

Debts for improvements are a first and prior lien on the property improved as provided in Minnesota Statutes, Section 514.67. If not paid when due they shall be entered upon the tax rolls and collected with and as a part of the taxes on the property, with the same interest and penalties.

Sec. 4. [EFFECTIVE DATE.]

This act is effective upon approval by the governing body of the city of Brooklyn Center and upon compliance with Minnesota Statutes, Section 645.021, Subdivision 3."

Amend the title as follows:

Page 1, delete lines 4 and 5, and insert "program; permitting special assessment for energy improvements."

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

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

S.F. No. 1677: A bill for an act relating to municipal planning and zoning; prohibiting exclusion of manufactured homes and other types of single family dwellings; amending Minnesota Statutes 1980, Section 462.357, Subdivision 1.

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

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1980, Section 394.25, Subdivision 3, is amended to read:

Subd. 3. Within each such district zoning ordinances or maps may also be adopted designating or limiting the location, height, width, bulk, number of stories, size of, and the specific uses for which dwellings, buildings, and structures may be erected or altered; the minimum and maximum size of yards,

courts, or other open spaces; setback from existing roads and highways and roads and highways designated on an official map; protective measures necessary to protect the public interest including but not limited to controls relating to appearance, signs, lighting, hours of operation and other aesthetic performance characteristics including but not limited to noise, heat, glare, vibrations and smoke; the area required to provide for off street loading and parking facilities; heights of trees and structures near airports; and to avoid too great concentration or scattering of the population. All such provisions shall be uniform for each class of land or building throughout each district; but the provisions in one district may differ from those in other districts. No provision may prohibit earth sheltered construction as defined in section 116H.02, subdivision 3, *or manufactured homes built in conformance with sections 327.31 to 327.35*, that ~~complies~~ *comply* with all other zoning ordinances promulgated pursuant to this section."

Page 1, line 12, after "height," insert "width,"

Page 1, lines 24 and 25, delete "*or single family housing zoning ordinance*"

Page 2, lines 1 and 2, delete the new language

Page 2, line 3, delete "*dwelling*s" and insert "*or manufactured homes built in conformance with sections 327.31 to 327.35*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "Section" and insert "Sections 394.25, Subdivision 3; and"

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

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

S.F. No. 1966: A bill for an act relating to education; authorizing Independent School District No. 742 to commence AVTI construction subject to certain conditions.

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

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

S.F. No. 1888: A bill for an act relating to education; requiring welfare and correctional institutions to submit an educational policy to the commissioner of education; proposing new law coded in Minnesota Statutes, Chapter 121.

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

Page 1, line 20, delete "*certified*" and insert "*licensed*"

Page 1, line 21, delete "*certification*" and insert "*licensure*"

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

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

S.F. No. 1858: A bill for an act relating to education; authorizing school

districts to develop programs enabling secondary students to attend courses at post secondary institutions; proposing new law coded in Minnesota Statutes, Chapter 123.

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

Delete everything after the enacting clause and insert:

“Section 1. [LEGISLATIVE INTENT.]

The legislature recognizes the fiscal constraints facing schools and the need to provide more cost effective delivery of educational services. At the same time, the legislature is committed to broad course offerings to meet the needs of secondary students. Therefore, the legislature encourages school districts and post-secondary institutions to participate in cooperative arrangements which will enhance curricular offerings available to secondary students.

Sec. 2. [123.3511] [AUTHORIZATION FOR AGREEMENTS.]

Notwithstanding any other law to the contrary, school districts, individually or in conjunction with other districts, may enter into agreements with post-secondary institutions to allow secondary students to enroll in courses which are not available at the secondary schools.

Sec. 3. [123.3512] [IMPLEMENTATION.]

Subdivision 1. [CREDITS.] Post-secondary institutions shall be the institutions awarding credit for instruction offered pursuant to section 2. Notwithstanding any law to the contrary, school districts may accept the transfer of those credits toward the awarding of diplomas of participating students.

Subd. 2. [FINANCIAL ARRANGEMENTS.] Reimbursement for instruction offered by post-secondary institutions pursuant to section 2 shall be determined by participating secondary and post-secondary institutions or their governing boards.

For purposes of appropriations to post-secondary institutions, student credit hours earned through programs authorized pursuant to section 2 shall not be included as regular instructional activity at participating post-secondary institutions.

State aid shall not be withheld from a school district pursuant to section 124.19, subdivision 3, as a result of a school district participating in a program authorized in section 2.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment.”

Amend the title as follows:

Page 1, line 4, after “institutions;” insert “permitting the granting and transfer of credits for students; allowing reimbursement for instruction;”

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

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

S.F. No. 1365: A bill for an act relating to education; transferring develop-

mental achievement centers from the department of public welfare to the state board of education; appropriating money; amending Minnesota Statutes 1980, Sections 123.39, Subdivision 13; 256E.03, Subdivision 2; and 256E.06, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 120; repealing Minnesota Statutes 1980, Sections 252.21 to 252.261.

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

Delete everything after the enacting clause and insert:

"Section 1. [DEVELOPMENTAL ACHIEVEMENT SERVICES; STUDY OF TRANSFER.]

The commissioner of public welfare, in cooperation with the commissioner of education, shall provide to the legislature no later than September 30, 1983, a plan designed to consider the feasibility of the following: transferring from the department of public welfare and designated county social service agencies to the department of education and local school boards responsibility for providing developmental achievement services for mentally retarded and cerebral palsied children who are less than four years of age.

The plan shall include recommendations with respect to:

- (1) Services to be provided to children and their families;*
- (2) Administration of programs;*
- (3) Appropriate funding mechanisms;*
- (4) Appropriate inter-agency activity necessary to effectuate the transfer.*

Sec. 2. Minnesota Statutes 1980, Section 256B.02, Subdivision 7, is amended to read:

Subd. 7. "Vendor of medical care" means any person or persons furnishing, within the scope of his respective license, any or all of the following goods or services: medical, surgical, hospital, optical, visual, dental and nursing services; drugs and medical supplies; appliances; laboratory, diagnostic, and therapeutic services; nursing home and convalescent care; screening and health assessment services provided by public health nurses; health care services provided at the residence of the patient if the services are performed by a public health nurse and the nurse indicates in a statement submitted under oath that the services were actually provided; *services provided as needed by developmental achievement centers licensed by the commissioner for mentally retarded and cerebral palsied adults who are residents of intermediate care facilities for the mentally retarded*; and such other medical services or supplies provided or prescribed by persons authorized by state law to give such services and supplies.

Sec. 3. Minnesota Statutes 1981 Supplement, Section 256B.02, Subdivision 8, as amended by Laws 1981, Third Special Session Chapter 2, Article I, Section 31, is amended to read:

Subd. 8. "Medical assistance" or "medical care" means payment of part or all of the cost of the following care and services for eligible individuals whose income and resources are insufficient to meet all of such cost:

- (1) Inpatient hospital services.

(2) Skilled nursing home services and services of intermediate care facilities.

(3) Physicians' services.

(4) Outpatient hospital or clinic services.

(5) Developmental achievement services for mentally retarded and cerebral palsied adult residents of intermediate care facilities for the mentally retarded.

~~(5)~~ (6) Home health care services.

~~(6)~~ (7) Private duty nursing services.

~~(7)~~ (8) Physical therapy and related services.

~~(8)~~ (9) Dental services, excluding cast metal restorations.

~~(9)~~ (10) Laboratory and x-ray services.

~~(10)~~ (11) The following if prescribed by a licensed practitioner: drugs, eyeglasses, dentures, and prosthetic devices. The commissioner shall designate a formulary committee which shall advise the commissioner on the names of drugs for which payment shall be made, recommend a system for reimbursing providers on a set fee or charge basis rather than the present system, and develop methods encouraging use of generic drugs when they are less expensive and equally effective as trademark drugs. The commissioner shall appoint the formulary committee members no later than 30 days following July 1, 1981. The formulary committee shall consist of nine members, four of whom shall be physicians who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, three of whom shall be pharmacists who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, a consumer representative, and a nursing home representative. Committee members shall serve two year terms and shall serve without compensation. The commissioner may establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the administrative procedure act. The formulary shall not include: drugs for which there is no federal funding; over the counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, prenatal vitamins, and vitamins for children under the age of seven; nutritional products; anorectics; and drugs for which medical value has not been established. Payment to drug vendors shall not be modified before the formulary is established. The commissioner may promulgate conditions for prohibiting payment for specific drugs after considering the formulary committee's recommendations.

The basis for determining the amount of payment shall be the actual acquisition cost of the drug plus a fixed dispensing fee established by the commissioner. Actual acquisition cost includes quantity and other special discounts except time and cash discounts. Establishment of this fee shall not be subject to the requirements of the administrative procedure act. Whenever a generically equivalent product is available, payment shall be on the basis of the actual acquisition cost of the generic drug, unless the prescriber specifically indicates "dispense as written" on the prescription as required by section 151.21, subdivision 2.

~~(11)~~ (12) Diagnostic, screening, and preventive services.

(12) (13) Health care pre-payment plan premiums and insurance premiums if paid directly to a vendor and supplementary medical insurance benefits under Title XVIII of the Social Security Act.

(13) (14) Abortion services, but only if one of the following conditions is met:

(a) The abortion is a medical necessity. "Medical necessity" means (1) the signed written statement of two physicians indicating the abortion is medically necessary to prevent the death of the mother, and (2) the patient has given her consent to the abortion in writing unless the patient is physically or legally incapable of providing informed consent to the procedure, in which case consent will be given as otherwise provided by law;

(b) The pregnancy is the result of criminal sexual conduct as defined in section 609.342, clauses (c), (d), (e)(i), and (f), and the incident is reported within 48 hours after the incident occurs to a valid law enforcement agency for investigation, unless the victim is physically unable to report the criminal sexual conduct, in which case the report shall be made within 48 hours after the victim becomes physically able to report the criminal sexual conduct; or

(c) The pregnancy is the result of incest, but only if the incident and relative are reported to a valid law enforcement agency for investigation prior to the abortion.

(14) (15) Transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by non-ambulatory persons in obtaining emergency or non-emergency medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services. For the purpose of this clause, a person who is incapable of transport by taxicab or bus shall be considered to be non-ambulatory.

(15) (16) To the extent authorized by rule of the state agency, costs of bus or taxicab transportation incurred by any ambulatory eligible person for obtaining non-emergency medical care:

(16) (17) Any other medical or remedial care licensed and recognized under state law unless otherwise prohibited by law.

(18) *Home and community-based care services provided under an approved care plan for persons who, without such services, would, as determined through pre-admission screening, require institutional care in a Title XIX-certified intermediate care facility for the mentally retarded. The following services shall be included: (1) services provided by developmental achievement centers licensed by the commissioner; and (2) semi-independent living services provided by persons licensed by the commissioner. Reimbursement shall be made directly to the vendor of services. The commissioner shall apply by June 1, 1982, for any federal waiver necessary to secure federal financial participation for services provided under this clause and shall proceed to implement the waiver as soon as possible after receipt.*

Sec. 4. Minnesota Statutes 1981 Supplement, Section 256B.03, is amended to read:

256B.03 [PAYMENTS TO VENDORS.]

Subdivision 1. [GENERAL LIMIT.] All payments for medical assistance

hereunder must be made to the vendor.

Subd. 2. [DEVELOPMENTAL ACHIEVEMENT SERVICES.] Until such time as the commissioner can promulgate an appropriate rate-setting rule, payments to vendors of developmental achievement services shall be as follows: payment for the biennium ending June 30, 1983, shall be based on the facility's per diem per adult for program and transportation services for developmental achievement services in state fiscal year 1981. Annual increases are subject to the provisions of section 256.966.

Subd. 3. [SEMI-INDEPENDENT LIVING SERVICES.] Until such time as the commissioner can promulgate an appropriate rate-setting rule, payments to vendors of semi-independent living services for mentally retarded and cerebral palsied adults shall be as follows: payment for the biennium ending June 30, 1983, shall be based on the provider's average daily charge per person for semi-independent living services in state fiscal year 1981. Annual increases are subject to the provisions of section 256.966.

Subd. 4. [LIMIT ON ANNUAL INCREASE TO LONG-TERM CARE PROVIDERS.] Notwithstanding the provisions of sections 256B.42 to 256B.48, Laws 1981, Chapter 360, Article II, Section 2, or any other provision of chapter 360, and rules promulgated under those sections, rates paid to a skilled nursing facility or an intermediate care facility, including boarding care facilities and supervised living facilities, except state owned and operated facilities, for rate years beginning during the biennium ending June 30, 1983, shall not exceed by more than ten percent the final rate allowed to the facility for the preceding rate year.

Notwithstanding provisions of section 256B.45, subdivision 1, the commissioner shall not increase the percentage for investment allowances.

Sec. 5. [RULES.]

The commissioner shall promulgate rules as required by sections 1 to 6.

Sec. 6. [TRANSFER OF FUNDS.]

Notwithstanding the provisions of Laws 1981, Chapter 360, Article I, Section 2, effective July 1, 1982, the commissioner, in order to provide home and community-based care services for Medicaid-eligible mentally retarded persons who would otherwise require institutional care, is authorized to transfer to the state medical assistance account: (1) \$1,496,400 of the 1983 appropriations for semi-independent living services and community-based deinstitutionalization aid to counties; and (2) from the fiscal year 1983 community social service appropriation, an amount equal to state funds expended in fiscal year 1982 by the counties for developmental achievement services for Medicaid-eligible mentally retarded persons."

Delete the title and insert:

"A bill for an act relating to services for the mentally retarded and cerebral palsied; requiring the commissioners of education and public welfare to plan for the transfer of developmental achievement services for pre-school children; permitting reimbursement under medical assistance for developmental achievement and semi-independent living services provided to certain mentally retarded and cerebral palsied persons; transferring funds; amending Minnesota Statutes 1980, Section 256B.02, Subdivision 7; Minnesota Statutes 1981

Supplement, Sections 256B.02, Subdivision 8, as amended; and 256B.03."

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

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

S.F. No. 1773: A bill for an act relating to elections; proposing an amendment to the Minnesota Constitution, Article VII, Section 9, to limit campaign expenditures by candidates for the United States senate and house of representatives; providing implementing legislation; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 13, and by adding a subdivision; 10A.20, Subdivision 3a, and by adding a subdivision; 10A.22, by adding a subdivision; 10A.25, Subdivisions 5, 6, 7, 10, and by adding a subdivision; 10A.27; 10A.275; 10A.28, Subdivisions 1 and 2; 10A.31, Subdivisions 2 and 7; and 10A.335; Minnesota Statutes 1981 Supplement, Sections 10A.255, Subdivision 1; and 10A.31, Subdivisions 1, 3, and 5.

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

Page 2, line 35, after "3a." insert "[COUNTIES SPECIFIED.]"

Page 3, after line 18, insert:

"Sec. 8. Minnesota Statutes 1980, Section 10A.25, Subdivision 2, is amended to read:

Subd. 2. [STATE CANDIDATES.] In a year in which an election is held for an office sought by a candidate, no expenditures shall be made by the principal campaign committee of that candidate, nor any approved expenditures made on behalf of that candidate which expenditures and approved expenditures result in an aggregate amount in excess of the following:

(a) For governor and lieutenant governor, running together, 12 1/2 cents per capita or ~~\$600,000~~ \$1,300,000, whichever is greater;

(b) For attorney general, 2 1/2 cents per capita or ~~\$100,000~~ \$130,000, whichever is greater;

(c) For secretary of state, state treasurer and state auditor, separately, 1 1/4 cents per capita or ~~\$50,000~~ \$100,000, whichever is greater;

(d) For state senator, 20 cents per capita or ~~\$15,000~~ \$30,000, whichever is greater;

(e) For state representative, 20 cents per capita or ~~\$7,500~~ \$15,000, whichever is greater."

Page 3, line 28, delete "\$1,200,000" and insert "\$1,900,000"

Page 3, line 30, delete "\$200,000" and insert "\$225,000"

Page 5, line 11, after "1." insert "[COST OF LIVING ADJUSTMENT.]"

Pages 5 to 8, delete sections 14 and 15

Page 8, delete section 17

Page 10, line 1, delete "12" and insert "11"

Page 10, line 3, delete "3.5" and insert "1.25"

Page 10, line 4, delete "2" and insert ".5"

Page 10, line 7, delete "12.5" and insert "15"

Page 10, line 8, delete "25" and insert "30"

Page 10, line 11, delete "18.75" and insert "22.5"

Page 10, line 13, delete "15" and insert "11"

Page 10, line 14, delete "26" and insert "30.25"

Page 12, after line 33, insert:

"Sec. 22. [REPEALER.]

Minnesota Statutes 1980, Section 10A.27, Subdivision 7, is repealed."

Page 12, line 35, delete "23" and insert "22"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "changing campaign spending limits for state officers;"

Page 1, line 10, after "Subdivisions" insert "2,"

Page 1, line 11, delete "10A.27; 10A.275;" and after "10A.28," delete "Subdivisions" and insert "Subdivision"

Page 1, line 12, delete "and 2"

Page 1, line 14, before the period insert "; repealing Minnesota Statutes 1980, Section 10A.27, Subdivision 7"

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

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

S.F. No. 1838: A bill for an act relating to administrative procedures; providing for notice of temporary rulemaking; amending Minnesota Statutes 1981 Supplement, Section 15.0412, Subdivision 5.

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

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

S.F. No. 1878: A bill for an act relating to state historic sites; the Old Federal Courts building; amending Minnesota Statutes 1980, Section 138.56, Subdivision 7.

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. 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.

Reports the same back with the recommendation that 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. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1747: A bill for an act relating to natural resources; extending the time during which the commissioner of natural resources may extend timber permits; amending Laws 1981, Chapter 305, Section 11.

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

Page 1, after line 7, insert:

“Section 1. Minnesota Statutes 1980, Section 90.201, is amended to read:

90.201 [VOID TIMBER SALES; ~~WHEN VOID~~; REFUNDS; ADJUSTMENT OF SALE TERMS.]

Subdivision 1. [VOID SALES; REFUNDS.] Any sale of timber made by fraud or mistake or in violation of the provisions of this chapter shall be void, the permit issued thereon shall be of no effect, and the holder shall be required to surrender the same. In case of a sale made by mistake the amount so paid shall be refunded to the permit holder, or at his request the commissioner may credit the refund as payment upon any other timber purchased by the permit holder. If timber has been cut on a permit which required cancellation due to error by the state, it may be sold at single stumpage rate without formalities.

Subd. 2. [REFUNDS ON FINAL BILLING; INTEREST PAYMENT ON LATE REFUNDS.] The commissioner shall refund to a permit holder any amount paid on a timber sale which exceeds the value of the timber cut under that sale as determined on a final statement transmitted pursuant to section 90.181. The permit holder may request that the commissioner credit the refund as payment on another permit held by that permit holder.

Any refund of cash which is due to a permit holder as determined on a final statement transmitted pursuant to section 90.181 which is not paid to the permit holder within 45 days after the date of that statement shall bear interest at the rate determined pursuant to section 549.09 unless the refund is credited on another permit held by that permit holder. Interest shall be paid from the date of the final statement. No interest shall be paid in an amount of \$1 or less.

Subd. 3. [REAPPRAISAL OF DAMAGED TIMBER.] When timber under a valid permit is damaged or destroyed by natural causes, including fire, windstorm, or flood, the commissioner may reappraise the timber and make a correction in the permit.

Subd. 4. [SETTLEMENT OF PERMIT OBLIGATIONS.] When a permit holder dies or becomes permanently incapacitated, the commissioner may compromise and settle the remaining obligations to the state.”

Page 1, line 13, strike “Section 90.191” and insert “ Chapter 90”

Page 1, line 14, delete “June 30” and insert “December 31”

Page 1, lines 16 and 18, strike "section 90.191" and insert "*chapter 90*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "requiring payment of interest on late refunds to timber sale permit holders; authorizing reappraisal of damaged or destroyed timber sold under a permit; authorizing settlement of permit obligations when a permittee is incapacitated or deceased;"

Page 1, line 4, after "amending" insert "Minnesota Statutes 1980, Section 90.201; 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. 1765: A bill for an act relating to game and fish; removing the restriction upon issuance of wild turkey licenses; amending Minnesota Statutes 1980, Section 100.271, Subdivision 3a.

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

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

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.

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

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

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.

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

Delete everything after the enacting clause and insert:

"Section 1. [299F.015] [USE OF WASTE OIL BURNERS.]

Subdivision 1. [DEFINITIONS.] (a) "Waste oil" means a refined oil which has been used for the original purpose for which it was intended, has been contaminated by impurities as a result of that use, and which may be disposed of without controls required by the rules of the pollution control agency adopted under section 116.07.

(b) "Approved waste oil burner" means a device designed to burn waste oil for heating purposes, which is found by a recognized independent testing laboratory to provide a degree of safety substantially equivalent to other devices approved for similar purposes under the uniform fire code or state

building code.

Subd. 2. [HEATERS PERMITTED.] Notwithstanding any contrary provision of sections 16.83 to 16.867 or 299F.011, or any rule adopted under those sections, the state fire marshal, the state building inspector, and political subdivisions may permit the installation and use of approved waste oil burners in gasoline service stations or commercial garages where any repair services which may be offered are limited to exchange of parts and maintenance which does not require an open flame, welding, or use of highly inflammable liquids.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, delete everything after "oil"

Page 1, line 4, delete "buildings" and insert "burners in certain gasoline stations and garages"

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. 1714: A bill for an act relating to the environment; limiting and reducing emissions of sulphur dioxide in the state; requiring acid deposition control standards by the pollution control agency; requiring reports; proposing new law coded in Minnesota Statutes, Chapter 116.

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

Page 1, line 10, after "deposition" insert "substantially"

Page 1, line 12, delete "pose" and insert "poses"

Page 1, line 18, delete "this act" and insert "sections 1 to 4"

Page 1, line 20, delete "in the hope that" and insert "and to support and encourage"

Page 1, line 21, delete "will recognize" and insert "in recognizing"

Page 1, line 22, delete "take" and insert "taking"

Page 1, line 25, delete "this act" and insert "sections 1 to 4"

Page 2, line 10, delete "acid rain sensitive"

Page 2, line 11, after "species" insert "which are sensitive to acid deposition"

Page 2, line 14, delete "rain" and insert "deposition"

Page 2, line 20, after the period, insert "The list shall not be subject to the rulemaking or contested case provisions of chapter 15."

Page 2, delete subdivision 2 and insert:

"Subd. 2. [STANDARDS.] (a) By January 1, 1985, the agency shall adopt

an acid deposition standard for wet plus dry acid deposition in the acid deposition sensitive areas listed pursuant to subdivision 1.

(b) By January 1, 1986, the agency shall adopt an acid deposition control plan to attain and maintain the acid deposition standard adopted under clause (a), addressing sources both inside and outside of the state which emit more than 100 tons of sulphur dioxide per year. The plan shall include an analysis of the estimated compliance costs for facilities emitting sulphur dioxide. Any emission reductions required inside of the state shall be based on the contribution of sources inside of the state to acid deposition in excess of the standard.

(c) By January 1, 1990, sources located inside the state shall be in compliance with the provisions of the acid deposition control plan."

Pages 2 and 3, delete section 4 and insert:

"Sec. 4. [116.45] [REPORTS TO THE LEGISLATURE.]

By January 1, 1986, the agency shall submit its acid deposition control plan to the appropriate substantive committees of both houses of the legislature. By January 1, 1987, and each two years thereafter until January 1, 1991, the agency shall submit to the legislative committees a report detailing the reduction of sulphur dioxide needed to meet the requirements of section 3 and the progress which has been made to meet those requirements.

Sec. 5. [APPROPRIATION.]

The sum of \$81,455 is appropriated from the general fund to the agency for the purposes of this act."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "requiring" insert "adoption of an"

Page 1, line 4, delete "standards" and insert "standard and plan"

Page 1, line 5, after the second semicolon insert "appropriating money;"

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

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

S.F. No. 2122: A bill for an act relating to state finances; appropriating money for expenses incidental to a land exchange; providing for the exchange of certain land in Hennepin County on certain conditions.

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

Page 4, after line 13, insert:

"(f) An amount necessary to compensate the state for any amount by which the value of the property and improvements conveyed to the transferee exceeds the value of the property and improvements conveyed to the state."

And when so amended the bill do pass and be re-referred to the Committee

on Finance. Amendments adopted. Report adopted.

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

S.F. No. 1908: A bill for an act relating to waters and watercraft safety; clarifying certain watercraft definitions and changing registration fees; amending Minnesota Statutes 1980, Sections 361.02, by adding subdivisions; and 361.03, Subdivision 3.

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

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1980, Section 361.02, Subdivision 7, is amended to read:

Subd. 7. "Watercraft" means any contrivance used or designed for navigation on water other than (a) a duck boat during the duck hunting season, (b) a rice boat during the harvest season, ~~or~~ (c) a seaplane or (d) an inflatable, nonmotorized watercraft nine feet or less in length."

Page 1, delete section 2

Page 1, line 23, strike "after December 31," and delete "1982"

Page 2, lines 2 to 4, delete the new language

Page 2, line 5, delete ", nor"

Page 2, line 6, delete the new language and insert "for which a fee is not otherwise provided in this subdivision"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "clarifying"

Page 1, line 3, delete everything before "changing" and insert "amending the definition of watercraft; defining paddle boat;"

Page 1, line 5, before "by" insert "Subdivision 7, and"

Page 1, line 5, delete "subdivisions" and insert "a subdivision"

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. 1708: A bill for an act relating to the environment; regulating certain assessments for the environmental quality board; amending Minnesota Statutes 1981 Supplement, Section 116C.69, Subdivision 3.

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

Page 1, line 13, strike everything after "conditions"

Page 1, strike line 14

Page 1, line 15, strike "designation" and insert "*specified in a site certificate or construction permit*"

Page 1, line 15, before "made" insert "*by the board against the holder of the certificate or permit*"

Page 2, after line 11, insert:

"Sec. 2. [EFFECTIVE DATE.]

This act is effective June 1, 1982."

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

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

S.F. No. 2111: A bill for an act relating to real estate; directing a conveyance of the state's right, title and interest in certain lands to Lake of the Woods County.

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

Page 1, line 9, delete "quitclaim" and insert "quitclaim"

Page 1, after line 15, insert:

"Sec. 2. [CONVEYANCE OF LAND; BELTRAMI COUNTY.]

The commissioner of revenue shall convey, without monetary consideration, by quitclaim deed in a form approved by the attorney general to Beltrami County, all right, title and interest of the state in and to that certain tract of land located within the county of Beltrami, Minnesota, and described as:

West Half of South Half of East Quarter of Southwest Quarter of Southeast Quarter (W 1/2 of S 1/2 of E 1/4 of SW 1/4 of SE 1/4), less North One Hundred Thirty-two (132) feet, Section Five (5), Township One Hundred Forty-six (146), Range Thirty-three (33),

South Two Hundred (200) feet of North Three Hundred Thirty-two (332) feet of East Half of South Half of East Quarter of Southwest Quarter of Southeast Quarter (E 1/2 of S 1/2 of E 1/4 of SW 1/4 of SE 1/4), Section Five (5), Township One Hundred Forty-six (146), Range Thirty-three (33)."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "a conveyance" and insert "conveyances"

Page 1, line 4, before the period, insert "and Beltrami County"

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. 1961: A bill for an act relating to agriculture; providing for the licensing and regulation of certain grain buyers; providing a penalty; appro-

priating money; proposing new law coded in Minnesota Statutes, Chapter 223; repealing Minnesota Statutes 1980, Chapter 223, as amended; and Sections 232.01; 232.02, as amended; 232.04; and 232.06, Subdivision 5.

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

Page 2, line 19, delete "not"

Page 2, line 21, after "resale" insert ", excluding an itinerant grain buyer"

Page 2, line 31, delete "authorized" and insert "licensed by the commissioner"

Page 2, line 31, after the period, insert "'Private grain warehouse operator' includes any person licensed under the United States Warehouse Act, Title 7, Chapter 11."

Page 3, line 2, after "or" insert "purchase or"

Page 3, line 20, delete "or private"

Page 4, line 8, delete the first "the" and insert "with"

Page 4, line 9, delete "less" and insert "more"

Page 4, line 11, delete "\$20,000" and insert "\$10,000"

Page 4, line 13, delete "\$20,000" and insert "\$10,000"

Page 4, line 15, delete "\$10,000" and insert "\$5,000"

Page 4, line 17, delete "\$10,000" and insert "\$5,000"

Page 4, line 19, delete "\$100,000" and insert "\$50,000"

Page 4, after line 19, insert:

"In lieu of the bond required by this subdivision the applicant may deposit with the state treasurer cash, a certified check, a cashier's check, a postal bank, or express money order, assignable bonds or notes of the United States, or an assignment of a bank savings account or investment certificate or an irrevocable bank letter of credit, in the same amount as would be required for a bond."

This subdivision is repealed effective July 1, 1983.

Subd. 5. [VOLUNTARY EXTENSION OF CREDIT.] Upon demand by a seller of grain, a grain buyer shall pay 90 percent of the estimated or actual value of grain purchased at the time the physical possession of the grain is conveyed from the seller to the grain buyer. The grain buyer shall complete final settlement as rapidly as possible through ordinary diligence. Any transaction wherein this demand is not exercised constitutes a voluntary extension of credit and is not afforded protection under the grain buyer's bond."

Renumber the subdivisions in sequence

Page 5, line 1, delete "90" and insert "180"

Page 5, line 3, delete "commisssoner" and insert "commissioner"

Page 5, delete lines 9 to 15 and insert:

"Subd. 8. [BOND DISBURSEMENT.] (a) The bond shall provide for

payment of loss caused by the grain buyer's failure to pay, upon the owner's demand, the purchase price of grain sold to the grain buyer. The bond shall be conditioned upon the grain buyer being duly licensed as provided herein. The bond shall not cover any transaction which constitutes a voluntary extension of credit."

Page 5, line 27, delete "*commisssoner*" and insert "*commissioner*"

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

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

S.F. No. 1219: A bill for an act relating to the environment; requiring notice of intent to develop uranium; creating an advisory committee; requiring adoption of a state policy; appropriating money; imposing a penalty; proposing new law coded in Minnesota Statutes, Chapter 116C.

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

Delete everything after the enacting clause and insert:

"URANIUM DEVELOPMENT

Section 1. [116C.80] [POLICY; SHORT TITLE.]

Subdivision 1. [POLICY.] The legislature finds that the development of uranium resources within this state may pose a potential threat to the air, water, and land of the state and the health, safety and welfare of present and future generations.

Therefore it is the policy of the state to regulate the development of uranium resources within the state. Accordingly, it is in the public interest to study the health, safety, environmental, and economic impacts of uranium development and to develop and adopt prior to the development of uranium resources within the state a state policy, laws and regulations for uranium development consistent with the state's paramount concern for the protection of its air, water, land, and other natural resources from pollution, impairment or destruction and the protection of the public health, safety, and welfare.

Subd. 2. [SHORT TITLE.] Sections 1 to 12 may be cited as the Uranium Policy, Regulation, and Development Act.

Sec. 2. [116C.81] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] As used in sections 1 to 12, the terms defined in this section have the meanings given them.

Subd. 2. [BOARD.] "Board" means the environmental quality board.

Subd. 3. [COMMITTEE.] "Comimmittee" means the uranium development advisory committee created pursuant to section 5.

Subd. 4. [URANIUM DEVELOPER.] "Uranium developer" means any person who engages or proposes to engage in the business of uranium development.

Subd. 5. [URANIUM DEVELOPMENT.] "Uranium development" means extraction or processing of ores and related activities for the purpose of producing merchantable uranium. Uranium development includes surface mining and underground mining, on-site transportation, concentrating or milling, obtaining a bulk sample of ore, producing and disposing of tailings, and other associated activities. Uranium development does not include exploratory boring regulated under chapter 156A.

Sec. 3. [116C.82] [GENERAL REQUIREMENTS.]

Uranium development may not begin in the state until all of the following have occurred:

(a) A uranium developer has filed a petition of intent to begin development, as provided in section 4;

(b) The uranium development advisory committee created pursuant to section 5, has completed the necessary survey of studies, and performed all other tasks as provided by sections 6 and 8;

(c) The legislature has adopted a state policy on uranium development and has performed all other duties as required by sections 7 and 9; and

(d) Appropriate state agencies have adopted all rules required by law pertaining to uranium development including those required pursuant to section 9.

Sec. 4. [116C.83] [PETITION OF INTENT.]

Subdivision 1. [FILING; CONTENT.] A uranium developer may not engage in uranium development or apply for any state permit needed for uranium development unless the developer files a petition of intent with the board. The petition shall be in the form required by the board and shall contain information as to the location and nature of the proposed development, any contemplated discharges of wastes, the potential effect of the development on natural resources and other information required by the board.

Subd. 2. [APPLICATION FEE.] The petition shall be accompanied by a fee of \$50,000, payable to the board. Fees shall be deposited in the general fund and are appropriated to the board for the survey, evaluation, and reports by the committee under sections 6 and 8, and for completion of the studies authorized under section 9.

Subd. 3. [NOTICE.] Within 30 days of receiving the petition of intent, the board shall notify all persons responsible for making appointments to the committee.

Sec. 5. [116C.84] [URANIUM DEVELOPMENT ADVISORY COMMITTEE.]

Subdivision 1. [APPOINTMENTS.] Within 60 days after the first petition of intent has been filed under section 4 the governor shall appoint nine citizens to a uranium development advisory committee. At least one of the citizens shall be a resident of the county in which development is to take place, as stated in the first petition of intent filed with the board and at least two shall be residents of other geographic areas of the state where uranium development may be proposed.

Subd. 2. [TERMS; COMPENSATION.] Membership terms, compensation,

removal, and other provisions relating to the membership of the committee shall be as provided in section 15.059, except that the committee shall expire two years after it is appointed unless extended by the legislature.

Subd. 3. [CONFLICT OF INTEREST.] No member of the committee shall have a direct or indirect financial interest in any uranium developer or in the proposed uranium development.

Subd. 4. [STAFF.] The committee may contract for the technical support and other assistance necessary to identify and evaluate necessary studies and to prepare its reports and recommendations. Agencies of state government shall cooperate with the committee when it requests their assistance in fulfilling its duties.

Sec. 6. [116C.85] [SURVEY TO IDENTIFY NECESSARY STUDIES AND COSTS; REPORT TO LEGISLATURE.]

Subdivision 1. [SURVEY.] The committee shall conduct a survey to identify all studies necessary to evaluate the health, safety, environmental, and economic impacts of uranium development in the state and shall estimate the cost of each study. In performing this survey, the committee shall consider the need to study subjects including:

- (a) Potential effects on surface and ground water;*
- (b) Potential effects on occupational health and safety;*
- (c) Potential air emissions and effects on air quality;*
- (d) Potential needs for land reclamation;*
- (e) Potential effects of disposal of tailings on surface and ground water and on air quality;*
- (f) Potential long-term effects of radioactive tailings including effects of low-level radiation;*
- (g) Potential effects of uranium development on the economy of communities near proposed development sites and on the state economy;*
- (h) The costs to the state and to uranium developers of state regulation and monitoring of uranium development;*
- (i) The impact of proposed uranium development on the budgets and revenues of state and local government and the need for new tax policies including a policy to compensate the state for the removal of non-renewable natural resources; and*
- (j) Potential health risks and costs to present and future generations.*

Subd. 2. [RELATION TO OTHER STUDIES.] The survey and the studies advised by the committee shall not duplicate studies conducted pursuant to Laws 1980, Chapter 535, Section 11, or conducted by any state or federal agency.

Subd. 3. [REPORT.] Within one year after the committee is appointed, the committee shall identify in a report to the legislature the studies which are necessary to evaluate the health, safety, environmental and economic effects of uranium development, and the estimated cost of each study.

Sec. 7. [116C.86] [LEGISLATIVE AUTHORIZATION OF STUDIES;

ASSESSMENT OF URANIUM DEVELOPERS.]

Within one year after receiving the report of the committee, the legislature shall authorize the studies which it deems necessary, select the agencies responsible for each study, and set deadlines for their completion. It is the intent of the legislature that uranium developers bear the costs of the studies authorized under this section.

Sec. 8. [116C.87] [EVALUATION OF STUDIES; RECOMMENDATIONS TO LEGISLATURE.]

Subdivision 1. [EVALUATION; RECOMMENDATIONS.] Upon completion of each study authorized by the legislature, the committee shall evaluate the impacts of uranium development as set forth in the study. On the basis of its evaluation of all of the studies, the committee shall report to the legislature whether state policies, laws and regulations can be adopted which will allow uranium development to proceed in a way that satisfies the paramount concern of the state for the protection of its air, water, land and other natural resources from pollution, impairment or destruction and the protection of the public health, safety and welfare. If it finds that uranium development can so proceed, the committee shall recommend the state policies, laws and regulations needed in relation to uranium development to protect the public health, safety and the environment and to address the impact of uranium development on state and local economic conditions and on the budget and revenues of state and local government. The recommendations shall be based on sound scientific, technical and professional findings and opinion as provided in the studies. The committee, with the aid of the board, shall identify the state agencies which should be directed to implement the policies, laws and regulations proposed in its recommendations.

Sec. 9. [116C.88] [STATE POLICY AND RULES.]

At the first regular annual legislative session after receiving the report and recommendations of the committee under section 8, the legislature shall formulate a state uranium development policy and shall direct the appropriate agencies to adopt any rules which it deems necessary as a condition for uranium development consistent with that policy. The studies authorized by the legislature and the report and recommendations made pursuant to this section shall be a part of the factual basis considered by the agencies directed to adopt rules under this section in their rulemaking process.

Sec. 10. [116C.89] [RESPONSIBILITY OF URANIUM DEVELOPERS.]

Subdivision 1. [OTHER STATUTES, RULES.] Nothing contained in sections 1 to 12 shall be construed as relieving uranium developers from the duty to comply with all other applicable statutes, rules, regulations, and ordinances.

Subd. 2. [RIGHT OF ENTRY.] The committee, the board, and any other state agency having any authority or duty under sections 1 to 12, or an employee or representative of the committee, board, or agency when authorized by the committee, board or agency, may enter the property identified in a petition of intent as the location of a proposed uranium development to make inspections and gather information necessary to carry out duties or authority under those sections.

Sec. 11. [116C.90] [LOCAL CONTROL.]

Nothing contained in sections 1 to 12 shall be construed as limiting the lawful authority of local units of government to prohibit uranium development within their boundaries, require permits from uranium developers, or impose reasonable requirements and fees upon uranium developers, consistent with sections 1 to 12, or other state laws and rules adopted thereunder.

Sec. 12. [116C.91] [PENALTIES.]

Subdivision 1. [CRIMINAL PENALTY.] Any person who engages in the business of uranium development in violation of the provisions of section 4, subdivision 1 is guilty of a gross misdemeanor.

Subd. 2. [CIVIL PENALTY.] Any person who engages in the business of uranium development in violation of the provisions of section 4, subdivision 1 is subject to civil penalty in an amount determined by the court not to exceed \$10,000 per day for each day of violation. The penalty may be recovered by an action by the attorney general in the name of the state in the district court for Ramsey County."

Amend the title as follows:

Page 1, line 5, after "a" insert "civil and criminal"

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

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

S.F. No. 1022: A bill for an act relating to water; raising the petitioners' bond in certain drainage project cases and the appellant's bond in the case of certain appeals; eliminating a responsibility imposed on certain water project contractors; amending Minnesota Statutes 1980, Sections 106.041; and 106.631, Subdivision 2; repealing Minnesota Statutes 1980, Section 105.463.

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

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1980, Section 105.463, is amended to read:

105.463 [CONTRACTOR'S RESPONSIBILITY.]

It is unlawful for any agent, servant, or employee of another to ~~undertake work for which a permit is required pursuant to section 98.48, subdivision 9, this chapter, or section 106.021,~~ construct, reconstruct, remove, make any change in any reservoir, dam or waterway obstruction on any public water, or in any manner to change or diminish the course, current or cross-section of any public waters unless a copy of the permit authorizing such work is posted on or near the premises upon which such work is conducted the agent, servant or employee has (a) obtained a signed statement from the landowner that all permits required for the work have been obtained or that no permit is required, and (b) mailed a copy of the statement to the office of the department for the region in which the proposed work is located. ~~The~~ Violation of this section constitutes a separate and independent offense from any other provided by sections 105.37 to 105.55.

The commissioner of natural resources shall develop a suitable form to be

distributed to contractors' associations and county auditors for the purposes of this section, which shall include a listing of the activities for which a permit is required, a description of the penalties for violating this chapter, the mailing addresses and telephone numbers of the various regional offices of the department of natural resources, a statement that water inventory maps completed pursuant to section 105.391, subdivision 1, are on file with the auditors of the various counties, and spaces for a description of the work and the names, mailing addresses, and phone numbers of the person authorizing the work and the agent, servant, or employee proposing to undertake it."

Page 3, delete section 3

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "eliminating a" and insert "clarifying the"

Page 1, line 7, after "Sections" insert "105.463;" and after "Subdivision 2" delete the semicolon and insert a period

Page 1, delete line 8

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. 1846: A bill for an act relating to metropolitan solid waste management; allowing the removal of the moratorium on development at certain sites; amending Minnesota Statutes 1981 Supplement, Section 473.803, Subdivision 1a.

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

Page 3, line 32, after "time" insert "with the approval of the county in which the site is located,"

Page 4, lines 12 to 19, delete the new language

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. 1915: A bill for an act relating to solid waste; directing a legislative study of solid waste utilization in the St. Cloud area; appropriating funds.

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

Page 1, line 8, delete "legislative commission on waste management" and insert "commissioner of energy, planning and development"

Page 1, line 13, delete "commission" and insert "commissioner"

Page 1, after line 17, insert:

"No money may be spent by the commissioner under this section unless

one-half of the amount to be spent to conduct or contract for the study has been provided to the commissioner by gift from private persons interested in the study. The commissioner shall consult with those persons concerning the selection of any consultant under this section."

Page 1, line 20, delete everything before the comma and insert "department of energy, planning and development \$25,000"

Page 1, line 22, after the period, insert "*None of the money appropriated in this section shall be spent unless the legislative commission on waste management approves a work program of the department showing that the conditions prescribed in section 1 have been met and showing the scope of the proposed activities of the department in carrying out section 1.*"

Amend the title as follows:

Page 1, line 2, delete "legislative"

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

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

S.F. No. 1130: A bill for an act relating to real estate; directing the release of a certain state owned easement.

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

Page 1, delete section 1 and insert:

"Section 1. [CONVEYANCE OF LANDS; LYON COUNTY.]

The commissioner of administration, by quitclaim deed, in a form approved by the attorney general, for a consideration of \$1, shall convey to Gentius L. and Alice G. Shriver the interest of the state in the following described property:

The North 7 acres of NW 1/4 of SE 1/4 adjacent to Government Lot 7 on the North of Section 31, Range 43, Township 109, in Lyon County."

Page 1, after line 17, insert:

"Sec. 2. [QUITCLAIM DEED.]

The commissioner of natural resources, in the name of the state, shall convey by quitclaim deed, in a form approved by the attorney general, without monetary consideration any interest which the state may have in Lot 38 of Clearwater Beach, Wright County, Minnesota, to David C. and Rosemary Carlson, Robert J. and Jan Bowman, and Linda F. Schwichtenberg."

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 2 and 3 and insert "relating to state lands; authorizing the conveyance by the state of its interest in certain lands in Lyon County and Wright County."

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

adopted.

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

S.F. No. 1894: A bill for an act relating to energy; transferring certain duties to the commissioner of the department of energy, planning and development; amending Minnesota Statutes 1980, Sections 16.86, Subdivisions 4 and 5; 116H.02, by adding a subdivision; 394.25, Subdivision 2; 462.357, Subdivision 1; Minnesota Statutes 1981 Supplement, Sections 116H.07; 116H.088, Subdivision 1; 116H.095, Subdivisions 4 and 5; 116H.10, Subdivision 4; 116H.11, Subdivision 1; 116H.12, Subdivision 4; 116H.128; 116H.18; proposing new law coded in Minnesota Statutes, Chapter 325E; repealing Minnesota Statutes 1980, Sections 116H.088, Subdivision 2; 116H.12, Subdivision 8; 116H.19, Subdivision 2.

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

Pages 1 and 2, delete sections 1 and 2

Page 6, delete section 10

Page 7, after line 19, insert:

"Sec. 9. Minnesota Statutes 1980, Section 116H.15, Subdivision 1, is amended to read:

Subdivision 1. Any person who violates ~~sections 116H.01 to 116H.15, any provision of this chapter or section 325F.20; or 325F.21, or any rule or regulation promulgated thereunder, or knowingly submits false information in any report required by sections 116H.01 to 116H.15, this chapter or section 325F.20; or 325F.21~~ shall be guilty of a misdemeanor. Each day of violation shall constitute a separate offense.

Sec. 10. Minnesota Statutes 1981 Supplement, Section 116H.15, Subdivision 2, is amended to read:

Subd. 2. The provisions of *this chapter and sections 116H.01 to 116H.15, 325F.20; and 325F.21, or any rules or regulations promulgated hereunder* may be enforced by injunction, action to compel performance or other appropriate action in the district court of the county wherein the violation takes place. The attorney general shall bring any action under this subdivision upon the request of the commissioner, and the existence of an adequate remedy at law shall not be a defense to an action brought under this subdivision.

Sec. 11. Minnesota Statutes 1980, Section 116H.15, Subdivision 3, is amended to read:

Subd. 3. When the court finds that any person has violated ~~sections 116H.01 to 116H.15, any provision of this chapter or section 325F.20; or 325F.21, or any rule or regulation thereunder, has knowingly submitted false information in any report required by sections 116H.01 to 116H.15, this chapter or section 325F.20; or 325F.21, or has violated any court order issued under sections 116H.01 to 116H.15, this chapter or section 325F.20; or 325F.21, the court may impose a civil penalty of not more than \$10,000 for each violation. These penalties shall be paid to the general fund in the state treasury.~~

Page 7, line 34, delete "fuel" and insert "energy"

Page 8, delete lines 4 to 17 and insert:

"(c) 'Energy index' means a report designed to show the actual, and the weather-adjusted, increase or decrease in energy consumption from the current billing month or heating season to a previous billing month or heating season."

Page 8, delete lines 28 to 31

Page 8, line 32, delete "HEATING FUEL" and insert "ENERGY"

Page 8, line 32 after "Every" insert "energy"

Page 8, line 33, delete "of heating fuels"

Page 8, line 34, delete "an automated or" and insert "a"

Page 8, line 35, delete everything after the comma

Page 8, line 36, delete everything before the comma and insert "at least annually"

Page 9, line 1, delete "a heating fuel" and insert "an energy"

Page 9, line 1, delete everything after the period

Page 9, delete lines 2 to 8

Page 9, line 9, delete everything before "Suppliers"

Page 9, line 9, after "firewood" insert " , fuel oil, propane,"

Renumber the subdivisions in sequence

Page 9, delete lines 12 to 36 and insert:

"Subdivision 3 is amended to read:

Subd. 3. Within each such district zoning ordinances or maps may also be adopted designating or limiting the location, height, bulk, number of stories, size of, and the specific uses for which dwellings, buildings, and structures may be erected or altered; the minimum and maximum size of yards, courts, or other open spaces; setback from existing roads and highways and roads and highways designated on an official map; protective measures necessary to protect the public interest including but not limited to controls relating to appearance, signs, lighting, hours of operation and other aesthetic performance characteristics including but not limited to noise, heat, glare, vibrations and smoke; the area required to provide for off street loading and parking facilities; heights of trees and structures near airports; and to avoid too great concentration or scattering of the population. All such provisions shall be uniform for each class of land or building throughout each district, but the provisions in one district may differ from those in other districts. No provision may prohibit earth sheltered construction as defined in section 116H.02, subdivision 3, *siting of 40 kilowatt or less wind energy conversion systems, as defined in section 116H.02, that complies* comply with all other zoning ordinances promulgated pursuant to this section."

Page 10, lines 15 and 16, delete the new language

Page 10, line 20, after "3," insert "*siting of 40 kilowatt or less wind energy conversion systems, as defined in section 116H.02,*"

Page 10, line 20, strike "complies" and insert "comply"

Page 11, after line 5, insert:

"Sec. 16. Minnesota Statutes 1980, Section 500.30, is amended to read:

500.30 [SOLAR OR WIND EASEMENTS.]

Subdivision 1. "Solar easement" means a right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or solar skyspace for the purpose of ensuring adequate exposure of a solar energy system as defined in section 116H.02, subdivision 11, to solar energy.

Subd. 1a. "Wind easement" means a right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or air space for the purpose of ensuring adequate exposure of a wind power system to the winds.

Subd. 2. Any property owner may grant a solar or wind easement in the same manner and with the same effect as a conveyance of an interest in real property. The easements shall be created in writing and shall be filed, duly recorded, and indexed in the office of the recorder of the county in which the easement is granted. No duly recorded ~~solar~~ easement shall be unenforceable on account of lack of privity of estate or privity of contract; such easements shall run with the land or lands benefited and burdened and shall constitute a perpetual easement, except that a ~~solar~~ an easement may terminate upon the conditions stated therein or pursuant to the provisions of section 500.20.

Subd. 3. Any deed, will, or other instrument that creates a solar or wind easement shall include, but the contents are not limited to:

(a) a description of the real property subject to the ~~solar~~ easement and a description of the real property benefiting from the solar or wind easement; and

(b) *for solar easements*, a description of the vertical and horizontal angles, expressed in degrees and measured from the site of the solar energy system, at which the solar easement extends over the real property subject to the ~~solar~~ easement, or any other description which defines the three dimensional space, or the place and times of day in which an obstruction to direct sunlight is prohibited or limited;

(c) *a description of the vertical and horizontal angles, expressed in degrees, and distances from the site of the wind power system in which an obstruction to the winds is prohibited or limited;*

(d) any terms or conditions under which the ~~solar~~ easement is granted or may be terminated;

(~~d~~) (e) any provisions for compensation of the owner of the real property benefiting from the ~~solar~~ easement in the event of interference with the enjoyment of the ~~solar~~ easement, or compensation of the owner of the real property subject to the ~~solar~~ easement for maintaining the ~~solar~~ easement;

(~~e~~) (f) any other provisions necessary or desirable to execute the instrument.

Subd. 4. A solar or wind easement may be enforced by injunction or proceedings in equity or other civil action.

Subd. 5. Any depreciation caused by any solar or wind easement which is imposed upon designated property, but not any appreciation caused by any solar easement which benefits designated property, shall be included in the valuation of the property for property tax purposes."

Page 11, line 8, delete "116H.19, Subdivision 2" and insert "Minnesota Statutes 1981 Supplement, Section 120.78, Subdivision 1"

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to energy; changing the duties of the commissioner of the department of energy, planning and development; expanding the scope of certain energy education programs; changing certain residential energy sales programs; providing for wind energy conversion systems in county and municipal zoning law; creating wind easements; amending Minnesota Statutes 1980, 116H.02, by adding a subdivision; 116H.15, Subdivisions 1 and 3; 394.25, Subdivision 3; 462.357, Subdivision 1; 500.30; Minnesota Statutes 1981 Supplement, Section 116H.07; 116H.088, Subdivision 1; 116H.095, Subdivisions 4 and 5; 116H.10, Subdivision 4; 116H.11, Subdivision 1; 116H.128; 116H.15, Subdivision 2; 116H.18; proposing new law coded in Minnesota Statutes, Chapter 325E; repealing Minnesota Statutes 1980, Sections 116H.088, Subdivision 2; 116H.12, Subdivision 8; and Minnesota Statutes 1981 Supplement, Section 120.78, Subdivision 1."

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

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

S.F. No. 1242: A bill for an act relating to state government; encouraging energy saving suggestions from employees.

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

Delete everything after the enacting clause and insert:

"Section 1. [16.715] [INCENTIVE PAY.]

Subdivision 1. [APPLICATION.] Each department, agency, or unit of state government may apply to the board created in section 16.71 for the award of incentive pay to its employees. The department, agency, or unit must identify to the satisfaction of the board the expenditures and receipts attributable to that unit. The application shall be submitted prior to the beginning of a fiscal year and shall have been reviewed by the head of the department or agency within which a unit is located. Application shall be on a form specified by rules promulgated pursuant to section 16.71, subdivision 5. The application shall also include criteria developed by the unit to evaluate the effectiveness of the proposals of the unit.

The board shall select units to participate in the incentive pay program for the fiscal year from those proposals considered reasonable and practical that also include acceptable evaluation criteria.

Subd. 2. [QUALIFICATIONS.] To qualify for the award of incentive pay to

its employees, a unit must demonstrate to the satisfaction of the board that it has operated during the fiscal year:

(a) At less cost than the immediately preceding fiscal year, and either with an increase in the level of services rendered or with no decrease in the level of services rendered; or

(b) At no greater cost than the immediately preceding fiscal year and with an increase in the level of services rendered.

Subd. 3. [EVALUATION.] The board shall satisfy itself that the claimed cost of operation is real and that it is not, in whole or in part, the result of:

(a) Chance;

(b) A lowering of the quality of the service rendered;

(c) Reduced pass-through or transfer expenditures;

(d) Receipts realized in excess of amounts budgeted;

(e) Nonrecurrence of expenditures which were single outlay, or one-time expenditures, in the preceding fiscal year;

(f) Failure to reward deserving employees through promotions, reclassification, award of merit salary increments, or salary increases authorized by salary range revisions;

(g) Postponement of normal purchases and/or repairs to a future fiscal year;

(h) Stockpiling inventories in the immediately preceding fiscal year so as to reduce requirements in the eligible fiscal year;

(i) Substitution of federal funds, other receipts, or nonstate funds for state appropriations;

(j) Unreasonable postponement of payments of accounts payable until the fiscal year immediately following the eligible fiscal year;

(k) Shifting of expenses to another unit of government; or

(l) Any other practice, event, or device which the board decides has caused a distortion which makes it falsely appear that a savings or increase in level of services has occurred.

The board shall consider reductions in expenditures made possible by the following:

(a) Reductions in overtime;

(b) Elimination of consultant fees;

(c) Less temporary help;

(d) Elimination of budgeted positions;

(e) Improved methods of communication;

(f) Improved systems and procedures;

(g) Better deployment and utilization of staff;

(h) Elimination of unnecessary travel;

(i) Elimination of unnecessary printing and mailing;

(j) *Elimination of unnecessary energy use and reduction of total energy costs;*

(k) *Elimination of unnecessary payments for advertising, memberships, dues, and subscriptions;*

(l) *Elimination of waste, duplication, and operations of doubtful value;*

(m) *Improved space utilization; and*

(n) *Any other items considered by the board as representing true savings.*

Subd. 4. [AWARDS.] At the conclusion of the eligible fiscal year, the board shall compare the expenditures of that unit for the immediately preceding fiscal year and, after making any adjustments necessary to eliminate distortions, shall determine the amount, if any, that the unit has reduced its costs of operations or increased its level of services in the eligible fiscal year. Adjustments to eliminate distortions may include any legislative increases in employee compensation and inflationary increases in the cost of services, materials and supplies. If the board determines that a unit qualifies for an award, it shall award to the employees of that unit a sum not in excess of 25 percent of the amount determined to be the savings to the state for the level of services rendered. The amount awarded shall be divided and distributed in equal shares to the employees of the unit, except that employees who worked for that unit less than the full 12 months of the fiscal year shall receive only a pro rata share based on the fraction of the year worked for that unit. Money for incentive pay shall be drawn from the unit's principal department's ending balance for the eligible fiscal year.

Subd. 5. [ANNUAL REPORT.] The chairman of the board shall prepare and submit to the legislature a comprehensive annual status report on the board's activities, decisions, awards, and recommendations with respect to the employee incentive pay program."

Delete the title and insert:

"A bill for an act relating to state employees; creating an incentive pay program; proposing new law coded in Minnesota Statutes, Chapter 16."

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

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

S.F. No. 1942: A bill for an act relating to housing; authorizing a housing interest reduction program for housing and redevelopment authorities; amending Minnesota Statutes 1980, Sections 462.421, Subdivision 14; 462.445, by adding subdivisions; and 462.545, Subdivision 1.

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

Page 2, lines 3 and 4, delete "or section 462.445, subdivision 9"

Page 2, line 6, delete everything after "462C"

Page 2, line 7, delete everything before the semicolon

Page 3, after line 8, insert:

"For the purposes of this subdivision an "assisted housing unit" is a housing unit which is rented or to be rented and which is a part of a rental housing development where the financing for the rental housing development is assisted with interest reduction assistance provided by the authority during the calendar year. If interest reduction assistance is provided for construction period interest for a rental housing development, the housing units in the housing development shall be considered assisted housing units for a period after occupancy of the housing units which is equal to the period which interest reduction assistance is provided to assist the construction financing of the rental housing development. In any calendar year when an authority provides interest reduction assistance for assisted housing units, (1) at least 20 percent of the total assisted housing units within the jurisdiction of the authority shall be held available for rental to families or individuals with an adjusted gross income which is equal to or less than 80 percent of the median family income, and (2) at least an additional 55 percent of the total assisted housing units within the jurisdiction of the authority shall be held available for rental to individuals or families with an annual adjusted gross income which is equal to or less than 66 times 100 percent of the monthly fair market rent for the unit established by the United States department of housing and urban development. At least 80 percent of the aggregate dollar amount of funds appropriated by an authority within any calendar year to provide interest reduction assistance for financing of construction, rehabilitation or purchase of single-family housing, as that term is defined in section 462C.02, subdivision 4, when the financing is provided pursuant to chapter 462C, shall be appropriated for housing units which are to be sold or occupied by families or individuals with an adjusted gross income which is equal to or less than 110 percent of median family income. At least 80 percent of the aggregate dollar amount of funds appropriated by an authority within any calendar year to provide interest reduction assistance for financing of construction, rehabilitation or purchase of single family housing as that term is defined in section 462C.02, when the financing is not provided pursuant to chapter 462C, shall be appropriated for housing units which are to be sold or occupied by families or individuals with an adjusted gross income which is equal to or less than 110 percent of median family income. For the purposes of this subdivision, "median family income" means the median family income established by the United States department of housing and urban development for the non-metropolitan county or the standard metropolitan statistical area, as the case may be. The adjusted gross income may be adjusted by the authority for family size."

Page 4, after line 1, insert:

"Sec. 5. [EXPIRATION.]

The authority to authorize payment of interest reduction assistance pursuant to sections 2 and 3 shall expire on January 1, 1986. Interest reduction assistance payments authorized prior to January 1, 1986 may be paid after January 1, 1986."

Renumber the sections in sequence.

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

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

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.

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

Page 3, after line 1, insert:

"At least 80 percent of the aggregate dollar amount of funds appropriated by an authority within any calendar year to provide interest reduction assistance for financing of construction, rehabilitation or purchase of single family housing, as that term is defined in section 462C.02, subdivision 4, when the financing is provided pursuant to chapter 462C, shall be appropriated for housing units which are to be sold or occupied by families or individuals with an adjusted gross income which is equal to or less than 110 percent of median family income. At least 80 percent of the aggregate dollar amount of funds appropriated by an authority within any calendar year to provide interest reduction assistance for financing of construction, rehabilitation or purchase of single family housing as that term is defined in section 462C.02, when the financing is not provided pursuant to chapter 462C, shall be appropriated for housing units which are to be sold or occupied by families or individuals with an adjusted gross income which is equal to or less than 110 percent of median family income. For the purposes of this subdivision, "median family income" means the median family income established by the United States department of housing and urban development for the non-metropolitan county or the standard metropolitan statistical area, as the case may be. The adjusted gross income may be adjusted by the authority for family size.

Sec. 4. [EXPIRATION.]

The authority to authorize payment of interest reduction assistance pursuant to sections 1 to 3 shall expire on January 1, 1986. Interest reduction assistance payments authorized prior to January 1, 1986, may be paid after January 1, 1986."

Renumber the sections in sequence

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. 1451: A bill for an act relating to metropolitan government; providing for the establishment and operation of a water planning and management program in the metropolitan area; requiring watershed and local water management plans; establishing a metropolitan water resources advisory board; providing for the establishment and operation of watershed management organizations; establishing a program of planning and capital improvement grants; authorizing county and metropolitan debt; authorizing taxes; amending Minnesota Statutes 1980, Sections 112.35, by adding a subdivision; 112.37, Subdivision 1, and by adding a subdivision; 112.42, Subdivision 3 and by adding subdivisions; 112.43, by adding a subdivision; 112.46; proposing new law coded in Minnesota Statutes, Chapter 473.

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

follows:

Page 2, line 21, after "as" insert "otherwise"

Page 3, delete lines 2 to 23 and insert:

"Subd. 7. The managers of a district wholly within the metropolitan area shall number not less than five nor more than nine. They shall be selected from a list of persons nominated jointly or severally by statutory and home rule charter cities and towns having territory within the district. The list shall contain at least three nominees for each position to be filled. If the cities and towns fail to nominate in accordance with this subdivision, the managers shall be selected as provided in subdivision 1."

Pages 3 to 20, delete sections 4 to 20 and insert:

"Sec. 4. Minnesota Statutes 1980, Section 112.42, Subdivision 3, is amended to read:

Subd. 3. At least 30 days prior to the expiration of the term of office of the first managers named by the board, the county commissioners of each county affected shall meet and proceed to appoint successors to the first managers. ~~Provided, however,~~ If the nominating petition that initiated the district ~~shall be~~ originated from a majority of the cities within the district ~~or if the district is wholly within the metropolitan area,~~ the county commissioners shall appoint the managers from a list of ~~nominees submitted~~ persons nominated jointly or severally by the townships and municipalities within the district. ~~Said~~ The list shall contain at least three nominees for each position to be filled. It shall be submitted to the affected county board at least 60 days prior to the expiration of the term of office. If ~~such~~ the list is not submitted within 60 days prior to the expiration of the term of office the county commissioners shall select the managers from eligible individuals within the district. ~~Said~~ The county commissioners shall at least 30 days before the expiration of the term of office of any managers meet and appoint the successors. If the district affects more than one county, distribution of the managers among the counties affected shall be as directed by the board. Ten years after the order of establishment, upon petition of the county board of commissioners of any county affected by the district, the board after public hearing thereon, may redistribute the managers among the counties if ~~such~~ redistribution is in accordance with the policy and purposes of this chapter. No petition for the redistribution of managers shall be filed with the board more often than once in ten years. The term of office of each manager, if the number does not exceed three, shall be one for a term of one year, one for a term of two years, and one for a term of three years. If the managers consist of five members, one shall be for a term of one year, two for a term of two years, and two for a term of three years. *If the board of managers consists of more than five members, the managers shall be appointed so that as nearly as possible one-third serve terms of one year, one-third serve terms of two years, and one-third serve terms of three years.* If the district affects more than one county, the board shall direct the distribution of the one, two and three year terms among the affected counties. Thereafter, the term of office for each manager shall be for a term of three years, and until his successor is appointed and qualified. If the district affects more than five counties, in order to provide for the orderly distribution of the managers, the board may determine and identify the manager areas within the territory of the district and select the appointing county board of commissioners for each manager's area. Any va-

cancy occurring in an office of a manager shall be filled by the appointing county board of commissioners. A record of all appointments made under this subdivision shall be filed with the county auditor of each county affected, with the secretary of the board of managers, and with the secretary of the water resources board. No person shall be appointed as a manager who is not a voting resident of the district and none shall be a public officer of the county, state, or federal government.

Sec. 5. Minnesota Statutes 1980, Section 112.42, is amended by adding a subdivision to read:

Subd. 3a. The board shall restructure the boards of managers of districts established before the effective date of this act and located wholly within the metropolitan area to ensure compliance with the requirements of sections 3 and 4. The board shall request recommendations from the district and the affected local government units. Additional managers, if any, shall be appointed by the county designated by the board, to terms designated by the board, at the time of and in the manner provided for the next regular appointment of successors to managers of the district.

Sec. 6. Minnesota Statutes 1980, Section 112.43, is amended by adding a subdivision to read:

Subd. 1a. A watershed district located wholly within the metropolitan area shall have the duties and authorities as provided in sections 7 to 14. Notwithstanding any contrary provision of subdivision 1, a watershed district located wholly within the metropolitan area shall have authority to regulate the use and development of land only under the conditions specified in section 9, clause (c).

Sec. 7. [473.875] [PURPOSES.]

The purpose of the surface water management programs required by sections 7 to 14 is to preserve and use natural water storage and retention systems in order to (a) reduce to the greatest practical extent the public capital expenditures necessary to control excessive volumes and rates of runoff, (b) improve water quality, (c) prevent flooding and erosion from surface flows, (d) promote ground water recharge, (e) protect and enhance fish and wildlife habitat and water recreational facilities, and (f) secure the other benefits associated with the proper management of surface water.

Sec. 8. [473.876] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 7 to 14, the following terms have the meanings given them.

Subd. 2. [CAPITAL IMPROVEMENT PROGRAM.] "Capital improvement program" means an itemized program for at least a five year prospective period, and any amendments to it, subject to at least biennial review, setting forth the schedule, timing, and details of specific contemplated capital improvements by year, together with their estimated cost, the need for each improvement, financial sources, and the financial effect that the improvements will have on the local government unit or watershed management organization.

Subd. 3. [LOCAL COMPREHENSIVE PLAN.] "Local comprehensive plan" has the meaning given it in section 473.852, subdivision 5.

Subd. 4. [LOCAL GOVERNMENT UNIT.] *"Local government unit" or "local unit" has the meaning given it in section 473.852.*

Subd. 5. [OFFICIAL CONTROLS.] *"Official controls" has the meaning given it in section 473.852.*

Subd. 6. [WATERSHED.] *"Watershed" means a natural drainage area which crosses the borders of two or more local government units and which has boundaries substantially coterminous with secondary or tertiary watersheds recognized by the state water planning board, except that boundaries shall not cross a primary river.*

Subd. 7. [WATERSHED DISTRICT.] *"Watershed district" means a district established under chapter 112.*

Subd. 8. [WATERSHED MANAGEMENT ORGANIZATION.] *"Watershed management organization" or "organization" means a watershed district wholly within the metropolitan area or an entity established under special law or a joint powers agreement wholly within the metropolitan area which performs some or all of the functions of a watershed district for a watershed and which has the characteristics and the authority specified under section 9.*

Sec. 9. [473.877] [WATERSHED MANAGEMENT ORGANIZATION; AUTHORITY.]

Any agreement under section 471.59 to jointly or cooperatively manage or plan for the management of surface water in a watershed wholly within the metropolitan area may provide for a joint board having:

(a) the authority to prepare and adopt a plan meeting the requirements of section 10;

(b) the authority to review and approve local water management plans as provided in section 11;

(c) the authority of a watershed district under chapter 112 to regulate the use and development of land when one or more of the following conditions exists: (1) the local government unit exercising planning and zoning authority over the land under sections 366.10 to 366.19, 394.21 to 394.37, or 462.351 to 462.364, does not have a local water management plan approved and adopted in accordance with the requirements of section 11 or has not adopted the implementation program described in the plan; (2) an application to the local government unit for a permit for the use and development of land requires an amendment to or variance from the adopted local water management plan or implementation program of the local unit; (3) the local government unit has authorized the organization to require permits for the use and development of land.

(d) other powers necessary to exercise the authority under clauses (a) to (c), including the power to enter into contracts for the performance of functions with governmental units or persons.

Sec. 10. [473.878] [WATERSHED PLANS.]

Subdivision 1. [REQUIREMENT.] *A watershed management plan shall be prepared and adopted for each watershed wholly within the metropolitan area in accordance with the requirements of this section.*

Subd. 2. [RESPONSIBLE UNITS.] *Where a watershed management or-*

ganization exists, the plan for the watershed shall be prepared and adopted by the organization. If a watershed management organization is not established by December 31, 1983, for any watershed located wholly outside of Hennepin and Ramsey counties, the county or counties containing the watershed shall prepare and adopt the watershed plan and shall have the planning, review, and permitting authority of a watershed management organization specified in section 9. If a watershed management organization is not established by December 31, 1983, for any watershed wholly or partly within Hennepin or Ramsey counties, the county or counties containing the watershed shall petition for the establishment of a watershed district under chapter 112, provided, however, that a district established pursuant to such a petition shall not have authority to plan or construct storm sewer separation projects without the agreement of all local government units having territory within the district. A watershed management organization may request a county to prepare all or part of a plan. A county may delegate the preparation of all or part of a plan to the county soil and water conservation district. Upon request of a statutory or home rule charter city or town, a county may delegate the preparation of all or part of a plan to the city or town.

Subd. 3. [GENERAL STANDARDS.] The watershed management plan shall extend through the year 1990 or any year thereafter which is evenly divisible by five. The plan shall contain the elements required by subdivision 4. Each element shall be set out in the degree of detail and prescription necessary to accomplish the purposes of sections 7 to 14, considering the character of existing and anticipated physical and hydrogeologic conditions, land use, and development and the severity of existing and anticipated water management problems in the watershed. The plan shall be prepared and submitted for review under subdivision 5 by December 31, 1985. Existing plans of a watershed management organization shall remain in force and effect until amended or superseded by plans adopted under sections 7 to 14. Existing or amended plans of a watershed management organization which meet the requirements of sections 7 to 14 may be submitted for review under subdivision 5.

Subd. 4. [CONTENTS.] The plan shall:

(a) Describe the existing physical environment, land use, and development in the area and the environment, land use, and development proposed in existing local and metropolitan comprehensive plans;

(b) Present information on the hydrologic system and its components and existing and potential problems related thereto;

(c) State objectives and policies, including management principles, alternatives and modifications, water quality, and protection of natural characteristics;

(d) Set forth a management plan, including the hydrologic and water quality conditions that will be sought and significant opportunities for improvement;

(e) Describe conflicts between the watershed plan and existing plans of local government units;

(f) Set forth an implementation program consistent with the management plan, which includes a capital improvement program and standards and schedules for amending the comprehensive plans and official controls of local government units in the watershed to bring about conformance with the water-

shed plan;

(g) Set out a procedure for amending the plan.

Subd. 5. [REVIEW.] Upon completion of the plan but before final adoption by the organization, the organization shall submit the plan for review and comment to all counties, soil and water conservation districts, towns, and statutory and home rule charter cities having territory within the watershed. Any local government unit which expects that substantial amendment of its local comprehensive plan will be necessary in order to bring local water management into conformance with the watershed plan shall describe as specifically as possible, within its comments, the amendments to the local plan which it expects will be necessary. Sixty days after the submission to local government units for comment, the organization shall submit the plan, any comments received, and any appropriate amendments to the plan, to the board of the county or counties having territory within the watershed. The county shall approve or disapprove projects in the capital improvement program which may require the provision of county funds pursuant to section 112.60, subdivision 2, or section 14. The county shall have 60 days to complete its review of the capital improvement program. If the county fails to complete its review within the prescribed period, unless an extension is agreed to by the organization the program shall be deemed approved. If the watershed extends into more than one county and one or more counties disapprove of all or part of a capital improvement program while the other county or counties approve, the program shall be submitted to the water resources board for review pursuant to subdivision 7.

Subd. 6. [REVIEW BY METROPOLITAN COUNCIL.] After completion of the review under subdivision 5, the plan shall be submitted to the metropolitan council for review. Notwithstanding any provision to the contrary in sections 112.46 and 473.165, the council shall review the plan in the same manner and with the same authority and effect as provided for the council's review of the comprehensive plans of local government units under section 473.175. The council shall comment on the apparent conformity with metropolitan system plans of any anticipated amendments to local comprehensive plans.

Subd. 7. [REVIEW BY STATE AGENCIES.] After completion of the review under subdivision 6, the plan shall be submitted to the commissioner of natural resources and the pollution control agency for review and comment on the consistency of the plan with state laws and rules relating to water and related land resources and to the water resources board for review under section 112.46. Except as otherwise provided in this subdivision, the water resources board shall review the plan as provided in section 112.46. The board shall review the plan for conformance with the requirements of chapter 112 and sections 7 to 14. If the capital improvement program is the subject of a dispute between counties, the water resources board shall make a final decision on the issue. The decision shall be binding on the organization and the counties involved.

Subd. 8. [ADOPTION; IMPLEMENTATION.] The organization shall adopt and implement its plan within 120 days after compliance with the provisions of subdivision 7 and approval of the plan by the water resources board.

Subd. 9. [AMENDMENTS.] To the extent and in the manner required by

the adopted plan, all amendments to the adopted plan shall be submitted to the towns, cities, county, and other agencies for review in accordance with the provisions of subdivisions 5 and 6.

Sec. 11. [473.879] [LOCAL WATER MANAGEMENT PLANS.]

Subdivision 1. [REQUIREMENT.] After the watershed plan is approved and adopted, or amended, pursuant to section 10, each home rule charter city, statutory city, or town having territory within the watershed shall prepare or cause to be prepared a local water management plan, capital improvement program, and official controls as necessary to bring local water management into conformance with the watershed plan within the time period prescribed in the implementation program of the watershed plan and, as necessary, shall prepare or cause to be prepared amendments to the local comprehensive plan. The county shall carry out the duties provided in this section for any town that does not have authority to adopt a comprehensive plan under chapter 462.

Subd. 2. [STANDARDS; CONTENTS.] Each local plan, in the degree of detail required in the watershed plan, shall:

- (a) Describe existing and proposed physical environment and land use;*
- (b) Define drainage areas and the volumes, rates, and paths of stormwater runoff;*
- (c) Identify areas and elevations for stormwater storage adequate to meet performance standards established in the watershed plan;*
- (d) Define water quality and water quality protection methods adequate to performance standards established in the watershed plan;*
- (e) Identify regulated areas; and*
- (f) Set forth an implementation program, including a description of official controls and, as appropriate, a capital improvement program.*

Subd. 3. [REVIEW.] After consideration but before adoption by the governing body, each local unit shall submit its water management plan to the watershed management organization for review for consistency with the watershed plan adopted pursuant to section 10. The organization shall approve or disapprove the local plan or parts thereof. The organization shall have 60 days to complete its review. If the organization fails to complete its review within the prescribed period, unless an extension is agreed to by the local unit the local plan shall be deemed approved. If no watershed management organization exists for the watershed, the local unit shall submit the plan to the county and the county shall have the same duty and authority as a watershed management organization under this subdivision with respect to the plan.

Subd. 4. [ADOPTION; IMPLEMENTATION.] After approval of the local plan by the organization, the local government unit shall adopt and implement its plan within 120 days and shall amend its official controls accordingly within 180 days.

Subd. 5. [AMENDMENTS.] To the extent and in the manner required by the organization, all amendments to local water management plans shall be submitted to the organization for review and approval in accordance with the provisions of subdivision 3 for the review of plans.

Sec. 12. [473.880] [EXEMPTION FROM LEVY LIMIT.]

Any levy to pay the increased costs to a local government unit or watershed management organization of implementing sections 10 and 11 or to pay costs of improvements and maintenance of improvements identified in an approved and adopted plan shall be in addition to any other taxes authorized by law and shall be disregarded in the calculation of limits on taxes imposed by chapter 275. Notwithstanding any provision to the contrary in chapter 112, a watershed district may levy a tax sufficient to pay the increased costs to the district of implementing sections 10 and 11. The proceeds of any tax levied under this section shall be deposited in a separate fund and expended only for the purposes authorized by this section.

Sec. 13. [473.881] [SPECIAL TAX DISTRICT.]

Subdivision 1. [WATERSHED MANAGEMENT TAX DISTRICT.] Any local government unit planning for water management under sections 10 and 11 may establish a watershed management tax district in the territory within the watershed, for the purpose of paying the costs of the planning required under sections 10 and 11. Any local government unit which has part of its territory within a watershed for which a plan has been adopted in accordance with section 10 and which has a local water management plan adopted in accordance with section 11 may establish a watershed management tax district in the territory within the watershed, for the purpose of paying capital costs of the water management facilities described in the capital improvement program of the plans and for the purpose of paying for normal and routine maintenance of the facilities.

Subd. 2. [PROCEDURE.] The district shall be established by ordinance adopted after a hearing. Notice of the time, place, and purpose of the hearing shall be published for two successive weeks in the official newspaper of the local government unit, ending at least seven days before the day of the hearing. The ordinance shall describe with particularity the territory or area to be included in the district. After adoption, the ordinance shall be filed with the county auditor and county recorder. The district may be dissolved by following the procedures prescribed for the establishment of the district.

Subd. 3. [TAX.] After adoption of the ordinance under subdivision 2, a local government unit may annually levy a tax on all taxable property in the district for the purposes for which the tax district is established. The proceeds of the tax shall be paid into a fund reserved for these purposes. Any proceeds remaining in the reserve fund at the time the tax is terminated or the district is dissolved shall be transferred and irrevocably pledged to the debt service fund of the local government unit to be used solely to reduce tax levies for bonded indebtedness of taxable property in the district. A tax levied in accordance with this subdivision for paying capital costs is a levy for the payment of principal and interest on bonded indebtedness within the meaning of Minnesota Statutes, Section 275.50, Subdivision 5, Clause (e).

Subd. 4. [BONDS.] After adoption of the ordinance under subdivision 2, and after a contract for the construction of all or part of an improvement has been entered into or the work has been ordered done by day labor, local government unit may issue obligations in the amount it deems necessary to pay in whole or in part the capital cost incurred and estimated to be incurred in making the improvement. The obligations shall be payable out of the proceeds of the tax levied pursuant to subdivision 3. The local unit may by resolution of

its governing body adopted prior to the sale of obligations pledge the full faith, credit and taxing power of the local unit to assure payment of the principal and interest in the event the proceeds of the tax levy in the district are insufficient to pay principal and interest. The amount of any taxes which are required to be levied outside of the territory of the tax district or taken from the general funds of the local unit to pay principal and interest on the obligations shall be reimbursed to the local unit from taxes levied within the territory of the tax district. Obligations shall be issued in accordance with chapter 475, except that an election is not required and the amount of any obligations shall not be included in determining the net indebtedness of the local unit under the provisions of any law or charter limiting indebtedness.

Sec. 14. [473.882] [WATERSHED MANAGEMENT ORGANIZATION; CAPITAL IMPROVEMENTS; PAYMENT BY COUNTY.]

Subdivision 1. [GENERAL AUTHORITY.] The authority provided to watershed districts in this section is in addition to the authority provided in chapter 112. A watershed management organization which has adopted a watershed plan in accordance with section 10 may certify for payment by the county as provided in this section all or any part of the cost of a capital improvement contained in the capital improvement program of the plan.

Subd. 2. [PROCEDURE.] A copy of the plan for the improvement shall be forwarded to the county board. The organization shall then hold a public hearing on the proposed improvement, following publication once each week for two successive weeks before the date of the hearing in a legal newspaper published in the county or counties in which a part or all of the affected waters and lands are located. The last publication shall occur not more than 30 days nor less than ten days before the hearing. The notice shall state the time and place of hearing, the general nature of the proposed improvement, the estimated cost, and the method by which the cost of the improvement is to be paid, including the cost to be allocated to each county under subdivision 3. Not less than ten days before the hearing, notice by mail shall be given to the counties and to each home rule charter or statutory city or town located wholly or partly within the territory of the watershed management organization. Failure to give mailed notice or defects in the notice shall not invalidate the proceedings. At the time and place specified in the notice the organization shall hear all parties interested in the proposed improvement. If upon full hearing the organization finds that the improvement will be conducive to public health and promote the general welfare, and is in compliance with sections 7 to 14 and the plan adopted pursuant to section 10, it shall make findings accordingly, determine the cost of the improvement, and certify the cost to the county or counties for payment.

Subd. 3. [APPORTIONMENT OF COSTS.] If the territory of the watershed management organization extends into more than one county, the cost of the improvement shall be certified to the county boards in an amount bearing the same proportion to the cost of the improvement as the assessed value of all taxable property in the part of the territory of the organization located within each county bears to the assessed value of all taxable property in the territory of the organization.

Subd. 4. [COUNTY PAYMENT.] Each county receiving a certification for payment from a watershed management organization pursuant to this section

shall provide funds to meet its proportionate share of the cost of the improvement as shown in the certification by the organization.

Subd. 5. [BONDS.] In order to make the payment required by subdivision 4, the county board of each county may issue general obligation bonds of the county in the amount necessary to pay all or part of the cost of improvements certified to the county board or to refund general obligation bonds issued for this purpose. The bonds shall be sold, issued, and secured in accordance with the provisions of chapter 475 for general obligation bonds, except as otherwise provided in this subdivision. No election shall be required.

Subd. 6. [TAX.] For the payment of principal and interest on the bonds issued under subdivision 5 and the payment required under subdivision 4, the county shall irrevocably pledge and appropriate the proceeds of an ad valorem tax levied on all taxable property located within the territory of the watershed management organization for which the bonds are issued. Each year until the reserve for payment of the bonds is sufficient to retire the bonds, the county shall levy on all taxable property in the territory of the organization, without respect to any statutory or other limitation on taxes, an amount of taxes sufficient to pay principal and interest on the bonds and to restore any deficiencies in reserves required to be maintained for payment of the bonds. If at any time the amounts available from the levy on property in the territory of the organization are insufficient to pay principal and interest on the bonds when due, the county shall make payment from any available funds in the county treasury. The amount of any taxes which are required to be levied outside of the territory of the watershed management organization or taken from the general funds of the county to pay principal or interest on the bonds shall be reimbursed to the county from taxes levied within the territory of the watershed management organization.

Subd. 7. [MAINTENANCE LEVY.] For the purpose of creating a maintenance fund to be used for normal and routine maintenance of a work of improvement constructed in whole or part with money provided by the county pursuant to subdivision 4, the board of managers of a watershed district, with the approval of the county, may impose an ad valorem levy on all property located within the territory of the watershed district. The levy shall be certified, levied, collected, and distributed as provided in section 112.611, and shall be in addition to any other moneys levied and distributed to the district thereunder. The proceeds of the levy shall be deposited in a separate maintenance and repair account to be used only for the purpose for which the levy was made.

Sec. 15. [APPLICATION.]

Sections 7 to 14 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Amend the title as follows:

Page 1, delete line 6

Page 1, line 7, delete "board;"

Page 1, line 8, delete "establishing a"

Page 1, delete line 9

Page 1, line 10, delete "county and metropolitan debt" and insert "counties, cities, and towns to bond for certain watershed improvements"

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

Page 1, line 15, delete "112.46;"

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

S.F. No. 1502: A bill for an act relating to education; extending the period for transferring money from operating to nonoperating funds; amending Minnesota Statutes 1980, Section 121.912, Subdivisions 2 and 3.

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

Delete everything after the enacting clause and insert:

"ARTICLE I

FOUNDATION AID

Section 1. Minnesota Statutes 1981 Supplement, Section 124.2122, Subdivision 1, as amended by Laws 1981, Third Special Session Chapter 2, Article II, Section 5, is amended to read:

Subdivision 1. [FORMULA ALLOWANCE.] "Foundation aid formula allowance" or "formula allowance" means the amount of revenue per pupil unit used in the computation of foundation aid for a particular school year and in the computation of permissible levies for use in that school year. The formula allowance shall be \$1,333 for foundation aid for the 1981-1982 school year. The formula allowance shall be \$1,346 for 1981 payable 1982 levies and for foundation aid for the 1982-1983 school year. *The formula allowance shall be \$1,416 for the 1982 payable 1983 levies and for foundation aid for the 1983-1984 school year.*

Sec. 2. Minnesota Statutes 1981 Supplement, Section 124.2122, Subdivision 2, as amended by Laws 1981, Third Special Session Chapter 2, Article II, Section 6, is amended to read:

Subd. 2. [BASIC MAINTENANCE MILL RATE.] "Basic maintenance mill rate" means the mill rate applicable to the adjusted assessed valuation of a district, used in the computation of basic foundation aid for a particular school year and of the basic maintenance levy for use in that school year. The basic maintenance mill rate shall be .021 for the 1980 payable 1981 levy and for foundation aid for the 1981-1982 school year. The basic maintenance mill rate shall be .024 for 1981 payable 1982 levies and for foundation aid for the 1982-1983 school year. *The basic maintenance mill rate shall be .024 for the 1982 payable 1983 levies and for foundation aid for the 1983-1984 school year.*

Sec. 3. Minnesota Statutes 1981 Supplement, Section 124.2124, is amended by adding a subdivision to read:

Subd. 4. [RECOMPUTED REPLACEMENT ALLOWANCE.] Notwithstanding any law to the contrary, if the amounts derived by applying the

provisions of Minnesota Statutes 1979 Supplement, Section 124.17, Subdivision 1, Clause (7) in Minnesota Statutes 1980, Sections 124.212, Subdivision 7c, Clause (4)(a) and 275.125, Subdivision 6c, Clause (1)(a)(i)(A), or Clause (1)(b) for any district where the actual number of pupil units increased from the 1979-1980 school year to the 1980-1981 school year, are smaller than the amounts which would have been derived under those sections for the district by using the quotient in Minnesota Statutes 1979 Supplement, Section 124.17, Subdivision 1, Clause (6)(a), then the amounts derived in Minnesota Statutes 1980, Sections 124.212, Subdivision 7c, Clause (4)(a) and 275.125, Subdivision 6c, Clause (1)(a)(i)(A), or Clause (1)(b) shall be recomputed for all purposes using the quotient in Minnesota Statutes 1979 Supplement, Section 124.17, Subdivision 1, Clause (6)(a), notwithstanding the district's increase in actual pupil units from the 1979-1980 to the 1980-1981 school year. The recomputed amounts shall be used in lieu of the amounts derived in Minnesota Statutes 1980, Section 124.212, Subdivision 7c, Clause (4)(a) and 275.125, Subdivision 6c, Clause (1)(a)(i)(A) or Clause (1)(b) for purposes of determining the district's authorized levies and foundation aid.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 124.2125, Subdivision 2, is amended to read:

Subd. 2. [DISCRETIONARY MILL RATE.] "Discretionary mill rate" means the mill rate used to compute the discretionary levy, the discretionary allowance, and discretionary aid for use in a particular school year. The discretionary mill rate shall equal .001 for 1981-1982 aid. For the 1981 payable 1982 levy and 1982-1983 aid, and for the levy and aid for succeeding years, the discretionary mill rate shall ~~equal~~ *not exceed* .00225 in districts which levy pursuant to section 275.125, subdivision 7a, clause (2), and .001 in districts which levy pursuant to section 275.125, subdivision 7a, clause (3).

Sec. 5. Minnesota Statutes 1981 Supplement, Section 124.2126, Subdivision 3, is amended to read:

Subd. 3. [MINIMUM AID.] A qualifying district's minimum aid for each school year shall equal its minimum guarantee for that school year, minus the sum of:

(1) The amount of the district's state school agricultural tax credit aid for that school year;

(2) The amount by which property taxes of the district for use in that school year are reduced by the homestead credit provisions in section 273.13, subdivisions 6, 7, and 14a;

(3) The amount by which property taxes of the district for use in that school year are reduced by the taconite homestead credit provisions in section 273.135; ~~and~~

(4) The amount by which property taxes of the district for use in that school year are reduced by the attached machinery provisions in section 273.138, subdivision 6;

(5) *The amount by which property taxes of the district for use in that school year are reduced by the state paid wetlands credit provisions in section 273.115;*

(6) *The amount by which property taxes of the district for use in that school*

year are reduced by the state paid native prairie credit provisions in section 273.116; and

(7) The amount by which property taxes of the district for use in that school year are reduced by the credit for reduced assessment provisions in section 273.139.

Sec. 6. Minnesota Statutes 1981 Supplement, Section 275.125, Subdivision 2d, is amended to read:

Subd. 2d. [REFERENDUM LEVY.] (1) The levy authorized by subdivision 2a may be increased in any amount which is approved by the voters of the district at a referendum called for the purpose. Such a referendum may be called by the school board or shall be called by the school board upon written petition of qualified voters of the district. The referendum shall be held on a date set by the school board. Only one such election may be held to approve a levy increase which will commence in a specific school year. The question on the ballot shall state the maximum amount of the increased levy in mills, the amount that will be raised by that millage in the first year it is to be levied, and that the millage shall be used to finance school operations. The question may designate a specific number of years for which the referendum authorization shall apply. If approved, the amount provided by the approved millage applied to each year's taxable valuation shall be authorized for certification for the number of years approved, if applicable, or until revoked *or reduced* by the voters of the district at a subsequent referendum.

(2) A referendum on the question of revoking *or reducing* the increased levy amount authorized pursuant to clause (1) of this subdivision may be called by the school board and shall be called by the school board upon the written petition of qualified voters of the district. A levy approved by the voters of the district pursuant to clause (1) of this subdivision must be made at least once before it is subject to a referendum on its revocation *or reduction* for subsequent years. Only one such revocation *or reduction* election may be held to revoke *or reduce* a levy for any specific year and for years thereafter.

(3) A petition authorized by ~~clauses~~ *clause* (1) ~~or (2)~~ shall be effective if signed by a number of qualified voters in excess of 15 percent, or ten percent if the school board election is held in conjunction with a general election, of the average number of voters at the two most recent district wide school elections. A referendum invoked by petition shall be held within three months of submission of the petition to the school board.

(4) A petition authorized by *clause* (2) shall be effective if signed by a number of qualified voters in excess of five percent of the residents of the school district as determined by the most recent census. A revocation *or reduction* referendum invoked by petition shall be held within three months of submission of the petition to the school board.

~~(4)~~ (5) Notwithstanding any law to the contrary, the approval of 50 percent plus one of those voting on the question is required to pass a referendum.

~~(5)~~ (6) Within 30 days after the district holds a referendum pursuant to this clause, the district shall notify the commissioner of education of the results of the referendum.

Sec. 7. Minnesota Statutes 1980, Section 275.125, is amended by adding a

subdivision to read:

Subd. 6d. [SPECIAL GRANDFATHER LEVY.] (1) For purposes of this subdivision, the term "grandfather allowance" shall have the meaning given it in section 124.2123.

(2) In 1982, any district which has a grandfather allowance that is less than either the weighted average grandfather allowance per pupil unit for all school districts in the state, or the weighted average grandfather allowance per pupil unit for school districts in the same ECSU region, as defined pursuant to section 123.58, subdivision 2; may make an additional levy for school maintenance purposes as provided in clause (3). The weighted averages shall be based on the levy and pupil units in the districts which qualified for an excess levy in 1981 pursuant to subdivision 6b.

(3) The additional levy in 1982 shall not exceed an amount equal to

(a) the difference between

(i) the greater of (A) the average grandfather allowance per actual pupil unit for districts in the same development region which qualified in 1981 for an excess levy pursuant to subdivision 6b, weighted by the number of actual pupil units in those districts in the 1981-1982 school year, or (B) the statewide average grandfather allowance per actual pupil unit for districts which qualified in 1981 for an excess levy pursuant to subdivision 6b, weighted by the number of actual pupil units in those districts in the 1981-1982 school year; and

(ii) the grandfather allowance of the district; times

(b) the number of actual pupil units in the district in the 1981-82 school year.

(4) In 1983 and each year thereafter, a district which qualified under clause (2) to make an additional levy may levy an amount equal to the greater of

(a) the amount levied pursuant to this subdivision in 1982; or

(b) the amount in clause (3)(a) times the number of actual pupil units in the district in the school year preceding the year in which the levy is certified.

Sec. 8. Minnesota Statutes 1981 Supplement, Section 275.125, Subdivision 7a, is amended to read:

Subd. 7a. [DISCRETIONARY LEVY.] (1) For purposes of this subdivision, the terms "discretionary allowance" and "discretionary mill rate" shall have the meanings given them in section 124.2125.

(2) In 1981 and each year thereafter, a district which levies the maximum permissible amount pursuant to subdivision 2a and subdivision 6b may levy an additional amount which shall not exceed the lesser of (a) an amount equal to the discretionary mill rate times the district's adjusted assessed valuation for the preceding year or (b) the product obtained by multiplying the applicable discretionary allowance times the actual and AFDC pupil units in the district in the school year when the levy is certified.

(3) In 1981 and each year thereafter, a district which levies the maximum permissible amount pursuant to subdivision 2a and subdivision 6b, and where the net unappropriated balance in all operating funds as of the preceding June

30 is less than \$165 per actual and AFDC pupil unit in the district in the school year when the levy is certified, may levy an amount which shall not exceed the lesser of (a) one mill times the district's adjusted assessed valuation for the preceding year or (b) the product obtained by multiplying the applicable discretionary allowance times the total number of pupil units in the district in the school year when the levy is certified, without holding a public hearing or conducting a referendum pursuant to clause (5).

(4) The board is not required to hold a public hearing or conduct a referendum on the levy authorized by this subdivision in any year when it levies pursuant to clause (3) or when the board proposes to levy an amount not to exceed an amount equal to the preceding year's adjusted assessed valuation times the largest number of EARC mills previously levied by the district pursuant to this subdivision.

(5)(a) Except as provided in clause (3), the provisions of clause (5) shall apply to the levy authorization in this subdivision in any year when the board either proposes to levy pursuant to this subdivision for the first time or proposes to increase the number of mills which it levies against its adjusted assessed valuation pursuant to this subdivision to a number of mills greater than the largest number of mills previously levied against its adjusted assessed valuation pursuant to this subdivision.

(b) By July 15 in any year when clause (5) applies, the board of the district shall hold a public hearing on the need for the proposed levy or increase. At least three weeks published notice of the hearing in 10 point type or 5.0 agate type, with a larger headline, shall be given in the legal newspaper with the largest circulation in the district. The notice shall state the amount of the proposed levy or increase in dollars, in EARC mills and in auditor's mills and the estimated net unappropriated fund balance in the district's operating funds as of the June 30 before the levy or increase is certified.

(c) At the hearing, the district shall present its proposed revenue and expenditure budgets for the next two school years, the estimated net unappropriated fund balances in all district funds as of the June 30 before the levy or increase is certified, and the estimated amount in dollars, in EARC mills and in auditor's mills of any reduction of the proposed levy which may be required by subdivision 7c. At the hearing, the board shall also hear all parties requesting to give testimony for and against the proposed levy or increase. Upon receipt of a petition within 30 days after the hearing, the board shall call a referendum on the proposed levy or increase. A petition shall be effective if signed by a number of qualified voters in the district equal to the greater of 50 voters or 15 percent of the number of voters who voted in the district at the most recent regular school board election excess of three percent of the residents of the school district as determined by the most recent census.

(d) The referendum shall be held on a date set by the school board, but no later than the September 20 before the levy is certified.

The ballot shall state substantially the following, as appropriate:

The board of School District No. has proposed (a discretionary levy in a maximum amount of EARC mills which would raise) (to increase a discretionary levy from EARC mills to EARC mills. This increase would provide an additional) \$..... in the first year

levied.

Shall the (increase in the) discretionary levy
..... Yes proposed by the Board of School
..... No District No. be approved?

(e) The approval of a majority of those voting on the question is required to pass the referendum.

(f) If a petition is not received or if the proposed levy or increase is approved at a referendum, the district may levy the amount provided by the number of mills proposed by the school board, in the year when the hearing or referendum is held and in succeeding years. If a proposed first time levy is not approved, except as provided in clause (3), the district may not levy pursuant to this subdivision in the year when the referendum is held and shall be required to comply with the provisions of clause (5) before levying pursuant to this subdivision in a subsequent year. If a proposed increase is not approved, the district may levy an amount not to exceed the amount provided by the largest number of EARC mills the district was previously levied by the district authorized to levy pursuant to this subdivision, applied to the preceding year's adjusted assessed valuation.

Sec. 9. [LEVY ADJUSTMENTS.]

In 1982, the maximum levy limitation under Minnesota Statutes, Section 275.125, Subdivision 2a or 2e, as applicable, shall be reduced by any difference between the amount of the basic maintenance levy certified by the district in 1981 and the amount of the 1981 basic maintenance levy limitation which would have been computed for the district using a formula allowance for the 1982-1983 school year of \$1,346.

The 1982 payable 1983 levy limitation of districts affected by section 3 shall be recomputed as if section 3 had been in effect at the time the levy was originally certified.

Sec. 10. [BASIC MAINTENANCE UNDERLEVIES.]

In fiscal year 1983, the deduction from basic foundation aid pursuant to Minnesota Statutes 1981 Supplement, Section 124.2128, Subdivision 1, shall be computed as though the basic maintenance mill rate for tax levies attributable to that school year were .023, and without regard to whether a district levied an additional amount for basic maintenance as authorized by Laws 1981, Third Special Session Chapter 2, Article II, Section 12.

Sec. 11. [EFFECTIVE DATE.]

Sections 3 and 9 shall be effective for the 1983-1984 school year. Sections 6 and 8 are effective the day following final enactment.

ARTICLE II

TRANSPORTATION

Section 1. Minnesota Statutes 1981 Supplement, Section 124.223, is amended to read:

124.223 [TRANSPORTATION AID AUTHORIZATION.]

School transportation and related services for which state transportation aid

is authorized are:

(1) [TO AND FROM SCHOOL; BETWEEN SCHOOLS.] (a) Through the 1981-1982 school year, transportation or board of resident pupils who reside one mile or more from the public schools which they could attend, or transportation to, from, or between the schools they attend pursuant to a program approved by the commissioner of education, or who reside one mile or more from a nonpublic school actually attended, but only to the extent permitted by sections 123.76 to 123.79 with respect to nonpublic school pupils;

(b) Beginning in the 1982-1983 school year, Transportation or board of resident elementary pupils who reside one mile or more from the public schools which they could attend; transportation or board of resident secondary pupils who reside two miles or more from the public schools which they could attend; transportation to, from, or between the schools the resident pupils attend pursuant to a program approved by the commissioner of education; transportation of resident elementary pupils who reside one mile or more from a nonpublic school actually attended; transportation of resident secondary pupils who reside two miles or more from a nonpublic school actually attended; but with respect to transportation of pupils to nonpublic schools actually attended, only to the extent permitted by sections 123.76 to 123.79;

(2) [OUTSIDE DISTRICT.] Transportation to and from or board and lodging in another district, of resident pupils of a district without a secondary school; the pupils may attend a classified secondary school in another district and shall receive board and lodging in or transportation to and from a district having a classified secondary school at the expense of the district of the pupil's residence;

(3) [SECONDARY VOCATIONAL CENTERS.] Transportation to and from a state board approved secondary vocational center for secondary vocational classes for resident pupils of any of the districts who are members of or participating in programs at that center;

(4) [HANDICAPPED.] Transportation or board and lodging of a handicapped pupil when that pupil cannot be transported on a regular school bus, the conveying of handicapped pupils between home and school and within the school plant, necessary transportation of handicapped pupils from home or from school to other buildings, including hospitals and treatment centers where special instruction or services required by section 120.17 are provided, within or outside the district where services are provided, and necessary transportation for resident handicapped pupils required by section 120.17, subdivision 4a. Transportation of handicapped pupils between home and school shall not be subject to the requirement in clause (1) that ~~the pupil~~ *elementary pupils* reside at least one mile from school and *secondary pupils* reside at least two miles from school in order for the transportation to qualify for aid;

(5) [BOARD AND LODGING; NONRESIDENT HANDICAPPED.] When necessary, board and lodging for nonresident handicapped pupils in a district maintaining special classes;

(6) [SHARED TIME.] Transportation from one educational facility to another within the district for resident pupils enrolled on a shared time basis in educational programs approved by the commissioner of education, and necessary transportation required by section 120.17, subdivision 9 for resident

handicapped pupils who are provided special instruction and services on a shared time basis;

(7) [FARIBAULT STATE SCHOOLS.] Transportation for residents to and from the Minnesota school for the deaf or the Minnesota braille and sight-saving school;

(8) [SUMMER SCHOOL.] Services described in clauses (1) to (7) and clauses (9) and (10) when provided in conjunction with a state board approved summer school program;

(9) [COOPERATIVE ACADEMIC AND VOCATIONAL.] Transportation to, from or between educational facilities located in any of two or more school districts jointly offering academic classes approved by the commissioner or secondary vocational classes not provided at a secondary vocational center which are approved by the commissioner for resident pupils of any of these districts; and

(10) [NONPUBLIC SUPPORT SERVICES.] Necessary transportation within district boundaries between a nonpublic school and a public school or a neutral site for nonpublic school pupils who are provided pupil support services pursuant to section 123.935.

Sec. 2. Minnesota Statutes 1980, Section 124.225, as amended by Laws 1981, Chapters 356, Section 167; 358, Article II, Sections 3 to 14; First Special Session Chapter 2, Section 8; and Third Special Session Chapter 2, Article II, Section 9, is amended to read:

124.225 [TRANSPORTATION AID ENTITLEMENT.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the terms defined in this subdivision have the meanings given to them.

(a) "FTE" means a transported full time equivalent pupil whose transportation is authorized for aid purposes by section 124.223.

(b) "Region" means development region as defined in section 462.384, subdivision 5, except that for purposes of this section, development regions 1 and 2 are one region, development regions 4 and 5 are one region, development regions 6E and 6W are one region, and development regions 7E and 7W are one region.

(c) (b) "Total Authorized cost for regular transportation" or "total authorized expenditure" means the sum of:

(i) (1) all expenditures for transportation in the regular category, as defined in clause (e)(1), for which aid is authorized in section 124.223, plus

(ii) (2) an amount equal to one year's depreciation on the district's school bus fleet and mobile units computed on a straight line basis at the rate of 12-1/2 percent per year of the cost of the fleet, plus

(iii) (3) an amount equal to one year's depreciation on district school buses reconditioned by the department of corrections computed on a straight line basis at the rate of 33-1/3 percent per year of the cost to the district of the reconditioning.

(d) (c) "Total Adjusted authorized predicted cost" means the total authorized cost predicted by a multiple regression formula determined by the de-

partment of education.

(d) "Aid entitlement" means the total amount of basic transportation aid earned by a district before the subtraction of the levy amount provided in subdivision 8a.

(e) "Transportation category" means a category of transportation service provided to pupils. Each category includes transportation provided during the regular school year and in conjunction with a state board approved summer school program. For purposes of this section, transportation categories are as follows:

(i) (1) Regular transportation is transportation services provided under section 124.223, clauses (1) and (2), excluding transportation between schools under section 124.223, clause (1);

(ii) (2) ~~Secondary vocational center~~ During-day transportation is transportation services ~~between schools~~ provided under section 124.223, clause ~~(3)~~ (1), and transportation services provided under section 124.223, clauses (3) and (9), and transportation services provided under section 124.223, clause (6), excluding transportation provided for pupils attending shared time special education classes;

(iii) (3) Handicapped transportation is transportation services for pupils attending shared time special education classes provided under section 124.223, clause (6), and transportation services provided under section 124.223, clause (4), excluding board and lodging and excluding transportation to and from board and lodging facilities;

(iv) (4) Board and lodging is services provided, in lieu of transportation, under section 124.223, clauses (4) and (5);

(v) ~~Between schools transportation is transportation services between schools provided under section 124.223, clause (1);~~

(vi) Shared time regular transportation is transportation services provided under section 124.223, clause (6), excluding transportation provided for pupils attending shared time special education classes;

(vii) Shared time special education transportation is transportation services for pupils attending shared time special education classes provided under section 124.223, clause (6);

(viii) (5) To and from board and lodging facility transportation is transportation services to and from board and lodging facilities provided under section 124.223, clauses (4) and (7);

(ix) Cooperative academic and vocational transportation is transportation services provided under section 124.223, clause (9);

(x) (6) Nonpublic health, guidance and counseling transportation is transportation services provided under section 124.223, clause (10);

(f) "Pupil weighting factor" means the ratio of the actual ~~regional~~ district average cost per FTE in a particular transportation category to the actual ~~regional~~ district average cost per FTE in the regular transportation category in the base year.

(g) "Weighted FTE's" means the number of FTE's in each transportation

category multiplied by the pupil weighting factor for that category.

(h) "Mobile unit" means a vehicle or trailer designed to provide facilities for educational programs and services, including diagnostic testing, guidance and counseling services and health services. A mobile unit located off non-public school premises is a neutral site as defined in section 123.932, subdivision 9.

(i) "Percent excess handicapped FTE's transported" means the result of the following computation for the current year:

one, minus the product of

(1) the ratio of the number of FTE pupils transported in the handicapped category in the state to the number of FTE pupils transported in the handicapped category in the district; times

(2) the ratio of the number of FTE pupils transported in the regular category in the district to the number of FTE pupils transported in the regular category in the state.

(j) "Current year" means the school year for which aid will be paid.

(k) "Base year" means the second school year preceding the school year for which aid will be paid.

(l) "Base cost" means the authorized regular transportation cost per FTE in the base year in the regular transportation category, excluding summer school transportation.

(m) "Predicted base cost" means the base cost as predicted by subdivision 3.

Subd. 1a. [WEIGHTING FACTORS.] For each school year, in computing transportation aid, the department of education shall establish *as needed* the pupil weighting factors for each transportation category for each ~~region~~ district using transportation cost data for the second prior school year. The department shall use the statewide pupil weighting factor for any transportation category for which a ~~region~~ district had no experience during the second prior school year.

Subd. 3. [FORMULA.] For each school year, the state shall pay to each school district for all pupil transportation and related services for which the district is authorized by law to receive state aid an amount determined according to this section. ~~A multiple regression formula shall be determined through stepwise~~ The department of education shall conduct multiple regression analysis for each ~~region~~ by the department of education, using the terms specified in subdivision 4a, to ~~maximize the amount of variance accounted for between the total actual authorized cost per weighted FTE for the second preceding school year and the total authorized predicted cost per weighted FTE for the second preceding school year~~ predict the base cost for each district. ~~The A formula determined for each region shall be derived based upon the regression analysis, but excluding the factors described in subdivision 4a, clauses (8), (9), and (10), except that in the 1982-1983 school year, these clauses shall not be excluded. This formula shall be used to determine a total authorized predicted base cost per weighted FTE for the second preceding school year for each district in the region.~~ The amount determined for each district shall be

adjusted according to the provisions of subdivisions 6 7a and 7a 7b.

Subd. 4a. [FORMULA TERMS.] To predict the total authorized base cost per weighted FTE for each district pursuant to subdivision 3, each regional the multiple regression formula shall use the following terms and their squares for each district in the region:

- (1) The area of the district measured in square miles;
- (2) The district's average daily membership;
- (2) The reciprocal of the district's average daily membership;
- (3) The total number of authorized FTE's transported by the district;
- (4) The total number of authorized FTE's transported by the district in the handicapped, shared time special education, and to and from board and lodging facility transportation categories as a percentage of the total number of authorized FTE's transported by the district;
- (5) The number of authorized FTE's transported by the district in the board and lodging transportation category as a percentage of the total number of authorized FTE's transported by the district;
- (6) The number of authorized FTE's transported by the district in the between schools transportation category as a percentage of the total number of authorized FTE's transported by the district;
- (7) The number of authorized FTE's transported by the district in the shared time regular transportation category as a percentage of the total number of authorized FTE's transported by the district;
- (8) The number of authorized FTE's transported by the district in the secondary vocational center transportation category as a percentage of the total number of authorized FTE's transported by the district;
- (9) (3) The logarithm of the number of authorized FTE's per square mile transported by the district in the regular transportation category;
- (10) The number of authorized FTE's per square mile transported by the district in the handicapped transportation category;
- (11) The number of authorized FTE's transported by the district in the regular transportation category as a percentage of the district's average daily membership;
- (12) An index of the district's shape computed by the department of education based on a comparison of the perimeter of the district to the perimeter of a circle with the same square mile area as the district;
- (13) (4) The percentage of the district's square mile area which is classified by the commissioner of energy, planning and development as water covered or, marshland, or extractive;
- (14) The number of 40 acre parcels of land in the district which are contiguous to or intersected by unpaved roads, as a percentage of the number of 40 acre parcels of land in the district which are contiguous to or intersected by any roads, paved or unpaved. The number of 40 acre parcels of each type shall be obtained from the commissioner of energy, planning and development;
- (15) The percentage of the district's square mile area which is classified by

the state planning agency as having a slope of land exceeding six percent;

(16) The number of authorized FTE's transported to nonpublic schools by the district in the regular transportation category as a percentage of the total number of authorized FTE's transported by the district in the regular transportation category;

(17) The percentage of the district's square mile area which is classified by the state planning agency as extractive.

(5) The district's administrative overhead for transportation per authorized FTE transported in the regular transportation category;

(6) The number of schools to which pupils are transported in the regular transportation category, either within or outside the district, divided by the number of authorized FTE's transported in the regular transportation category;

(7) Whether the district is non-rural, based upon criteria established by the department of education;

(8) Whether the district contracts for bus service, or transports pupils only on district-owned buses;

(9) The percentage of all regular transportation category bus routes using buses that are not owned by the district, if that percentage is not 100 percent;

(10) Whether the district operates a special bus to transport pupils to home from school who are involved in after-school activities.

Subd. 6. [INFLATION FACTORS.] The total authorized predicted cost per weighted FTE determined for a district under subdivision 3 for 1979-1980 shall be increased by 26 percent. The total authorized predicted cost per weighted FTE determined for a district under subdivision 3 for 1980-1981 shall be increased by 22 percent.

Subd. 7a. [BASE YEAR SOFTENING FORMULA.] (1) Each district's adjusted total authorized predicted base cost per weighted FTE determined for each school year according to subdivision 6 3 shall be compared to averaged with the total actual expenditure per weighted FTE for authorized transportation base cost for that district for that year to determine the district's aid entitlement adjusted authorized predicted cost per weighted FTE for that year.

(2) If the adjusted total authorized predicted cost per weighted FTE is greater than the district's actual authorized expenditure per weighted FTE, its aid entitlement per weighted FTE shall equal the adjusted predicted cost per weighted FTE minus 20 percent of the first \$10 of difference between the adjusted total authorized predicted cost per weighted FTE and the actual expenditure per weighted FTE; minus 40 percent of the next \$10; 60 percent of the next \$10; minus 75 percent of the difference which exceeds \$30.

(3) If the adjusted total authorized predicted cost per weighted FTE is less than the district's actual authorized expenditure per weighted FTE, its aid entitlement per weighted FTE shall equal the adjusted total authorized predicted cost per weighted FTE plus 20 percent of the first \$10 of difference between the adjusted predicted cost per weighted FTE and the actual expenditure per weighted FTE; plus 40 percent of the next \$10; plus 60 percent of the next \$10; plus 75 percent of the difference which exceeds \$30. Notwithstand-

ing clause (1), for fiscal year 1983, the predicted base cost shall be adjusted as provided in this clause to determine adjusted authorized predicted cost per weighted FTE for the base school year.

(a) If the predicted base cost exceeds the base cost, the predicted base cost shall be decreased by 50 percent of the first \$40 of difference between the base cost and the predicted base cost; 70 percent of the next \$40 of difference; and 90 percent of any difference which exceeds \$80, to determine the adjusted authorized predicted cost per weighted FTE.

(b) If the predicted base cost is less than the base cost, the predicted base cost shall be increased by 50 percent of the first \$40 of difference between the base cost and the predicted base cost; 70 percent of the next \$40 of difference; and 90 percent of any difference which exceeds \$80, to determine the adjusted authorized predicted cost per weighted FTE.

Subd. 7b. [INFLATION FACTORS.] The adjusted authorized predicted cost per weighted FTE determined for a district under subdivision 7a for the base year shall be increased by 22 percent to determine the district's aid entitlement per FTE for the 1982-1983 school year.

Subd. 8a. [AID.] A district's transportation aid shall be equal to the sum of its basic transportation aid pursuant to subdivision 8b, its excess handicapped transportation aid pursuant to subdivision 8c, its handicapped board and lodging aid pursuant to subdivision 8d, its to and from board and lodging aid pursuant to subdivision 8e, its nonpublic support services transportation aid pursuant to subdivision 8f, and its during-day transportation aid pursuant to subdivision 8g, minus the amount raised by two mills times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy attributable to that school year. If the total appropriation for transportation aid in any fiscal year is insufficient to pay all districts the full amount of aid earned, the department of education shall reduce each district's aid in proportion to the number of resident pupils in average daily membership in the district to the state total average daily membership, and shall reduce the aid entitlement of off-formula districts in the same proportion. Aid for the 1982-1983 school year shall be reduced by the following amount: the product of

(a) the number of nonhandicapped secondary pupils transported in the base year that live between one and two miles from the public school which they could attend or the nonpublic school actually attended, times

(b) 1.5, divided by the average distance to school for all FTE's transported in the district in the regular transportation category in the second preceding year, times

(c) the district's aid entitlement per FTE determined according to subdivision 7b, times the ratio of average daily membership used in subdivision 8b.

Subd. 8a 8b. [BASIC AID COMPUTATION.] Beginning with the 1982-1983 school year In fiscal years 1983 and 1984, a district's basic transportation aid pursuant to this section for each the school year shall equal the district's aid entitlement per weighted FTE determined according to subdivision 7a 7b times the total number of authorized weighted FTE's transported in the regular and handicapped transportation categories in the district in that the second preceding school year, minus the amount raised by two mills times the adjusted assessed valuation which is used to compute the transportation levy limitation

for the levy attributable to that school year times the ratio of average daily membership in the district in the current school year to the average daily membership in the district in the second preceding school year.

In fiscal year 1985 and thereafter, a district's basic transportation aid pursuant to this section for each school year shall equal the district's adjusted authorized predicted cost determined according to subdivision 7b times the total number of authorized FTE's transported in the regular and handicapped categories in the district in the current school year.

Subd. 8b 8c. [EXCESS HANDICAPPED AID.] (a) In addition to the amount authorized in subdivision 8a, For each school year, the state shall pay aid for the excess costs of providing transportation for handicapped students as provided in this subdivision to a district where, in the current school year,

(1) the average daily membership in that year is 2,500 or fewer pupils,

(2) the total actual authorized expenditures exceed the aid entitlement, and

(3) the actual authorized expenditure per weighted FTE in the handicapped and board and lodging categories exceeds 140 percent of the aid entitlement per weighted handicapped and board and lodging FTE the ratio of FTE's transported in the handicapped category to the total number of FTE's transported in the regular transportation category exceeds the same ratio for the state as a whole.

(b) This aid shall equal 80 percent of the difference between:

(1) the district's actual authorized expenditures for transporting handicapped and board and lodging FTE's and

(2) 140 percent of the district's aid entitlement for transportation of handicapped and board and lodging FTE's.

(3) For purposes of the computation of aid pursuant to this subdivision, the amounts of the actual authorized expenditure and the aid entitlement shall exclude amounts attributable to depreciation. Aid pursuant to this subdivision shall not exceed the difference between the district's total actual authorized expenditures and its total aid entitlement. The product of the percent excess handicapped FTE's transported, times the difference between

(1) the district's actual cost for transportation of all pupils in the handicapped category in the current year, and

(2) the product of

(i) the district's adjusted authorized predicted cost determined according to subdivision 7b, times

(ii) the number of FTE's transported in the handicapped category in the district in the current year.

Provided that in the 1982-1983 school year, the number in (2)(ii) above shall be replaced by the following computation: the product of the number of FTE's transported in the handicapped category in the district in the second preceding year, times its pupil weighting factor for the handicapped category, times the ratio of average daily membership in the district in the current year to

average daily membership in the district in the second preceding year.

Subd. 8d. [HANDICAPPED BOARD AND LODGING AID.] For board and lodging of handicapped pupils, each district shall receive aid equal to the product of the number of FTE pupils boarded and lodged in the current year in the district in this transportation category, times the average of

(a) the state average board and lodging cost per FTE pupil boarded and lodged in the second preceding year, times the inflation factor for that year prescribed in subdivision 7b; and

(b) the district's actual cost per FTE pupil boarded and lodged in the current year.

Subd. 8e. [TO AND FROM BOARD AND LODGING.] For transportation of handicapped pupils to and from board and lodging facilities, the state shall pay aid for each pupil for each year equal to the lesser of

(a) the sum for all pupils transported in this category of 36 times the distance in miles from each pupil's home to the board and lodging facility, times the official mileage rate at which state employees are compensated for travel; or

(b) the average of the amount in (a) and the district's actual cost for all transportation in this category in the current year.

Subd. 8f. [NONPUBLIC SUPPORT SERVICES AID.] In fiscal year 1983 a district's nonpublic support services transportation aid shall equal the district's adjusted authorized predicted cost determined according to subdivision 7b, times its pupil weighting factor for the nonpublic support services transportation category, times the number of FTE pupils transported in the nonpublic support services category in the district in the second preceding year, times the ratio of average daily membership in the district in the current year to average daily membership in the district in the second preceding year. In fiscal year 1984 and thereafter, a district's nonpublic support services transportation aid shall equal the district's adjusted authorized predicted cost determined according to subdivision 7b, times its pupil weighting factor for the nonpublic support services transportation category, times the number of FTE's transported in that category in the current year.

Subd. 8g. [DURING-DAY TRANSPORTATION AID.] For each school year, a district's during-day transportation aid shall equal the district's adjusted authorized predicted cost determined according to subdivision 7b, times its pupil weighting factor for the during-day transportation category, times the number of FTE's transported in the during-day transportation category in the second preceding year, times the ratio of average daily membership in the district in the current year to average daily membership in the district in the second preceding year. In fiscal year 1984 and thereafter, a district's during-day transportation aid shall equal the district's adjusted authorized predicted cost determined according to subdivision 7b, times its pupil weighting factor for the during-day transportation category, times the number of FTE's transported in the during-day transportation category in the current year.

Subd. 9. [DISTRICT REPORTS.] Each district shall report data to the department before July 1 of each year an estimate for the next school year of the total number of FTE's transported by transportation category and an estimate of the district's total actual authorized transportation expenditure by transpor-

tation category as required by the department to implement the transportation aid formula. The district's aid shall be determined for purposes of the first three transportation aid payments for the school year using these estimates. Before August 15 each year, each district shall provide the department with the information for the preceding school year which the department determines is necessary to compute the district's actual authorized expenditure per weighted FTE for purposes of the computation in subdivision 7a and the district's actual total number of weighted FTE's transported for purposes of the aid computation in subdivision 8a. The district's final transportation aid payment for the school year shall be based on these computations. If a district's final transportation aid payment is adjusted after December 31 of the fiscal year in which the final aid payment is made, the adjustment shall be made by increasing or decreasing the district's aid for the next fiscal year. No adjustment in transportation aid for a district shall be made after October 31 of the fiscal year following the fiscal year in which the final aid payment is made.

Subd. 10. Any school district which owns school buses or mobile units shall transfer annually from the unappropriated fund balance account in its transportation fund to the appropriated fund balance account for bus purchases in its transportation fund at least an amount equal to 12-1/2 percent of the original cost of each bus or mobile unit until the original cost of each bus or mobile unit is fully amortized, plus 33-1/3 percent of the cost to the district as of July 1 of each year for school bus reconditioning done by the department of corrections until the cost of the reconditioning is fully amortized; *provided, if the district's transportation aid is reduced pursuant to subdivision 8a because the appropriation for that year is insufficient, this amount shall be reduced in proportion to the reduction pursuant to subdivision 8a as a percentage of the sum of:*

(1) the district's total transportation aid received pursuant to subdivision 8a, plus

(2) an amount equal to two mills times the adjusted assessed valuation of the district. Any school district may transfer any amount from the unappropriated fund balance account in its transportation fund to any other operating fund or to the appropriated fund balance account for bus purchases in its transportation fund.

Subd. 11. [PAYMENT SCHEDULE THROUGH 1982.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, for fiscal years through 1982, the state shall pay to each school district 30 percent of its estimated school transportation aid entitlement for the fiscal year on or before each of the following dates: August 31, December 31, and March 31. The final aid distribution to each district shall be made on or before October 31 of the following fiscal year.

Subd. 12. [PAYMENT SCHEDULE.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, starting in fiscal year 1983, the state shall pay each school district its estimated school transportation aid entitlement for the fiscal year according to the following schedule: 30 percent by August 31; 30 percent by December 31; and 25 percent by March 31. The final aid distribution to each district shall be made by October 31 of the following fiscal year.

Sec. 3. Minnesota Statutes 1981 Supplement, Section 275.125, Subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] Except as may otherwise be provided in this section, the words and phrases defined in sections 124.01, 124.212, 124.20 and 124.2121 to 124.2125 and 124.225 when used in this section shall have the meanings ascribed to them in those sections.

Sec. 4. Minnesota Statutes 1980, Section 275.125, Subdivision 5, as amended by Laws 1981, Third Special Session Chapter 2, Article II, Section 10, is amended to read:

Subd. 5. For school transportation services, a school district may levy an amount not to exceed the amount raised by a levy of two mills times the adjusted assessed valuation of the taxable property of the district for the preceding year. A district may also levy under this subdivision for the amount necessary to eliminate any projected deficit in the appropriated fund balance account for bus purchases in its transportation fund as of June 30 in the school year when the levy is recognized as revenue. A district which contracts for pupil transportation services may also levy an amount equal to \$18 times the number of FTE pupils transported on contracted school buses in the preceding school year in the regular transportation category, which shall be placed in the transportation fund and used for any lawful purpose. A district may levy an amount equal to the estimated cost, in the school year beginning in the year in which the levy is certified, of transporting secondary pupils to and from school who live more than one mile but less than two miles from the public school which they could attend or from a nonpublic school actually attended. A district may also levy for transportation costs or other related services which are approved by the commissioner as necessary because of extraordinary traffic hazards for the current fiscal next school year. Levies authorized by this subdivision shall be computed according to procedures established by the commissioner.

Sec. 5. Minnesota Statutes 1980, Section 275.125, is amended by adding a subdivision to read:

Subd. 5b. [TRANSPORTATION LEVY OFF-FORMULA ADJUSTMENT.] In any fiscal year in which the transportation levy in a district attributable to that fiscal year of two mills times the adjusted assessed valuation of the district exceeds the transportation aid entitlement per weighted FTE times the total number of authorized FTE pupils transported, the district's transportation levy limitation shall be adjusted as provided in this subdivision. In the year following that fiscal year, the district's transportation levy shall be reduced by an amount equal to the difference between (1) two mills times the adjusted assessed valuation of the district, and (2) the sum of the district's transportation aid computation pursuant to section 124.225, subdivisions 8b, 8c, 8d, 8e, 8f, and 8g, minus the following amount:

the product of

(a) the number of nonhandicapped secondary pupils in the current school year who live between one and two miles from the public school which they could attend or the nonpublic school actually attended and who would have been transported in the current year under the district's eligibility rules in the base year, times

(b) 1.5; divided by the average distance to school for all FTE's transported in the district in the regular transportation category in the second preceding

year, times

(c) *the district's adjusted authorized predicted cost determined according to section 124.225, subdivision 7b.*

Sec. 6. [ADDITIONAL TRANSPORTATION LEVY, 1982.]

In 1982 only, a district may levy for transportation costs or other related services which are necessary because of extraordinary traffic hazards for the 1982-1983 school year. Levies authorized by this section shall be computed according to procedures established by the commissioner.

Sec. 7. Laws 1981, Chapter 358, Article II, Section 15, Subdivision 3, is amended to read:

Subd. 3. [CANCELLATION.] Any unexpended balance remaining from the appropriation in this section for 1982 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to ~~either~~ *the 1981-1982 school year* for any purposes indicated is insufficient, the aid *entitlement* for that year shall be prorated among all qualifying districts, *and aid reduced accordingly*. The state shall not be obligated for any amounts in excess of the total appropriations in this section.

Sec. 8. [REPEALER.]

Minnesota Statutes 1980, Section 121.96 is repealed.

Sec. 9. [EFFECTIVE DATE.]

Section 7 and the amendment made in section 2 to Minnesota Statutes 1981 Supplement, Section 124.225, Subdivision 9, are effective the day following enactment.

ARTICLE III

SPECIAL EDUCATION

Sec. 1. Minnesota Statutes 1981 Supplement, Section 120.17, Subdivision 6, is amended to read:

Subd. 6. [PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.] The responsibility for special instruction and services for a handicapped child temporarily placed in another district for care and treatment shall be determined in the following manner:

(a) The school district of residence of a child shall be the district in which his parent resides, if living, or his guardian, or the district designated by the commissioner of education if neither parent nor guardian is living within the state.

(b) When a child is temporarily placed for care and treatment in a day program located in another district and the child continues to live within the district of residence during the care and treatment, the district of residence is responsible for providing transportation and an appropriate educational program for the child. The district may provide the educational program at a school within the district of residence, at the child's residence, or in the district in which the day treatment center is located by paying tuition to that district.

(c) When a child is temporarily placed in a residential program for care and treatment, the nonresident district in which the child is placed is responsible for providing transportation, *except transportation to and from the resident district*, and an appropriate educational program for the child and shall bill the district of the child's residence for the actual cost of providing the program, as outlined in subdivision 4, except that the board, lodging, and treatment costs incurred in behalf of a handicapped child placed outside of the school district of his residence by the commissioner of public welfare or the commissioner of corrections or their agents, for reasons other than for making provision for his special educational needs shall not become the responsibility of either the district providing the instruction or the district of the child's residence.

(d) The district of residence shall pay tuition and other program costs, not including transportation costs, to the district providing the instruction and services. The district of residence may claim foundation aid for the child as provided by law. Transportation costs shall be paid by the district responsible for providing the transportation and the state shall pay transportation aid to that district.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 124.2129, is amended by adding a subdivision to read:

Subd. 5. [RESIDENCE OF STUDENTS TEMPORARILY PLACED IN ANOTHER DISTRICT.] The responsibility for special instruction and services for a child as defined in section 120.03, subdivision 5, who is temporarily placed in another district for care and treatment, shall be determined in the following manner:

(a) The school district of residence of the child shall be the district in which the child's parent or guardian resides, or the district designated by the commissioner of education if neither parent nor guardian is living within the state.

(b) Prior to the placement of a child in another district, the district of residence shall be notified and provided an opportunity to participate in the placement decision. When an immediate emergency placement is necessary and time does not permit resident district participation in the placement decision, the district in which the child is temporarily placed shall notify the district of residence of the emergency placement within 15 days of the placement.

(c) Responsibility for provision of transportation and an appropriate educational program shall be the same as for a handicapped child temporarily placed in another district for care and treatment pursuant to section 120.17, subdivision 6. The district of residence shall pay tuition and other program costs, not including transportation costs, to the district providing the instruction and services. Transportation costs shall be paid by the district responsible for providing the transportation and the state shall pay transportation aid to that district. For purposes of transportation aid, these children shall be included in the handicapped transportation category.

Sec. 3. Minnesota Statutes 1980, Section 124.32, Subdivision 7, is amended to read:

Subd. 7. [PROGRAM AND AID APPROVAL.] Before May 1 and June 1 of each year, each district providing special instruction and services to handicapped children shall submit to the commissioner an application for approval of these programs and their budgets for the next school year. The application

shall include an enumeration of the costs proposed as eligible for state aid pursuant to this section and of the estimated number and grade level of handicapped children in the district who will receive special instruction and services during the next school year. The application shall also include any other information deemed necessary by the commissioner for the calculation of state aid and for the evaluation of the necessity of the program, the necessity of the personnel to be employed in the program, the amount which the program will receive from grants from federal funds, or special grants from other state sources, and the program's compliance with the rules and standards of the state board. The commissioner shall review each application ~~in order~~ to determine whether the program and the personnel to be employed in the program are actually necessary and essential to meet the district's obligation to provide special instruction and services to handicapped children pursuant to section 120.17. The commissioner shall not approve aid pursuant to this section for any program or for the salary of any personnel he determines to be unnecessary or unessential on the basis of this review. The commissioner may also withhold all or any portion of the aid for programs which receive grants from federal funds, or special grants from other state sources. ~~On or before July 1 of each year~~ By August 31, when the first aid payment is made, the commissioner shall approve, disapprove or modify each application, and notify each applying district of ~~his~~ the action and of the estimated amount of aid for the programs. The commissioner shall provide procedures for districts to submit additional applications for program and budget approval during the school year, for programs needed to meet any substantial changes in the needs of handicapped children in the district. Notwithstanding the provisions of section 124.15, the commissioner may modify or withdraw ~~his~~ the program or aid approval and withhold aid pursuant to this section without proceeding according to section 124.15 at any time ~~when he~~ the commissioner determines that the program does not comply with the rules and standards of the state board or that any facts concerning the program or its budget differ from the facts ~~presented~~ in the district's approved application.

Sec. 4. [SPECIAL EDUCATION TEMPORARY GUIDELINES.]

The state board of education shall develop and test guidelines for districts to use in defining and serving the following groups of students: (a) students with learning disabilities, (b) students who are emotionally disturbed, and (c) students with special learning behavior problems. During the 1982-83 school year the department shall test the guidelines in a representative sample of districts statewide and report to the education committees of the legislature by February 1, 1984. The department shall report on the operation and fiscal impact of the guidelines.

The guidelines are only for the purposes of testing and determining proper policy for the department and do not represent a determination by the legislature or the department that the guidelines are permanent or binding. The guidelines shall not represent competent evidence in any legal proceeding arising in a state or federal court of law.

Sec. 5. [STUDENT TO STAFF RATIOS.]

For the 1982-1983 school year, the student to staff ratios established pursuant to 5 MCAR 1.0122 C. shall be increased by 20 percent.

By February 1, 1983, the department of education shall report to the edu-

cation committees of the legislature its recommendations for alternative rules for student to staff ratios.

Sec. 6. [SUPERVISION.]

For the 1982-1983 school year, the rules on supervisory personnel of 5 MCAR 1.0122 D., D.1., D.2., D.3., and D.4. are suspended.

By February 1, 1983, the department of education shall report to the education committees of the legislature regarding the need to reinstate the rules or its recommendations for alternative rules for supervisory personnel.

Sec. 7. [STUDENT ASSESSMENT CONFERENCE.]

Beginning with the 1982-1983 school year, the assessment requirement established pursuant to 5 MCAR 1.0124 B.1.b. and 1.0126B shall be reduced to one assessment every three years.

Sec. 8. [PERIODIC REVIEW.]

Beginning with the 1982-1983 school year, the periodic review requirement established pursuant to 5 MCAR 1.0126 A.2. shall be reduced to one review each year.

Sec. 9. [EFFECTIVE DATE.]

Section 3 is effective the day following final enactment.

ARTICLE IV

MISCELLANEOUS

Section 1. Minnesota Statutes 1980, Section 123.32, Subdivision 1, is amended to read:

Subdivision 1. Unless a different date is permitted under the provisions of subdivision 22 or section 2 of this article, the annual election in independent districts shall be held on the third Tuesday in May.

Sec. 2. Minnesota Statutes 1980, Section 123.32, is amended by adding a subdivision to read:

Subd. 28. The board of any school district may by resolution provide for the holding of the annual election on the first Tuesday after the first Monday in November of any year. If the annual election is held in November, the terms of office of all board members shall be lengthened to expire on January 1.

Sec. 3. Minnesota Statutes 1981 Supplement, Section 123.937, is amended to read:

123.937 [LIMIT ON DISTRICT OBLIGATIONS.]

If the amount appropriated for purposes of sections 123.931 to 123.937 for any year is not sufficient to make the payments required pursuant to sections 123.931 to 123.937 for that year, then no school district or intermediary service area is required to expend an amount pursuant to sections 123.931 to 123.937 for that year which exceeds the amount of the payments it receives pursuant to sections 123.931 to 123.937 for that year. Notwithstanding Laws 1981, Chapter 358, Article VI, Section 46, Subdivision 21, the appropriations provided in Laws 1981, Chapter 358, Article VI, Section 46, Subdivision 16, may be used to pay claims for nonpublic aids for either year of the 1983

biennium.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 125.611, Subdivision 5, is amended to read:

Subd. 5. [SCHOOL BOARD APPLICATION; LIMIT.] If the school board approves the teacher's application, the board shall apply to the commissioner of education for authorization to enter into a contract with the teacher for termination of his services and payment of an early retirement incentive. The school board's application shall be submitted on the form required by the commissioner and must be received by the commissioner by the March 15 immediately following the school board's approval of the teacher's application. The commissioner of education shall establish procedures for applications pursuant to this subdivision and shall approve or disapprove applications pursuant to this subdivision within the limits of the appropriation for the purposes of this section. The commissioner shall approve no more than 500 applications for early retirement incentives for teachers retiring at the end of each school year.

If more applications are received than can be approved within this limit, the commissioner may decide which applications to approve according to the order of receipt, a method ensuring participation by teachers from the maximum possible number of districts, random allotment or any combination of these methods. *If the number of applications approved by the commissioner by March 15 is less than 500 and is within the limits of the appropriation, additional applications submitted to the school board after February 1 may be considered for approval by the school board and commissioner according to the order of receipt.*

Applications pursuant to this subdivision shall include the annual salaries which would be paid to the teachers for whom the applications are made if they did not retire and any other information required by the commissioner of education.

Sec. 5. Minnesota Statutes 1981 Supplement, Section 354.66, Subdivision 6, is amended to read:

Subd. 6. A board of an employing district entering into an agreement authorized by this section shall take all steps necessary to assure continuance of any insurance programs furnished or authorized a full time teacher on an identical basis and with identical sharing of costs for a part time teacher pursuant to this section, *provided, however, that the requirements of this sentence may be modified by a collective bargaining agreement between a board and an exclusive representative pursuant to chapter 179.* Notwithstanding the provisions of section 43.47, subdivision 16, teachers as defined in section 136.88 employed on a less than 75 percent time basis pursuant to this section shall be eligible for state paid insurance benefits as if the teachers were employed full time.

Sec. 6. [FUND TRANSFER; CAPITAL EXPENDITURE TO GENERAL.]

Notwithstanding the provisions of section 121.912, during the 1982-1983 school year, a district may transfer an amount not to exceed \$50 per pupil unit from the capital expenditure fund to the general fund.

Sec. 7. [REPEALER.]

Minnesota Statutes 1980, Section 128.05; Laws 1976, Chapter 20, Section 8; and Laws 1967, Chapters 251 and 253, are repealed.

Sec. 8. [EFFECTIVE DATE.]

Sections 3 and 7 are effective the day following final enactment.

ARTICLE V

VOCATIONAL EDUCATION

Section 1. Minnesota Statutes 1980, Section 121.21, Subdivision 4a, is amended to read:

Subd. 4a. No district shall expend funds from any source for the acquisition or betterment of lands or buildings or for capital improvements needed for an area vocational-technical school without the approval of the state board and authorization by specific legislative act if that acquisition, betterment or capital improvement requires the expenditure of ~~an amount equal to or greater than \$150,000~~ *\$250,000 or more*, or adds more than 1,000 gross square feet to a post-secondary vocational facility, or requires the issuance of school district bonds. No acquisition or betterment of lands or buildings or capital improvement which requires ~~the an expenditure of an amount less than \$150,000 but equal to or greater than~~ *between \$50,000 and \$250,000* or which changes the perimeter walls of an existing facility shall be carried out without the approval of the state board. No acquisition or betterment of lands or buildings or capital improvement which requires the expenditure of less than \$50,000, which does not change a perimeter wall and which does not require the issuance of school district bonds, shall be carried out without the approval of the commissioner of education. As used in this subdivision, the terms "acquisition" and "betterment", as applied to lands and buildings, and "capital improvement" shall have the meanings ascribed to them in chapter 475, but shall not include the acquisition or betterment of machinery or equipment.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 121.912, Subdivision 1, is amended to read:

Subdivision 1. No school district shall permanently transfer money from an operating fund to a nonoperating fund except as provided in this subdivision. Permanent transfers may be made from an operating fund to any other fund to correct for prior fiscal years' errors discovered after the books have been closed for that year. Permanent transfers may be made from the general fund to eliminate deficits in another fund when that other fund is being discontinued. When a district discontinues operation of a district-owned bus fleet or a substantial portion of a fleet, permanent transfers may be made from the fund balance account entitled "pupil transportation fund appropriated for bus purchases" to the capital expenditure fund, with the approval of the commissioner. The levy authorized pursuant to section 275.125, subdivision 11a, shall be reduced by an amount equal to the amount transferred. ~~Permanent transfers may be made from the general fund to the capital expenditure fund of a post-secondary vocational-technical school in the amount and for the purposes authorized by the state board for vocational education in approving the school's budget pursuant to section 124.561. The state board shall not approve any permanent transfer for the purpose of an acquisition or betterment of lands or buildings or a capital improvement which requires the expenditure of an amount equal to or greater than \$50,000, which changes the perimeter walls of~~

~~an existing facility, which adds more than 1,000 square feet to a post-secondary vocational facility, or which requires the issuance of school district bonds. The state board shall not approve the permanent transfer for any other purpose of any amount which exceeds \$150,000.~~

Sec. 3. Minnesota Statutes 1981 Supplement, Section 124.5624, Subdivision 3, is amended to read:

Subd. 3. [EQUIPMENT AID.] "Post-secondary vocational equipment aid" means state funds, exclusive of post-secondary vocational instructional aid, supply aid, support services aid, debt service aid, and repair and betterment aid apportioned by the state board for vocational education to local school districts, *as necessary for the conduct of post-secondary vocational-technical training*, for the purpose of:

(a) acquisition or purchase of equipment or machinery;

(b) betterment, as defined in section 475.51, of equipment or machinery;
~~and~~

(c) paying leasing fees for computer systems hardware and related proprietary software, photocopy machines and telecommunications equipment; *and*

(d) renting or leasing buildings for school purposes

~~as necessary for the conduct of post-secondary vocational-technical training.~~

Post-secondary vocational equipment aid shall be utilized solely for the purposes enumerated in this section.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 124.5624, Subdivision 4, is amended to read:

Subd. 4. [BUDGETS; EQUIPMENT AID ALLOCATION.] Each AVTI shall submit a budget before ~~January 1, 1982, and before~~ January 1 of each year ~~thereafter~~ detailing estimated costs for the following fiscal year in each applicable component activity of the AVTI's operations for each of the following expenditure categories: acquisition of equipment or machinery, betterment of equipment or machinery ~~and rents and leases, leasing fees, and renting or leasing buildings for school purposes~~, for all instructional programs and support services, including special needs programs and related instruction. Each budget shall also include anticipated revenues from the sale of equipment and other capital goods. A budget submitted pursuant to this section shall not include any revenues or expenditures which are included in the computation of an AVTI's instructional program cost or in the AVTI's budgets for post-secondary vocational support services aid, supply aid, or repair and betterment aid. The department of education shall recommend an allocation of equipment aid in each applicable component activity of the AVTI's operations for each of the expenditure categories and a total allocation of equipment aid for each AVTI, after a review of each AVTI budget. The state board shall review the recommendations of the department, authorize an allocation of equipment aid for each AVTI, and detail recommended levels of spending in each component activity for each expenditure category, through the consolidated public hearing process prescribed in section 124.561, subdivision 3a.

Sec. 5. Minnesota Statutes 1981 Supplement, Section 124.5627, Subdivision 3, is amended to read:

Subd. 3. [REPAIR AND BETTERMENT AID.] (a) [DEFINITION.] "Post-secondary vocational repair and betterment aid" means state funds, exclusive of post-secondary vocational instructional aid, supply aid, support services aid, debt service aid, and equipment aid, apportioned by the state board for vocational education to local school districts for the purpose of reconstruction, improvement, remodeling and repair of the existing AVTI buildings and grounds, ~~and renting or leasing buildings for school purposes~~, as necessary for the conduct of post-secondary vocational-technical training.

(b) [PROHIBITION.] Post-secondary vocational repair and betterment aid shall be utilized solely for the purposes enumerated in this section. The use of post-secondary vocational repair and betterment aid shall be governed by the provisions of section 121.21, subdivision 4a. Post-secondary vocational repair and betterment aid shall not be utilized for the acquisition or betterment of equipment or machinery.

Sec. 6. Minnesota Statutes 1981 Supplement, Section 124.5627, Subdivision 4, is amended to read:

Subd. 4. [BUDGETS; AID ALLOCATION.] Each AVTI shall submit a budget before ~~January 1, 1982 and before~~ January 1 of each ~~subsequent~~ year detailing estimated costs for the following fiscal year ~~for rents and leases and~~ for each repair and betterment project proposed by the AVTI. A budget submitted pursuant to this section shall not include any revenues or expenditures which are included in the computation of an AVTI's instructional program cost or in the AVTI's budgets for post-secondary vocational support services aid, supply aid, or equipment aid. The department of education shall recommend an allocation of repair and betterment aid ~~for rents and leases and~~ for each project proposed by the AVTI as well as a total allocation of repair and betterment aid for each AVTI, after a review of each AVTI budget. The state board shall review the recommendations of the department, authorize an allocation of repair and betterment aid for each AVTI, and detail recommended levels of spending ~~for rents and leases and~~ for each project proposed by the AVTI, through the consolidated public hearing process prescribed in section 124.561, subdivision 3a. The amount of each AVTI's estimated net positive unappropriated capital fund balance, as of June 30 of the fiscal year during which allocations are made, shall be taken into account by the state board in making these allocations. The allocation of post-secondary vocational repair and betterment aid by the state board shall not constitute approval of a project by the state board for the purposes of section 121.21, subdivision 4a.

Sec. 7. Minnesota Statutes 1981 Supplement, Section 124.5627, Subdivision 5, is amended to read:

Subd. 5. [REPORT.] Before ~~August 1, 1982 and before~~ August 1 of each ~~subsequent~~ year, the commissioner shall issue a report on the repair and betterment aid allocation to each AVTI. This report shall include recommended aid allocations ~~for rents and leases and~~ for each repair and betterment project proposed by an AVTI and an explanation comparing the amount of the authorized repair and betterment aid allocation to the budget submitted for each AVTI. The fund balances used by the state board in determining the repair and betterment aid allocation shall be included.

These reports shall be transmitted to the education committees of the legislature and to the directors of the AVTI's.

Sec. 8. [EFFECTIVE DATE.]

Sections 1, 3, 4, 5, 6, and 7 are effective the day following final enactment.

ARTICLE VI

OTHER AIDS AND LEVIES

Section 1. Minnesota Statutes 1980, Section 3.9279, Subdivision 4, is amended to read:

Subd. 4. [ADDITIONAL FUNDING.] A school district providing early childhood and family education programs may receive funds for the programs from other governmental agencies and from private sources, including any state or federal funds available for community education or parent education. *Block grant moneys received by the district under the federal Omnibus Reconciliation Act of 1981 may also be used by the district for support of its early childhood and family education program.*

Sec. 2. Minnesota Statutes 1980, Section 3.9279, Subdivision 6, is amended to read:

Subd. 6. [PROGRAM COORDINATION.] A district providing early childhood and family education services is strongly encouraged to coordinate this programming with related services provided in the district by other governmental agencies and may develop cooperative programs with nonprofit agencies. *If a district offers health and developmental screening pursuant to section 123.702, the early childhood and family education program may administer this screening, except in districts where the program does not serve the entire district.* State government agencies shall cooperate with a school district in these coordination efforts. A district which provides early childhood and family education programs but does not coordinate its efforts with those of other governmental agencies shall submit an explanatory report to the commissioner of education within one year after the implementation of its programs and each year thereafter in which such coordination is not established.

Sec. 3. Minnesota Statutes 1980, Section 3.9279, Subdivision 7, is amended to read:

Subd. 7. [ADVISORY COUNCILS.] The school board of a district providing early childhood and family education programs shall appoint an advisory council. Council members shall be selected from the school attendance area in which the programs are provided. A majority of the members shall be parents participating in the local program. *One member shall be a physician, and one member shall be a registered nurse.* The local advisory council shall *meet at least twice each year and shall* assist the education board in the development, coordination, supervision and review of early childhood and family education services in the area and shall suggest priorities for child learning and development services in the community. *The council shall also make recommendations for health and developmental screening for children in the school district.* The council shall report to the school board and the district community education advisory council, if that council has been established in the district.

Sec. 4. Minnesota Statutes 1980, Section 3.9279, is amended by adding a subdivision to read:

Subd. 14. [EXPERIMENTAL FORMULA AID.] For the 1982-1983

school year, the council on quality education shall recommend to the state board of education not more than six existing early childhood and family education programs to convert existing grants to foundation type aids in accordance with one or more experimental formulas designed by the council on quality education. In designing the formulas, the council shall determine membership based on participant hours of both parents and children. The council shall submit a report to the education committees of the legislature by March 15, 1983, evaluating this experimental formula aid, recommending changes and assessing the applicability of foundation aid to early childhood and family education programs.

Sec. 5. Minnesota Statutes 1980, Section 120.73, Subdivision 1, is amended to read:

Subdivision 1. A school board ~~is authorized to~~ may require payment of fees in the following areas:

(a) In any program where the resultant product, in excess of minimum requirements and at the pupil's option, becomes the personal property of the pupil;

(b) Admission fees or charges for extra curricular activities, where attendance is optional;

(c) A security deposit for the return of materials, supplies, or equipment;

(d) Personal physical education and athletic equipment and apparel, although any pupil may provide his own if it meets reasonable requirements and standards relating to health and safety established by the school board;

(e) Items of personal use or products which a student may purchase at his own option such as student publications, class rings, annuals, and graduation announcements;

(f) Fees specifically permitted by any other statute, including but not limited to section 171.04, clause (1);

(g) Field trips considered supplementary to a district educational program;

(h) Any authorized voluntary student health and accident benefit plan;

(i) For the use of musical instruments owned or rented by the district, a reasonable rental fee not to exceed either the rental cost to the district or the annual depreciation plus the actual annual maintenance cost for each instrument;

(j) Transportation of pupils to and from extra curricular activities conducted at locations other than school, where attendance is optional;

(k) Motorcycle classroom education courses conducted outside of regular school hours; provided the charge shall not exceed the actual cost of these courses to the school district;

(l) *Summer programs, except special education and remedial education;*

(m) *Fees of not more than 20 percent of the actual cost of a program or activity in secondary schools for which there is no credit toward graduation.*

Sec. 6. [121.60] [SUMMER PROGRAMS.]

Subdivision 1. [AUTHORIZATION.] Any school district may offer a sum-

mer program which includes educational, social and recreational opportunities for elementary and secondary students residing within the school district.

The summer program may include activities and educational components previously offered in traditional summer school programs as well as community education programs, community recreation programs and improved learning programs.

Subd. 2. [FEES.] Pursuant to section 120.73, a school district may charge reasonable fees for summer programs. Each school board shall adopt a policy for waiving fees in case of hardship.

Sec. 7. Minnesota Statutes 1981 Supplement, Section 123.702, Subdivision 1, is amended to read:

Subdivision 1. Every school board shall provide for a voluntary health and developmental screening program for children once before entering kindergarten. This screening program shall be established either by one board, by two or more boards acting in cooperation, by educational cooperative service units, by early childhood and family education programs, or by other existing programs. *Each screening program shall have an advisory council of eight members appointed by the school board. One member shall be a physician and one member shall be a registered nurse. In districts where there is an early childhood and family education program serving the entire district, that council may serve the advisory council for the screening program.* No school board may make this screening examination a mandatory prerequisite to enroll a student.

Sec. 8. Minnesota Statutes 1981 Supplement, Section 123.705, is amended to read:

123.705 [STATE AID.]

The department of education shall pay each school district for the cost of screening services provided pursuant to sections 123.701 to 123.705. The payment shall not exceed \$28 per child screened in fiscal year 1982 and ~~\$29~~ \$26.80 per child screened in fiscal year 1983. Any district may request and receive an advance payment equal to 50 percent of its estimated payment for screening eligible children.

Sec. 9. Minnesota Statutes 1981 Supplement, Section 124.245, Subdivision 1, is amended to read:

Subdivision 1. [BASIC COMPUTATION.] (a) In the 1981-1982 school year ~~and each year thereafter~~, the state shall pay a school district the difference by which an amount equal to \$90 per pupil-unit in that school year or, in districts where the actual number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), has increased from the prior year, \$95 per pupil unit in that school year, exceeds the amount raised by seven mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. In order to qualify for aid pursuant to this subdivision in any school year, a district must have levied the full seven EARC mills for use for capital expenditures in that year pursuant to section 275.125, subdivision 11a.

In the 1982-1983 school year and each year thereafter, the state shall pay a school district the difference by which an amount equal to \$89 per pupil unit in that school year or, in districts where the actual number of pupil units iden-

tified in section 124.17, subdivision 1, clauses (1) and (2), has increased from the prior year, \$94 per pupil unit in that school year, exceeds the amount raised by seven mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. In order to qualify for aid pursuant to this subdivision in any school year, a district must have levied the full seven EARC mills for use for capital expenditures in that year pursuant to section 275.125, subdivision 11a.

(b) In the 1982-1983 school year and each year thereafter, the aid under clause (a) for any district which operates an approved secondary vocational education program or an approved senior secondary industrial arts program shall be computed using a dollar amount per pupil unit which is \$5 higher than the amount specified in clause (a).

(c) If the sum of a district's capital expenditure levy under section 275.125, subdivision 11a, attributable to any school year starting in 1982-1983 and its capital expenditure equalization aid, if any, under this subdivision for that school year exceeds ~~\$90~~ \$89 per pupil unit or, in districts where the actual number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), has increased from the prior year, ~~\$95~~ \$94 per pupil unit, the amount of the excess may be expended only for the purpose of capital expenditures for equipment for secondary vocational education programs or senior secondary industrial arts programs.

Sec. 10. Minnesota Statutes 1981 Supplement, Section 124.245, Subdivision 1a, is amended to read:

Subd. 1a. [SPECIAL PURPOSE COMPUTATION.] In the 1982-1983 school year and each year thereafter, the state shall pay a school district the difference by which an amount equal to ~~\$25~~ \$24.50 per pupil unit exceeds the amount raised by two mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. In order to qualify for aid pursuant to this subdivision in any school year, a district must levy the maximum permissible amount pursuant to section 275.125, subdivision 11b for use in that year. Aid paid pursuant to this subdivision may be used only for the purposes for which the proceeds of the levy authorized in section 275.125, subdivision 11b may be used.

Sec. 11. Minnesota Statutes 1981 Supplement, Section 124.246, Subdivision 2, is amended to read:

Subd. 2. [AID.] *For the 1981-1982 school year*, an eligible district shall receive \$1 for each pupil, in average daily membership, enrolled in a public elementary, secondary or area vocational-technical or nonpublic elementary or secondary school. Aid for nonpublic school pupils shall be paid to the district upon request by or on behalf of the pupils. No district shall receive less than \$1,000.

For the 1982-1983 school year and each year thereafter, an eligible district shall receive 92.5 cents for each pupil, in average daily membership, enrolled in a public elementary, secondary or area vocational-technical or nonpublic elementary or secondary school. Aid for nonpublic school pupils shall be paid to the district upon request by or on behalf of the pupils. No district shall receive less than \$925.

Sec. 12. Minnesota Statutes 1981 Supplement, Section 124.247, Subdivi-

sion 3, is amended to read:

Subd. 3. [AID.] A district which establishes a program for gifted and talented students shall receive for the purpose of this program an amount equal to \$16.25, in the 1981-1982 school year, and ~~\$17.50~~ *\$16.18* in the 1982-1983 school year, times the number of gifted and talented students in the district. No more than 5 percent of the students enrolled in the district shall be counted as gifted and talented for the purpose of aid computations pursuant to this subdivision. No more than five percent of the moneys received by a district pursuant to this subdivision may be expended for the purpose of administration of the program for gifted and talented students.

Sec. 13. Minnesota Statutes 1981 Supplement, Section 124.26, Subdivision 1, is amended to read:

Subdivision 1. [COMPENSATION.] For evening schools and continuing education programs for adults established for persons over 16 years of age and not in attendance upon regular day schools, the state shall compensate any district maintaining such programs in accordance with requirements established by the state board from funds appropriated for that purpose, or such funds combined with federal funds insofar as federal funds are available. The state shall pay these aids on a current funding basis. *For the 1981-1982 school year, the portion of such the compensation from state appropriation shall be 90 percent of the compensation paid each teacher for his services in such the programs up to \$8,000 per year based on the costs in that current year. For the 1982-1983 school year and each year thereafter, the portion of such compensation from state appropriation shall be 83.25 percent of the compensation paid each teacher for services in the programs up to \$7,400 per year based on the costs in that current year.* All classes shall be tuition free when taught by teachers subsidized under this section and there shall be no charge for registration, materials and supplies. Evening school and continuing education programs are defined as those public day or evening school programs which are established for persons over 16 years of age not in attendance at the full time elementary or secondary schools and which qualify such persons for the high school diploma, the high school equivalency certificate or for academic achievement at the secondary level.

Sec. 14. Minnesota Statutes 1981 Supplement, Section 124.271, Subdivision 2, is amended to read:

Subd. 2. In fiscal ~~years year 1982 and 1983~~ the state shall pay the greater of 65 cents per capita or \$6,100 to each school district which is operating a community education program in compliance with the rules promulgated by the state board and which has levied at least the lesser of \$1 per capita or \$1 per capita reduced by any deduction to the community service levy made pursuant to section 275.125, subdivision 9, clause (2), for use in that year. *In fiscal year 1983, the state shall pay the greater of 60 cents per capita or \$5,642 to each school district which is operating a community education program in compliance with the rules promulgated by the state board and which has levied at least the lesser of \$1 per capita or \$1 per capita reduced by any deduction to the community service levy made pursuant to section 275.125, subdivision 9, clause (2), for use in that year.*

Sec. 15. Minnesota Statutes 1981 Supplement, Section 124.273, Subdivision 1, is amended to read:

Subdivision 1. [TEACHERS SALARIES.] (a) For the 1981-1982 school year, the department shall pay a school district 70 percent of the salary, calculated from the date of hire, of one full time equivalent teacher for each 45 pupils of limited English proficiency enrolled in the district, or a pro rata amount thereof for increments of fewer than 45 pupils. Notwithstanding the foregoing, the department shall pay 70 percent of the salary, calculated from the date of hire, of one-half of a full time equivalent teacher to a district with 22 or fewer pupils of limited English proficiency enrolled.

(b) Beginning in the 1982-1983 school year, and each year thereafter, the department shall pay a school district ~~65~~ 60 percent of the salary, calculated from the date of hire, of one full time equivalent teacher for each 45 pupils of limited English proficiency enrolled in the district, or a pro rata amount thereof for increments of fewer than 45 pupils. Notwithstanding the foregoing, the department shall pay ~~65~~ 60 percent of the salary, calculated from the date of hire, of one-half of a full time equivalent teacher to a district with 22 or fewer pupils of limited English proficiency enrolled.

Sec. 16. Minnesota Statutes 1981 Supplement, Section 124.273, Subdivision 2, is amended to read:

Subd. 2. [PROHIBITION.] (a) For the 1981-1982 school year, the department of education shall not pay a school district an amount exceeding 70 percent of the salaries paid to essential instructional personnel employed by the district in its educational program for pupils of limited English proficiency.

(b) Beginning in the 1982-1983 school year, and each year thereafter, the department of education shall not pay a school district an amount exceeding ~~65~~ 60 percent of the salaries paid to essential instructional personnel employed by the district in its educational program for pupils of limited English proficiency.

Sec. 17. Minnesota Statutes 1981 Supplement, Section 124.32, Subdivision 1, is amended to read:

Subdivision 1. (a) For the 1981-1982 ~~and 1982-1983~~ school ~~years~~ year, the state shall pay to any district for the employment in its educational program for handicapped children 68.8 percent of the salary of essential personnel for the normal school year for each full time, *part time or limited time* person employed, ~~or a pro rata amount for a part time person or a person employed for a limited time,~~ whether the essential personnel are employed by a district alone or jointly with another district. *For the 1982-83 school year, the state shall pay to any district for the employment in its educational program for handicapped children 61 percent of the salary of essential personnel for the normal school year for each full time, part time or limited time person employed, whether the essential personnel are employed by a district alone or jointly with another district.*

(b) Beginning in the 1983-1984 school year and each year thereafter, the state shall pay to any district for the employment in its educational program for handicapped children 70 percent of the salary of essential personnel for the normal school year for each full time person employed, or a pro rata amount for a part time person or a person employed for a limited time, whether the essential personnel are employed by a district alone or jointly with another district.

Sec. 18. Minnesota Statutes 1981 Supplement, Section 124.32, Subdivision

1b, is amended to read:

Subd. 1b. [CONTRACT SERVICES.] (1) *For the 1981-1982 school year for special instruction or training and services provided for any pupil pursuant to section 120.17, subdivision 2, clause (h), by contract with public, private or voluntary agencies other than Minnesota school districts, the state shall pay each district 60 percent of the difference between the amount of the contract and the foundation aid formula allowance of the district for that pupil or a pro rata portion of the foundation aid formula allowance for pupils who receive services by contract on less than a full time basis. In the 1982-1983 school year and each year thereafter, for special instruction or training and services provided for any pupil pursuant to section 120.17, subdivision 2, clause (h), by contract with public, private or voluntary agencies other than Minnesota school districts, the state shall pay each district 53.3 percent of the difference between the amount of the contract and the foundation aid formula allowance of the district for that pupil or a pro rata portion of the foundation aid formula allowance for pupils who receive services by contract on less than a full time basis.*

(2) *For the 1981-1982 school year for special instruction or training and services provided for a pupil by such a contract as part of a summer school program, the state shall pay each district 60 percent of the difference between the amount of the contract and the summer school revenue allowance of the district attributable to that pupil. For the 1982-1983 school year and each year thereafter, for special instruction or training and services provided for a pupil by such a contract as part of a summer school program, the state shall pay each district 53.3 percent of the difference between the amount of the contract and the summer school revenue allowance of the district attributable to that pupil.*

Sec. 19. Minnesota Statutes 1980, Section 124.32, Subdivision 2, is amended to read:

Subd. 2. *For the 1981-82 school year the state shall pay each district for supplies and equipment purchased or rented for use in the instruction of handicapped children an amount equal to one-half of the sum actually expended by the district but not to exceed an average of \$50 in any one school year for each handicapped child receiving instruction. For the 1982-83 school year and each year thereafter, the state shall pay each district for supplies and equipment purchased or rented for use in the instruction of handicapped children an amount equal to 44.4 percent of the sum actually expended by the district but not to exceed an average of \$44.44 in any one school year for each handicapped child receiving instruction.*

Sec. 20. Minnesota Statutes 1981 Supplement, Section 124.32, Subdivision 5, is amended to read:

Subd. 5. When a handicapped child is placed in a residential facility approved by the commissioner and established primarily to serve handicapped children and when the child's educational program is approved by the commissioner, the state shall pay aid to the resident district under the provisions of this subdivision. For the 1981-1982 regular school year, the aid shall be an amount not to exceed 60 percent of the difference between the instructional costs charged to the resident district and the foundation aid formula allowance, for each handicapped child placed in a residential facility. For summer school programs, the aid for each handicapped child placed in a residential facility

shall be an amount not to exceed 60 percent of the difference between the instructional costs charged to the resident district and the summer school revenue allowance in the resident district attributable to that child. *For the 1982-1983 regular school year and each year thereafter, the aid shall be an amount not to exceed 35.7 percent of the difference between the instructional costs charged to the resident district and the foundation aid formula allowance, for each handicapped child placed in a residential facility. For summer school programs, the aid for each handicapped child placed in a residential facility shall be an amount not to exceed 35.7 percent of the difference between the instructional costs charged to the resident district and the summer school revenue allowance in the resident district attributable to that child.* No aid shall be paid pursuant to this subdivision for tuition charged a resident district pursuant to section 120.17, subdivision 7a, for a child placed at the Minnesota school for the deaf or the Minnesota braille and sight-saving school.

The following types of facilities may be approved by the commissioner:

- (a) A residential facility operated by the state or public school district and designed to serve the low incidence handicapped, the multiple handicapped, or the most severely handicapped children within the state.
- (b) A private, nonsectarian residential facility designed to provide educational services for handicapped children within the state.
- (c) A state hospital or private nonsectarian residential center designed to provide care and treatment for handicapped children.

Sec. 21. Minnesota Statutes 1980, Section 124.32, Subdivision 10, is amended to read:

Subd. 10. [SUMMER SCHOOL.] The state shall pay aid for summer school programs for handicapped children on the basis of the sections of Minnesota Statutes providing aid for handicapped children for the preceding school year. *For 1982 summer school, the summer school aid shall be computed using the 1982-83 formula amounts. On or before* By March 15 of each year, districts shall submit separate applications for program and budget approval for summer school programs. The review of these applications shall be as provided in subdivision 7. By May 1 of each year, the commissioner shall approve, disapprove or modify the applications and notify the districts of ~~his~~ the action and of the estimated amount of aid for the summer school programs. Aid for these programs shall be paid ~~on or before the October 1~~ by November 15 after the summer when the programs are conducted.

Sec. 22. Minnesota Statutes 1981 Supplement, Section 124.38, Subdivision 7, is amended to read:

Subd. 7. "Maximum effort debt service levy" means the lesser of:

- (1) A levy in whichever of the following amounts is applicable:

- (a) In any school district granted a debt service loan after July 31, 1981 or granted a capital loan which is approved after July 31, 1981, a levy in a total dollar amount computed as 16 mills on the adjusted assessed value;

- (b) In any school district granted a debt service loan before August 1, 1981 or granted a capital loan which was approved before August 1, 1981, a levy in a total dollar amount computed as 15 mills on the adjusted assessed value, until

and unless the district receives an additional loan; or

(2) A levy in whichever of the following amounts is applicable:

(a) In any school district which received a debt service or capital loan from the state before January 1, 1965, a levy in a total dollar amount computed as 4.10 mills on the market value in each year, unless the district applies or has applied for an additional loan subsequent to January 1, 1965, or issues or has issued bonds on the public market, other than bonds refunding state loans, subsequent to January 1, 1967;

(b) In any school district granted a debt service or capital loan between January 1, 1965, and July 1, 1969, a levy in a total dollar amount computed as 5-1/2 mills on the market value in each year, until and unless the district receives an additional loan;

(c) In any school district granted a debt service or capital loan between July 1, 1969 and July 1, 1975, a levy in a total dollar amount computed as 6.3 mills on market value in each year until and unless the district has received an additional loan;

(d) In any school district ~~granted for which a capital loan between July 1, 1977 and June 2, 1981 was approved prior to August 1, 1981~~, a levy in a total dollar amount equal to the sum of the amount of the required debt service levy and an amount which when levied annually will in the opinion of the commissioner be sufficient to retire the remaining interest and principal on any outstanding loans from the state within 30 years of the original date when the capital loan was granted; provided, that the school board in any district affected by the provisions of clause (2)(d) may elect instead to determine the amount of its levy according to the provisions of clause (1); provided further that if a district's capital loan is not paid within 30 years because it elects to determine the amount of its levy according to the provisions of clause (2)(d), the liability of the district for the amount of the difference between the amount it levied under clause (2)(d) and the amount it would have levied under clause (1), and for interest on the amount of that difference, shall not be satisfied and discharged pursuant to section 124.43, subdivision 4.

Sec. 23. Minnesota Statutes 1981 Supplement, Section 124.5621, Subdivision 12, is amended to read:

Subd. 12. [INSTRUCTIONAL AID FORMULA.] ~~In each~~ (1) For fiscal year 1982, each district which operates an AVTI shall receive post-secondary vocational instructional aid computed according to the following formula:

(a) The instructional program allowance for that AVTI in the base year, multiplied by

(b) The AVTI staff compensation weighting for that AVTI, multiplied by

(c) 119 percent, multiplied by

(d) The student growth or decline factor for that AVTI.

(2) For fiscal year 1983, each district which operates an AVTI shall receive post-secondary vocational instructional aid computed according to the following formula:

(a) The instructional program allowance for that AVTI in the base year,

multiplied by

(b) The AVTI staff compensation weighting for that AVTI, multiplied by

(c) 109.5 percent, multiplied by

(d) The student growth or decline factor for that AVTI.

Sec. 24. Minnesota Statutes 1980, Section 124.572, Subdivision 2, is amended to read:

Subd. 2. [ADULT VOCATIONAL AID.] The state shall pay to any district or cooperative vocational center ~~75~~ 69 percent of the salaries paid to essential, licensed personnel or personnel exempt from licensure pursuant to section 125.031 in that school year for services rendered in that district's or center's adult vocational education programs. In addition, the state shall pay ~~50~~ 46.25 percent of the costs of necessary travel between instructional sites by adult vocational education teachers. The commissioner may withhold all or any portion of this aid for an adult vocational education program which receives moneys from any other source, and in no event shall a district or center receive a total amount of state aid for salaries and travel pursuant to this section which, when added to moneys from other sources, will provide the program an amount for salaries and travel which exceeds 100 percent of the amount of its expenditures for salaries and travel in the program.

Sec. 25. Minnesota Statutes 1981 Supplement, Section 124.573, Subdivision 2, is amended to read:

Subd. 2. [SALARIES, ~~EQUIPMENT~~ AND TRAVEL.] In the 1981-1982 school year ~~and each year thereafter~~, the state shall pay to any district or cooperative center 45 percent of the salaries paid to essential, licensed personnel in that school year for services rendered in that district's or center's secondary vocational education programs. In addition, the state shall pay 45 percent of the costs of necessary travel between instructional sites by secondary vocational education teachers, 45 percent of the costs of necessary travel by secondary vocational education teachers accompanying students to and from vocational student organization meetings held within the state for educational purposes, and 45 percent of the costs of necessary equipment for these programs. No secondary vocational equipment aid shall be paid beginning with the 1982-1983 school year. The commissioner may withhold all or any portion of this aid for a secondary vocational education program which receives funds from any other source, and in no event shall a district or center receive a total amount of state aid pursuant to this section which, when added to funds from other sources, will provide the program an amount for salaries, equipment and travel which exceeds 100 percent of the amount of its expenditures for salaries, equipment and travel in the program. *In the 1982-1983 school year and each year thereafter, the state shall pay to any district or cooperative center 41.6 percent of the salaries paid to essential, licensed personnel in that school year for services rendered in that district's or center's secondary vocational education programs. In addition, the state shall pay 41.6 percent of the costs of necessary travel between instructional sites by secondary vocational education teachers, and 41.6 percent of the costs of necessary travel by secondary vocational education teachers accompanying students to and from vocational student organization meetings held within the state for educational purposes. No secondary vocational equipment aid shall be paid beginning with the 1982-*

1983 school year. The commissioner may withhold all or any portion of this aid for a secondary vocational education program which receives funds from any other source, and in no event shall a district or center receive a total amount of state aid pursuant to this section which, when added to funds from other sources, will provide the program an amount for salaries, equipment and travel which exceeds 100 percent of the amount of its expenditures for salaries, equipment and travel in the program.

Sec. 26. Minnesota Statutes 1981 Supplement, Section 124.573, Subdivision 3a, is amended to read:

Subd. 3a. [AID FOR CONTRACTED SERVICES.] In addition to the provisions of subdivisions 2 and 3, a school district or cooperative center may contract with a public or private agency other than a Minnesota school district or cooperative center for the provision of secondary vocational education services. *In the 1981-1982 school year, the state shall pay each district or cooperative center 40 percent of the amount of a contract entered into pursuant to this subdivision. In the 1982-1983 school year and each year thereafter, the state shall pay each district or cooperative center 37 percent of the amount of a contract entered into pursuant to this subdivision.* The state board shall promulgate rules relating to program approval procedures and criteria for these contracts and aid shall be paid only for contracts approved by the commissioner of education. For the purposes of subdivision 4, the district or cooperative center contracting for these services shall be construed to be providing the services. For the purposes of subdivision 5, aid for these contracts shall be distributed on the same basis as aids for salaries and travel.

Sec. 27. Minnesota Statutes 1981 Supplement, Section 124.574, Subdivision 2, is amended to read:

Subd. 2. [SALARIES.] (a) For the 1981-1982 ~~and 1982-1983 school years~~ year, the state shall pay to any district or cooperative center 65 percent of the salaries paid to essential licensed personnel in that school year for services rendered in that district or center's secondary vocational education programs for handicapped children. *For the 1982-1983 school year, the state shall pay to any district or cooperative center 60 percent of the salaries paid to essential licensed personnel in that school year for services rendered in that district's or center's secondary vocational education program for handicapped children.*

(b) Beginning in the 1983-1984 school year and each year thereafter, the state shall pay to any district or cooperative center 70 percent of the salaries paid to essential licensed personnel in that school year for services rendered in that district or center's secondary vocational education programs for handicapped children.

Sec. 28. Minnesota Statutes 1980, Section 124.574, Subdivision 3, is amended to read:

Subd. 3. In addition to the provisions of subdivision 2, the state shall pay:

(a) *In the 1981-1982 school year, 50 percent of the costs of necessary equipment for these secondary vocational education programs for handicapped children; in the 1982-1983 school year and each year thereafter, 46.25 percent of the costs of necessary equipment for these secondary vocational education programs for handicapped children;*

(b) *In the 1981-1982 school year, 50 percent of the costs of necessary travel*

between instructional sites by secondary vocational education teachers of handicapped children, but not including travel to and from local, regional, district, state or national vocational student organization meetings; *in the 1982-1983 school year and each year thereafter, 46.25 percent of the costs of necessary travel between instructional sites by secondary vocational education teachers of handicapped children, but not including travel to and from local, regional, district, state or national vocational student organization meetings; and*

(c) For the 1981-1982 school year, 50 percent of the costs of necessary supplies for these secondary vocational education programs for handicapped children, but not to exceed an average of \$50 in any one school year for each handicapped child receiving these services ; in the 1982-1983 school year and each year thereafter, 46.25 percent of the costs of necessary supplies for these secondary vocational education programs for handicapped children, but not to exceed an average of \$46.25 in any one school year for each handicapped child receiving these services.

Sec. 29. Minnesota Statutes 1980, Section 134.34, is amended by adding a subdivision to read:

Subd. 5. [MAINTENANCE OF EFFORT; EXCEPTION.] Notwithstanding subdivision 4, a regional library system support grant may be made in fiscal year 1983 to a regional public library system for a participating city or county which decreases the dollar amount provided by it for operating purposes of public library service below the amount provided by it for 1981 if the amount provided by the city or county in 1982 is not less than the amount provided by it in 1980. A regional library system support grant may be made in fiscal year 1983 to a regional public library system for a participating city or county which decreases the dollar amount provided by it for operating purposes of public library service below the amount provided by it for 1982, if the amount provided by the city or county in 1983 is not less than the amount provided by it in 1981. This subdivision shall not affect the eligibility of cities or counties to declare all or part of their library levies as special levies under the provisions of section 275.50, subdivision 5, clause (c).

Sec. 30. Minnesota Statutes 1980, Section 275.125, is amended by adding a subdivision to read:

Subd. 2g. [SUMMER SCHOOL LEVY.] Beginning with the 1982 levy for programs in the summer of 1982 and each year thereafter, a district may levy, for summer school offered pursuant to section 6, an amount not to exceed \$20 per actual pupil unit for the regular school year prior to the summer program.

Sec. 31. Minnesota Statutes 1981 Supplement, Section 275.125, Subdivision 11b, is amended to read:

*Subd. 11b. [SPECIAL PURPOSE CAPITAL EXPENDITURE LEVY.] ~~In~~ ~~1981 and each year thereafter,~~ In addition to the levy authorized in subdivision 11a, a school district may levy *each year* an amount not to exceed the amount equal to \$25 per pupil unit. No levy under this clause shall exceed two mills times the adjusted assessed valuation of the property in the district for the preceding year. The proceeds of the tax shall be placed in the district's capital expenditure fund and may be used only for the following:*

(a) for energy audits on district owned buildings conducted pursuant to

chapter 116H, and for funding those energy conservation and renewable energy measures which the energy audits indicate will reduce the use of nonrenewable sources of energy to the extent that the projected energy cost savings will amortize the cost of the conservation measures within a period of ten years or less;

(b) for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped persons;

(c) for capital expenditures to bring district facilities into compliance with the uniform fire code adopted pursuant to chapter 299F;

(d) for capital expenditures required to pay for special assessments against school district property.

Sec. 32. Minnesota Statutes 1980, Section 275.48, is amended to read:

275.48 [ADDITIONAL TAX LEVIES IN CERTAIN MUNICIPALITIES.]

~~Whenever~~ When by virtue of chapter 278, sections 270.07, 375.192, or otherwise, the assessed valuation of ~~any~~ a city, township or school district for ~~any~~ a taxable year is reduced after the taxes for ~~such~~ the year have been spread by the county auditor, and ~~whenever~~ when the mill rate as determined by the county auditor based ~~upon~~ on the original assessed valuation is applied ~~upon~~ ~~such~~ on the reduced ~~valuations~~ valuation and does not produce the full amount of taxes as actually levied and certified for ~~such~~ that taxable year ~~upon~~ on the original assessed ~~valuations~~ valuation, ~~such~~ the city, township or school district may include an additional amount in its tax levy made following final determination and notice of ~~such~~ the reduction in assessed valuation; ~~an~~. The amount shall equal to the difference between the total amount of taxes actually levied and certified for ~~such~~ that taxable year upon the original assessed valuation, not exceeding the maximum amount which could be raised ~~upon~~ ~~such~~ on the assessed valuation as reduced, within existing mill limitations, if any, and the amount of taxes collected for ~~such~~ that taxable year ~~upon~~ ~~such~~ on the reduced ~~valuations~~ valuation. The total tax levy authorized for a school district by this section shall be reduced by the total amount of any abatement adjustments received by the district pursuant to section 124.214, subdivision 2, in the same calendar year in which the levy is certified. ~~Prior to September 15 of each year, the commissioner of education shall certify to each county auditor the amount of any abatement adjustments paid in that year to each school district in that county. As part of the certification required by section 275.125, subdivision 10, the commissioner of education shall certify the amount of the abatement levy limitation adjustment for each school district headquartered in that county.~~

Except for school districts, the amount of taxes so included shall be levied separately and shall be levied in addition to all limitations imposed by law; and further shall not result in any penalty in the nature of a reduction in state aid of any kind.

Sec. 33. Laws 1981, Third Special Session Chapter 2, Article II, Section 1, is amended to read:

Section 1. [EDUCATION AID REDUCTIONS; SUMMARY.]

The sums set forth in the columns designated "APPROPRIATION REDUCTIONS" are reduced from the general fund appropriations to the depart-

ment of education. The figures "1982" and "1983" when used in ~~section 2 of this article~~ *Laws 1981, Third Special Session Chapter 2, Article II, Section 2*, mean that the appropriation reductions listed are from the appropriations for the fiscal years ending June 30, 1982 or June 30, 1983, respectively.

SUMMARY OF REDUCTIONS

	1982	1983
EDUCATION AIDS	(-0-)	(\$160,900,000)
	(\$22,500)	(\$160,877,500)

APPROPRIATION REDUCTIONS

1982	1983
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Sec. 34. Laws 1981, Third Special Session Chapter 2, Article II, Section 2, is amended to read:

Sec. 2. [APPROPRIATION REDUCTIONS.]

The general fund appropriations in Laws 1981, Chapter 358, as amended by Laws 1981, First Special Session, Chapter 2, are reduced by the listed amounts. The appropriation reductions in this section are from the portion of the appropriation provided for the current year and not from the portion of the appropriation provided for the prior year.

(a) Foundation Aid	(-0-)	(\$68,481,500)
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The appropriation reduction in paragraph (a) represents four and nine-tenths percent of the formula allowance for foundation aid for fiscal year 1983 payable in fiscal year 1983, plus a reduction due to the one mill levy increase authorized by this article.

(b) Summer School	(-0-)	(12,066,400)
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(c) Transportation Aid	(-0-)	(34,655,400)
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(32,930,400)

The appropriation reduction in paragraph (c) represents: (1) *the product of: (i) the sum of the appropriation provided for fiscal year 1983 payable in fiscal year 1983 in Laws 1981, Chapter 358, Article II, Section 15, Subdivision 2, as amended by Laws 1981, First Special Session, Chapter 2, Section 9, Subdivision 2; plus (2) the proceeds of the two-mill one-mill levy authorized by this article Minnesota Statutes 1980, Section 275.125, Subdivision 5; times (3) (ii) seven and one-half percent; (2) plus a reduction due to the one-mill levy increase authorized by Laws 1981, Third Special Session Chapter 2, Article II, Section 12.*

(d) Special Education Aid	(-0-)	(7,076,000)
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The appropriation reductions in paragraphs (d) to (k) represent seven and one-half percent of the appropriations provided for fiscal year 1983 payable in fiscal year 1983 in Laws 1981, Chapter 358, as amended by Laws 1981, First

Special Session, Chapter 2.

(e) Summer School Special Education Aid	(-0-)	(366,500)
(f) Handicapped Pupils Placed in Residential Facilities	(-0-)	(47,300)
(g) Limited English Proficiency Pupils Program Aid	(-0-)	(251,600)
(h) American Indian Language and Culture Program	(-0-)	(33,500)
(i) Hearing Impaired Support Services Aid	(-0-)	(3,000)
(j) Adult Education Aid	(-0-)	(84,600)
(k) Community Education Aid	(-0-)	(240,000)
(l) Post-Secondary Vocational Instructional Aids	(-0-)	(3,949,900)

The appropriation reductions in paragraphs (l) to (p) represent eight percent of the appropriations provided for fiscal year 1983 payable in fiscal year 1983 in Laws 1981, Chapter 358.

(m) Post-Secondary Vocational Supply Aid	(-0-)	(1,186,300)
(n) Post-Secondary Vocational Support Services Aid	(-0-)	(1,215,300)
(o) Post-Secondary Vocational Equipment Aid	(-0-)	(729,600)
(p) Post-Secondary Vocational Repair and Betterment Aid	(-0-)	(95,200)
(q) Adult Vocational Education Aid	(-0-)	(481,400)

The appropriation reductions in paragraphs (q) to (ll) represent a reduction of seven and one-half percent of the appropriations provided for fiscal year 1983 payable in fiscal year 1983 in Laws 1981, Chapter 358.

(r) Adult Vocational Programs in Energy Management for Building Operators	(-0-)	(3,300)
(s) Veteran Farmers Cooperative Training Programs	(-0-)	(44,200)
(t) Secondary Vocational Education Aid	(-0-)	(1,348,300)
(u) Secondary Vocational Programs for Handicapped Children	(-0-)	(159,700)
(v) Health and Developmental Screening Programs	(-0-)	(80,600)
(w) Abatement Aid	(-0-)	(224,100)
(x) Capital Expenditure Equalization Aid	(-0-)	(28,200)
(y) Special Purpose Capital Expenditure Equalization Aid	(-0-)	(4,400)
(z) Educational Cooperative Service Units	(-0-)	(57,700)

(aa) Gifted and Talented Students	(-0-)	(40,800)
(bb) Alternative Grants	(-0-)	(11,300)
(cc) Council on Quality Education Venture Fund Grants	(-0-)	(38,300)
(dd) Early Childhood and Family Education Programs	(-0-)	(95,600)
(ee) Basic Support Grants for Library Services	(-0-)	(273,000)
(ff) Multi-County Library Systems	(-0-)	(11,600)
(gg) Nonpublic Educational Aids	(-0-)	(288,600)
(hh) Indian Education Programs	(-0-)	(11,300)
(ii) Chemical Use Programs	(-0-)	(62,000)
(jj) Extended Leaves of Absence	(-0-)	(118,100)
(kk) Part-time Teaching	(-0-)	(5,700)
(ll) Early Retirement Incentives	(-0-)	(135,400)
(mm) Improved Learning Program	(22,500)	(-0-)

The appropriation reduction in paragraph (mm) represents a reduction of seven and one-half percent of the appropriation provided for fiscal year 1982 in Laws 1981, Chapter 358, Article VI, Section 46, Subdivision 19.

(mm) (nn) General Reduction	(-0-)	(26,894,300) (28,596,800)
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The commissioner of education shall apportion the reduction in paragraph ~~(mm)~~ (nn) among school districts, public library systems, multi-type library systems, and educational cooperative service units; and regional management information systems in the same manner in which he apportioned the education aid reductions made in fiscal year 1981 pursuant to Minnesota Statutes 1980, Sections 16A.15, Subdivision 1; and 124.77, because funds in the state treasury were insufficient.

Sec. 35. Laws 1981, Third Special Session Chapter 2, Article II, Section 20, is amended to read:

Sec. 20. [EFFECTIVE DATE.]

Sections 1 to 9 and 11 to 19 are effective the day following final enactment. Section 10 is effective for levies certified in 1982 payable 1983 on July 1, 1982.

Sec. 36. [PROGRAMS FOR YOUTH WHO LEAVE SCHOOL BEFORE GRADUATION.]

Subdivision 1. [PURPOSE.] The legislature expresses concern over the economic and social problems faced by many youth who leave school before graduation. State and local programs need to be coordinated, developed and established to assist these youth to become employable and to complete an educational program.

Subd. 2. [DEPARTMENT OF EDUCATION:] (a) The state board of edu-

cation shall coordinate and develop state and local programs directed toward the needs of youth who leave or are likely to leave school before graduation. Programs may include employment training programs, juvenile justice programs, programs in correctional facilities, post-secondary educational programs, and others as appropriate.

(b) The board shall award grants pursuant to subdivisions 3 and 4.

(c) The department shall conduct informational workshops and provide technical assistance to state and local agencies.

Subd. 3. [GRANTS FOR EXISTING PROGRAMS.] The state board of education shall award up to six grants to school districts, combinations of school districts, ECSU's, colleges, or universities. The recipients shall have existing programs for youths who have left or are likely to leave school before graduation. The board shall use the following criteria for grant awards: demonstrated successful service to youths likely to leave or to youths who have returned to high school; goals for participants to complete high school and become employable; cooperation with other state and local public and nonpublic agencies or organizations; willingness to make personnel available for workshops and to provide technical assistance for establishing or developing programs; and other criteria as determined by the department. Applications shall be submitted by November 15, 1982, in the manner prescribed by the board.

Subd. 4. [GRANTS FOR NEW PROGRAMS.] The state board of education shall award up to ten grants to school districts, combinations of school districts, ECSU's, colleges, or universities to establish programs for youths who have left or are likely to leave school before graduation. The board shall use the following criteria for grant awards: a plan for cooperation with other state and local public and nonpublic agencies or organizations; a plan to finance the program from additional sources such as local, state and federal secondary, post-secondary, higher education and adult education funds; and other criteria as determined by the department. Applications shall be submitted by January 3, 1983, in the manner prescribed by the board.

Subd. 5. [REPORT TO LEGISLATURE.] The state board of education shall report to the legislature during the 1983 session about programs for youths who leave or are likely to leave school before graduation. The report shall include the recipients of grants, agencies or organizations involved in the state and local programs, and recommendations based on experiences.

Sec. 37. [APPROPRIATIONS.]

Subdivision 1. [GENERALLY.] The sums set forth in this section are appropriated from the general fund to the department of education for the purposes specified. The sums are available until June 30, 1983.

Subd. 2. [GRANTS FOR EXISTING PROGRAMS.] For grants made pursuant to section 36, subdivision 3, there is appropriated:

\$32,000.....1983.

Subd. 3. [GRANTS FOR NEW PROGRAMS.] For grants made pursuant to section 36, subdivision 4, there is appropriated:

\$70,000.....1983.

Subd. 4. [ADMINISTRATIVE COSTS.] For administration of programs pursuant to section 36, subdivision 2, there is appropriated:

\$20,000.....1983.

Sec. 38. [EFFECTIVE DATE.]

Sections 5, 6, 29, 33, 34 and 35, are effective the day following final enactment.

ARTICLE VII

PROPERTY TAX SHIFT

Section 1. Minnesota Statutes 1980, Section 121.904, Subdivision 2, is amended to read:

Subd. 2. *Except as provided in this section*, revenues shall be recorded in a manner which clearly indicates that they are applicable to a specific accounting period and fund.

Sec. 2. Minnesota Statutes 1980, Section 121.904, Subdivision 4, is amended to read:

Subd. 4. *Except as provided in subdivision 4a, as added by Laws 1981, Third Special Session Chapter 2, Article IV, Section 1, revenue shall be recognized as follows:* All current levies of local taxes, including portions assumed by the state, shall be recognized as receivable at the beginning of the calendar year during which collection normally takes place. Such receivables shall be reserved for use in the subsequent fiscal year. Payments of current taxes including but not limited to March personal property tax settlements, received prior to July 1, shall be recorded as revenue to be earned as of July 1 with appropriate adjustments to the receivables and the reserves for such taxes. All current taxes received prior to July 1 plus the balance of the reserves shall be recognized as revenue on July 1.

Sec. 3. Minnesota Statutes 1980, Section 121.904, Subdivision 4a, as added by Laws 1981, Third Special Session Chapter 2, Article IV, Section 1, is amended to read:

Subd. 4a. [LEVY RECOGNITION; PAYABLE 1983.] (1) ~~For taxes assessed in 1982, payable in 1983, all current levies of local taxes, including portions assumed by the state, shall be recognized as provided in this subdivision.~~

~~(2) One-third of the March and May property tax settlements shall be recognized as receivable and recorded as revenue in the same fiscal year during which collection normally takes place. These receivables shall be for use in the current fiscal year.~~

~~(3) Two-thirds of the March and May property tax settlements shall be recognized as receivable and shall be reserved for use in the fiscal year immediately following the fiscal year during which collection normally takes place.~~

~~(4) All of the October property tax settlements shall be recognized as receivable and recorded as revenue in the same fiscal year during which collection normally takes place. These receivables shall be for use in the current fiscal year.~~

(a) "School district tax settlement revenue" means the current, delinquent, and mobile home property tax receipts collected by the county and distributed to the school district, including distributions made pursuant to section 279.37, subdivision 7, and excluding the amount levied pursuant to section 275.125.

subdivision 9a.

(b) In June of each year, the school district shall recognize as revenue available for expenditure in the current fiscal year, and shall record this revenue in the fund for which the levy was made, the lesser of:

(1) the June and July school district tax settlement revenue received in that calendar year; or

(2) the sum of the state aid payments enumerated in section 5 which are due in the fiscal year ending that June for the school year ending that June; or

(3) one-sixth of the amount of the spread levy in the current calendar year which remains after subtracting, by fund, the amounts levied for the following purposes:

(i) reducing or eliminating projected deficits in the appropriated fund balance accounts for unemployment insurance and bus purchases;

(ii) statutory operating debt pursuant to section 275.125, subdivision 9a, and Laws 1976, Chapter 20, Section 4; and

(iii) retirement and severance pay pursuant to section 275.125, subdivision 6a, and Laws 1975, Chapter 261, Section 4.

(c) In July of each year, the school district shall recognize as revenue available for expenditure in the current fiscal year, and shall record this revenue in the fund for which the levy was made, that portion of the June and July school district tax settlement revenue received in that calendar year and not recognized as revenue for the previous fiscal year pursuant to clause (b).

(d) All other school district tax settlement revenue shall be recognized as revenue in the fiscal year of the settlement. Portions of the school district levy assumed by the state, including prior year adjustments and the amount to fund the school portion of the reimbursement made pursuant to section 273.425, shall be recognized as revenue in the fiscal year beginning in the calendar year for which the levy is payable.

Sec. 4. Laws 1981, Third Special Session Chapter 2, Article IV, Section 3, Subdivision 2, is amended to read:

Subd. 2. [AMOUNT OF REDUCTION.] State aid payments enumerated in section 6 of this article due any school district in fiscal year 1983 for the 1982-1983 school year under the provisions enumerated in subdivision 3 shall be reduced in the order listed by the remainder of the amount the district levied for taxes assessed in 1982, payable in 1983, which is to be recognized recognizes as revenue in for fiscal year 1983 pursuant to section 4 3 of this article; clause (b), minus the amount received pursuant to Minnesota Statutes 1981 Supplement, Section 275.125, Subdivision 2d. The district levy against which the reduction is applied shall not include any levy portions that are assumed by the state. For purposes of computing this state aid reduction, the amount levied by the district shall not include the amounts levied to make payments for bonds issued and for interest thereon; the amounts levied for repayment of debt service loans and capital loans; the amounts levied to pay the district's obligations under section 268.06, subdivision 25; and amounts levied pursuant to section 275.125, subdivisions 2d, 6a, 9a, 14a, and 20.

Sec. 5. Laws 1981, Third Special Session, Chapter 2, Article IV, Section 3,

is amended by adding a subdivision to read:

Subd. 2a. [AMOUNT OF ADJUSTMENT.] Beginning with fiscal year 1984 and each year thereafter, state aid payments enumerated in subdivision 3 due any school district in that fiscal year for that school year shall be adjusted in the order listed by the amount equal to the difference between (1) the amount the district recognized as revenue for the prior fiscal year pursuant to section 3 of this article, clause (b); and (2) the amount the district recognizes as revenue for the current fiscal year pursuant to section 3 of this article, clause (b). Any payment authorized from the cash flow loan fund or the permanent school fund shall not be adjusted pursuant to this section.

Sec. 6. Laws 1981, Third Special Session Chapter 2, Article IV, Section 3, Subdivision 3, is amended to read:

Subd. 3. [SUBTRACTION FROM AIDS.] The amount specified in subdivision 2 shall be subtracted from the following state aid payments in the order listed in fiscal year 1983. The amount specified in section 5 of this article shall adjust the following state aid payments in the order listed:

- (a) Foundation aid as authorized in section 124.212, subdivision 1;
- (b) Secondary vocational aid authorized in section 124.573;
- (c) Special education aid authorized in section 124.32;
- (d) Secondary vocational aid for handicapped children authorized in section 124.574;
- (e) Gifted and talented aid authorized in section 124.247;
- (f) Aid for pupils of limited English proficiency authorized in section 124.273;
- (g) Aid for improved learning programs authorized in section 124.251;
- (h) Aid for chemical use programs authorized in section 124.246;
- (i) Transportation aid authorized in section 124.225;
- (j) School lunch aid authorized in section 124.646;
- (k) Community education programs aid authorized in section 124.271;
- (l) Adult education aid authorized in section 124.26;
- (m) Capital expenditure equalization aid authorized in section 124.245;
- (n) Homestead credit payments authorized in section 273.13, subdivisions 6, 7, and 14a;
- (o) Taconite homestead credit payments authorized in section 273.135;
- (p) Wetlands credit authorized in section 273.115;
- (q) Native prairie credit authorized in section 273.116; and
- (r) Attached machinery aid authorized in section 273.138, subdivision 3.

The commissioner of education shall schedule the timing of the reductions from state aid payments specified in subdivision 2 in such a manner that will minimize the impact of this article on the cash flow needs of the school districts.

Sec. 7. Laws 1981, Third Special Session Chapter 2, Article IV, Section 3, Subdivision 4, is amended to read:

Subd. 4. [ACCOUNTING.] Notwithstanding any law to the contrary, the amount the district recognizes as revenue pursuant to section 3 of this article, clause (b), which is ~~of the levy~~ subtracted from state aid payments shall be recognized and reported on the school district books of account in the same way that the state aid payments would have been recognized and reported.

Sec. 8. Minnesota Statutes 1980, Section 275.125, is amended by adding a subdivision to read:

Subd. 21. [REPORTING.] *The school district tax settlement revenue defined in section 3 of this article, clause (a), and the amount levied pursuant to subdivision 9a shall be reported by the county auditor to each school district by fund for each settlement on the form specified in section 276.10. The county auditor shall report the spread levy to the district on the report specified in section 275.124.*

Sec. 9. [REPEALER.]

Laws 1981, Third Special Session Chapter 2, Article IV, Sections 2 and 7, are repealed."

Delete the title and insert:

"A bill for an act relating to education; providing for aids to education, aids to libraries; tax levies and distribution of tax revenues; granting certain duties and powers to school boards, school districts, the state board of education; requiring advisory committee for health and developmental screening programs; providing for a program to serve youth who leave school before graduation; appropriating money; amending Minnesota Statutes 1980, Sections 3.9279, Subdivisions 4, 6, 7, and by adding a subdivision; 120.73, Subdivision 1; 121.21, Subdivision 4a; 121.904, Subdivisions 2, 4, and 4a, as added; 123.32, Subdivision 1 and by adding a subdivision; 124.225, as amended; 124.32, Subdivisions 2, 7, and 10; 124.572, Subdivision 2; 124.574, Subdivision 3; 134.34, by adding a subdivision; 275.125, Subdivision 5, as amended, and by adding subdivisions; 275.48; Minnesota Statutes 1981 Supplement, Sections 120.17, Subdivision 6; 121.912, Subdivision 1; 123.702, Subdivision 1; 123.705; 123.937; 124.2122, Subdivisions 1, as amended, and 2, as amended; 124.2124, by adding a subdivision; 124.2125, Subdivision 2; 124.2126, Subdivision 3; 124.2129, by adding a subdivision; 124.223; 124.245, Subdivisions 1 and 1a; 124.246, Subdivision 2; 124.247, Subdivision 3; 124.26, Subdivision 1; 124.271, Subdivision 2; 124.273, Subdivisions 1 and 2; 124.32, Subdivisions 1, 1b, and 5; 124.38, Subdivision 7; 124.5621, Subdivision 12; 124.5624, Subdivisions 3 and 4; 124.5627, Subdivisions 3, 4, and 5; 124.573, Subdivisions 2 and 3a; 124.574, Subdivision 2; 125.611, Subdivision 5; 275.125, Subdivisions 1, 2d, 7a, and 11b; 354.66, Subdivision 6; Laws 1981, Chapter 358, Article II, Section 15, Subdivision 3; Third Special Session Chapter 2, Article II, Sections 1, 2, and 20; and Article IV, Section 3, Subdivisions 2, 3, 4, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 121; repealing Minnesota Statutes 1980, Sections 121.96; 128.05; Laws 1967, Chapters 251 and 253; Laws 1976, Chapter 20, Section 8; Laws 1981, Third Special Session Chapter 2, Article IV, Sections 2 and 7."

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

Mr. Olhott from the Committee on General Legislation and Administrative Rules, to which were referred the following appointments as reported in the Journal for February 15, 1982:

STATE ZOOLOGICAL BOARD

Stephen D. Doyle
Toni Lin Hengesteg
James L. Weaver
Randall J. Gort

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

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1700, 1808, 1625, 1791, 1790, 1970, 1873, 1792, 1683, 1748, 1718, 1814, 1482, 1913, 1769, 1837, 1605, 1842, 1805, 1662, 1780, 1207, 1903, 1706, 1522, 1740, 1521, 1406, 1755, 2064, 1949, 1648, 1853, 1950, 1809, 19, 1400, 1825, 1671, 2126, 2095, 2030, 1988, 1689, 2026, 1459, 1840, 1644, 2057, 198, 2125, 2062, 1955, 1561, 929, 1886, 1221, 1677, 1888, 1858, 1838, 1878, 1747, 1765, 2010, 2055, 1908, 2111, 1022, 1846, 1130, 1894, 1242, 1942 and 2000 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1637 and 12 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Olhott moved that the name of Mr. Benson be added as a co-author to S.F. No. 1100. The motion prevailed.

Mr. Pehler moved that the name of Mrs. Stokowski be added as a co-author to S.F. No. 1541. The motion prevailed.

Mr. Merriam moved that the name of Mr. Dahl be added as a co-author to S.F. No. 1738. The motion prevailed.

Ms. Berglin moved that the name of Mrs. Stokowski be added as a co-author to S.F. No. 1901. The motion prevailed.

Mr. Knoll moved that the name of Mr. Dahl be added as a co-author to S.F. No. 1942. The motion prevailed.

Mr. Merriam moved that the name of Mr. Dahl be added as a co-author to S.F. No. 1968. The motion prevailed.

Mr. Willet moved that the name of Mr. Dahl be added as a co-author to S.F. No. 2127. The motion prevailed.

Mr. Peterson, C.C. introduced—

Senate Concurrent Resolution No. 11: A Senate concurrent resolution de-

clarifying the intent that the constitutionality of the creation of money by the Federal Reserve System should be challenged in court and an audit of the Federal Reserve System conducted.

Referred to the Committee on Rules and Administration.

Mr. Bertram introduced—

Senate Resolution No. 74: A Senate resolution proclaiming November 10, 1982, to be Saint John's Preparatory School Day in Minnesota.

Referred to the Committee on Rules and Administration.

CALENDAR

S.F. No. 1424: A bill for an act relating to insurance; regulating minimum nonforfeiture benefits and reserves of life insurance policies and annuity contracts; modifying the definitions of "insolvent insurer" and "covered claim" for purposes of the insurance guaranty association act; amending Minnesota Statutes 1980, Sections 61A.24, Subdivisions 2, 4, 6, 9, 10, 11, 12, 13, 14, and by adding subdivisions; 61A.25, Subdivisions 3, 3a, 4, 5, 7, and by adding subdivisions; Minnesota Statutes 1981 Supplement, Sections 60C.03, Subdivision 8; and 60C.09, Subdivision 1.

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 56 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Kroening, Vega and Waldorf voted in the negative.

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S.F. No. 1107: A bill for an act relating to public welfare; authorizing the commissioner of public welfare to use money in the revolving fund for vocational rehabilitation of the blind for certain purposes; removing the preference given to blind operators of vending machines who have resided in the state for a year; amending Minnesota Statutes 1980, Section 248.07, 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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:

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

So the bill passed and its title was agreed to.

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.

With the unanimous consent of the Senate, Mr. Spear moved to amend S.F. No. 1567 as follows:

Page 1, lines 12 to 14, reinstate the stricken language

The motion prevailed. So the amendment was adopted.

S.F. No. 1567 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 0, as follows:

Those who voted in the affirmative were:

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

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

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.

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:

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

So the bill passed and its title was agreed to.

S.F. No. 1695: A bill for an act relating to historic sites; adding the Consumers Pure Ice and Storage Company Building in St. Cloud to the registry of state historic sites; amending Minnesota Statutes 1980, Section 138.58, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1614: A bill for an act relating to Independent School District No. 708; requiring certification of statutory operating debt.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1756: A bill for an act relating to Independent School District No. 699; requiring certification of statutory operating debt.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1724: A bill for an act relating to Independent School District No. 507, Nicollet; authorizing a transfer of funds collected by referendum levy to reduce statutory operating debt.

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:

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

So the bill passed and its title was agreed to.

H.F. No. 1574: A bill for an act relating to Independent School District No. 084, Sleepy Eye; requiring revision of its certified statutory operating debt.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1721: A bill for an act relating to education; changing certain notification dates for school districts that educate nonresident pupils; providing that districts of residence are not liable for any billings if notification is received after a certain date; amending Minnesota Statutes 1981 Supplement, Section 124.2129, Subdivision 3.

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:

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

So the bill passed and its title was agreed to.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 1538: Messrs. Wegener, Rued and Lessard.

H.F. No. 678: Messrs. Schmitz, Stumpf and Pillsbury.

H.F. No. 353: Messrs. Menning, Penny, Luther, Sieloff and Renneke.

H.F. No. 1139: Messrs. Tennessen; Peterson, D.L.; Peterson, R.W.; Davies and Sikorski.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

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

MOTIONS AND RESOLUTIONS

Mr. Humphrey moved that S.F. No. 1242, on General Orders, be stricken and re-referred to the Committee on Rules and Administration. The motion prevailed.

Mr. Kroening moved that his name be stricken as a co-author to S.F. No. 1715. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Ms. Berglin introduced—

S.F. No. 2142: A bill for an act relating to family; authorizing release of information for location of certain parents of deserted children; amending Minnesota Statutes 1980, Section 256.978.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Penny; Moe, R.D.; Renneke and Ashbach introduced—

S.F. No. 2143: A bill for an act relating to education; establishing the basis upon which financial stipends for scholarships and grants-in-aid are determined; amending Minnesota Statutes 1980, Section 136A.121, Subdivision 7; Minnesota Statutes 1981 Supplement, Section 136A.121, Subdivisions 4 and 5.

Referred to the Committee on Education.

Mr. Hanson introduced—

S.F. No. 2144: A bill for an act relating to taxation; real property; providing that certain transmission lines located in unorganized townships shall be listed and assessed where situated; amending Minnesota Statutes 1980, Sections 273.36; 273.37, Subdivision 2; and 273.42, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Langseth and Hanson introduced—

S.F. No. 2145: A bill for an act relating to agriculture; providing an additional tax on certain capital gains from the sale of agricultural land; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20; proposing new law coded in Minnesota Statutes, Chapter 290.

Referred to the Committee on Taxes and Tax Laws.

Mr. Bertram introduced—

S.F. No. 2146: A bill for an act relating to state lands; conveyance; authorizing the conveyance by the state of certain land in the county of Stearns.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Bertram introduced—

S.F. No. 2147: A bill for an act relating to the environment; providing for regulation of storage facilities for waste; prohibiting acquisition of certain land by condemnation; authorizing the metropolitan council to abrogate the development moratorium on on sites and buffer areas for waste facilities; amending Minnesota Statutes 1980, Sections 115A.03, Subdivisions 6, 25, 35, 36, and by adding subdivisions; 115A.10; 115A.18; 115A.22, Subdivisions 1 and 5; 115A.25, Subdivision 1; 116.06, by adding subdivisions; 116.41, Subdivisions 1 and 1a; 473.516, Subdivision 1; 473.811, Subdivision 1; 473.833, Subdivision 4; Minnesota Statutes 1981 Supplement, Sections 115A.06, Subdivision 4; 115A.08, Subdivision 4; 115A.11, Subdivision 1; 115A.20; 115A.21, Subdivisions 1 and 2; 115A.23; 115A.24, Subdivisions 1 and 2;

473.153, Subdivision 3; 473.803, Subdivision 1a; repealing Minnesota Statutes 1980, Section 473.833, Subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Solon introduced—

S.F. No. 2148: A bill for an act relating to health; adding a factor for determining whether to regulate a human services occupation; requiring a surcharge on health related licensing board licenses; changing health related licensing board rule review authority; allowing certain practices under rule authority; changing the composition of the human services occupations advisory council; appropriating money; amending Minnesota Statutes 1980, Sections 214.001, Subdivision 2; 214.13, Subdivisions 2 and 3; 214.14, Subdivision 1; and Minnesota Statutes 1981 Supplement, Section 214.06, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Chmielewski introduced—

S.F. No. 2149: A bill for an act relating to the city of Sandstone; authorizing the exchange of certain tax forfeited lands with the federal government.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Davis introduced—

S.F. No. 2150: A bill for an act relating to taxation; allowing disclosure of private data to permit vendor processing of income and sales tax returns; amending Minnesota Statutes 1980, Section 297A.43; and Minnesota Statutes 1981 Supplement, Section 290.61.

Referred to the Committee on Taxes and Tax Laws.

Mr. Penny introduced—

S.F. No. 2151: A bill for an act relating to taxation; property tax refund; redefining rent constituting property taxes; amending Minnesota Statutes 1981 Supplement, Section 290A.03, Subdivisions 11 and 13.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Ulland, Rued, Mrs. Kronebusch and Mr. Benson introduced—

S.F. No. 2152: A bill for an act relating to crimes; requiring the sentencing guidelines commission to modify the guidelines to provide judges with greater sentencing discretion; proposing new law coded in Minnesota Statutes, Chapter 244.

Referred to the Committee on Judiciary.

Mrs. Stokowski introduced—

S.F. No. 2153: A bill for an act relating to accident and health insurance; broadening continuation and conversion privileges of survivors and former

spouses; amending Minnesota Statutes 1980, Sections 62A.145; 62A.146; 62C.142; and 62D.101; and Minnesota Statutes 1981 Supplement, Section 62A.21, Subdivisions 2a and 2b.

Referred to the Committee on Commerce.

Messrs. Waldorf, Merriam, Lindgren, Berg and Bertram introduced—

S.F. No. 2154: A resolution memorializing Congress to propose an amendment to the United States Constitution providing that the states may restrict or prevent abortions.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Petty, Bang, Ms. Berglin, Mrs. Stokowski and Mr. Tennesen introduced—

S.F. No. 2155: A bill for an act relating to the city of Minneapolis; establishing uniformity in liquor licensing provisions applicable to nonprofit corporations within the city; amending Laws 1975, Chapter 305, Section 1.

Referred to the Committee on Commerce.

Mr. Davis introduced—

S.F. No. 2156: A bill for an act relating to taxation; income; extending the energy credit to certain conservation expenditures; amending Minnesota Statutes 1981 Supplement, Section 290.06, Subdivision 14.

Referred to the Committee on Taxes and Tax Laws.

Mr. Dahl introduced—

S.F. No. 2157: A bill for an act relating to local government; regulating charges for water service; proposing new law coded in Minnesota Statutes, Chapter 471.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Dahl introduced—

S.F. No. 2158: A resolution memorializing the President and Congress of the United States to extend the cut-off date of benefits for children of retired or deceased workers.

Referred to the Committee on Rules and Administration.

Mr. Petty introduced—

S.F. No. 2159: A bill for an act relating to taxation; requiring assessors to consider certain factors in the valuation of property; amending Minnesota Statutes 1981 Supplement, Section 273.11, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Petty introduced—

S.F. No. 2160: A bill for an act relating to taxation; providing that the

homestead credit does not apply to the first \$100 of tax liability; increasing the maximum credit; amending Minnesota Statutes 1980, Section 273.13, Subdivision 14a; and Minnesota Statutes 1981 Supplement, Section 273.13, Subdivisions 6 and 7.

Referred to the Committee on Taxes and Tax Laws.

Mr. Petty introduced—

S.F. No. 2161: A bill for an act relating to taxation; reducing the percentage rate of the homestead credit; increasing the maximum credit; amending Minnesota Statutes 1980, Section 273.13, Subdivision 14a; and Minnesota Statutes 1981 Supplement, Section 273.13, Subdivisions 6, 7 and 15b, as amended.

Referred to the Committee on Taxes and Tax Laws.

Mr. Ramstad introduced—

S.F. No. 2162: A bill for an act relating to the legislature; proposing an amendment to the Minnesota Constitution, Article IV, by adding sections, to provide for initiative and referendum; implementing the initiative and referendum process, including the manner of petitioning and voting on initiative and referendum measures and judicial review; precluding corporations from deducting as expenses the costs of ballot issue campaigns; imposing duties on certain officials; providing penalties; appropriating money; amending Minnesota Statutes 1980, Sections 10A.20, by adding a subdivision; and 645.02; Minnesota Statutes 1981 Supplement, Sections 204C.33, Subdivision 3; 204D.11, Subdivision 2; 204D.15, Subdivision 1; 290.09, Subdivision 2; and 290.21, Subdivision 3; proposing new law coded as Minnesota Statutes, Chapter 3B.

Referred to the Committee on Judiciary.

Mr. Ramstad introduced—

S.F. No. 2163: A bill for an act relating to taxation; providing for conformity to federal income tax treatment of contributions to individual retirement accounts and Keogh plans; amending Minnesota Statutes 1981 Supplement, Section 290.01, Subdivision 20, as amended.

Referred to the Committee on Taxes and Tax Laws.

Mr. Ramstad introduced—

S.F. No. 2164: A bill for an act relating to taxation; exempting interest earned on all savers certificates from income tax; amending Minnesota Statutes 1981 Supplement, Sections 290.01, Subdivision 20; and 290.09, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Mr. Rued introduced—

S.F. No. 2165: A bill for an act relating to taxation; income; exempting certain corporations from the requirement of combined reporting of unitary

business income; amending Minnesota Statutes 1980, Section 290.34, Subdivision 2, as amended.

Referred to the Committee on Taxes and Tax Laws.

Mr. Penny introduced—

S.F. No. 2166: A bill for an act relating to taxation; providing agricultural homestead treatment to noncontiguous residence of owner of farm; amending Minnesota Statutes 1981 Supplement, Section 273.13, Subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Mr. Kamrath introduced—

S.F. No. 2167: A bill for an act relating to Yellow Medicine County; providing for the consolidation of the offices of county auditor and treasurer.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Menning, Renneke and Purfeerst introduced—

S.F. No. 2168: A bill for an act relating to transportation; providing for alternate bids for pavement surfacing on trunk highway construction projects; proposing new law coded in Minnesota Statutes, Chapter 161.

Referred to the Committee on Transportation.

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

S.F. No. 2169: A bill for an act relating to legislative enactments; correcting erroneous, ambiguous, omitted and obsolete references and text; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results and errors of a noncontroversial nature in the 1982 regular session and the third special session of 1981; amending Minnesota Statutes 1981 Supplement, Section 290.09, Subdivision 7, as amended.

Referred to the Committee on Rules and Administration.

Mr. Davies introduced—

S.F. No. 2170: A bill for an act relating to taxation; providing for changes in the laws relating to delinquent real estate taxes; real estate tax judgment sales and redemptions and tax forfeited land sales; amending Minnesota Statutes 1980, Sections 276.04; 279.05; 279.06; 279.14; 279.15; 279.16; 279.20; 280.01; 280.07; 280.10; 280.38; 280.385, Subdivision 1; 281.01; 281.02; 281.03; 281.05; 281.17; 281.18; 281.34; 281.36; 281.39; proposing new law coded in Minnesota Statutes, Chapters 276; 279; 280; and 281; proposing new law coded as Minnesota Statutes, Chapters 282A; 282B; 282C; 282D; and 282E; repealing Minnesota Statutes 1980, Sections 279.32; 280.001; 280.02; 280.03; 280.04; 280.05; 280.06; 280.08; 280.09; 280.11; 280.13; 280.25; 280.26; 280.27; 280.28; 280.29; 280.33; 280.35; 280.36; 280.37; 281.04; 281.13, as amended; 281.14; 281.15; 281.20; 281.21; 281.22; 281.23; 281.24; 281.26; 281.27; 281.273; 281.274; 281.275; 281.276; 281.277; 281.31; 281.32; 281.321; 281.322; 281.323; 281.324; 281.325; 281.326; 281.327; 281.33; and 281.38; and Chapter 282, as amended.

Referred to the Committee on Judiciary.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Thursday, February 25, 1982. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate