

SEVENTY-SIXTH DAY

St. Paul, Minnesota, Thursday, February 25, 1982

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Gerald Stoppel.

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

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

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. Hughes, Menning and Olhoft were excused from the Session of today. Mrs. Lantry was excused from the Session of today at 4:30 p.m. Mr. Purfeerst was excused from the Session of today from 11:30 a.m. to 12:30 p.m. Mrs. Stokowski was excused from the Session of today from 11:00 a.m. to 1:30 p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

February 19, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 1151, 699 and 1408.

Sincerely,

Albert H. Quie, Governor

February 19, 1982

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

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1982 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1982	Date Filed 1982
	1732	375	February 19	February 19
699		376	February 19	February 19
1151		377	February 19	February 19
1408		378	February 19	February 19

Sincerely,

Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 552:

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

And the House respectfully requests that a Conference Committee of three members be appointed thereon.

Clawson, Rice and Halberg have been appointed as such committee on the part of the House.

House File No. 552 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 24, 1982

Mr. Peterson, R.W. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 552, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on

the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 492, 1726, 1751, 1849, 1166, 1848, 1746 and 2136.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 24, 1982

FIRST READING OF HOUSE BILLS

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

H.F. No. 492: A bill for an act relating to crimes; authorizing counties to expend money for the purpose of investigating criminal activity relating to selling or receiving stolen property; proposing new law coded in Minnesota Statutes, Chapter 299C.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 480, now on General Orders.

H.F. No. 1726: A bill for an act relating to education; removing the commissioner of education from the state university board and as secretary of the board; allowing community college and state university teachers to accrue seniority credit during extended leaves of absence; amending Minnesota Statutes 1980, Sections 136.12, Subdivision 1; 136.13; and 136.88, Subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1741, now on General Orders.

H.F. No. 1751: A bill for an act relating to alcoholic beverages; increasing the maximum dollar value of equipment furnished to beer retailers by brewers and wholesalers; deleting obsolete language; amending Minnesota Statutes 1980, Sections 340.031, Subdivision 2; and 340.405.

Referred to the Committee on Commerce.

H.F. No. 1849: A bill for an act relating to crimes; clarifying methods of and responsibility for imposing and collecting penalty assessments; amending Minnesota Statutes 1981 Supplement, Section 609.101.

Referred to the Committee on Judiciary.

H.F. No. 1166: A bill for an act relating to metropolitan government; providing for membership on the metropolitan sports facilities commission; amending Minnesota Statutes 1980, Section 473.553.

Referred to the Committee on Local Government and Urban Affairs.

H.F. No. 1848: A bill for an act relating to Independent School District No. 699; requiring certification of statutory operating debt.

Referred to the Committee on Education.

H.F. No. 1746: 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.

Referred to the Committee on Local Government and Urban Affairs.

H.F. No. 2136: A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; fixing the boundaries of state parks and trails; appropriating money; amending Minnesota Statutes 1980, Sections 16.826; 85.015, Subdivisions 8 and 13; 86.72, Subdivision 1; 121.21, Subdivision 4a; proposing new law coded in Minnesota Statutes, Chapter 84.

Mr. Willet moved that H.F. No. 2136 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

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

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

S.F. No. 1967: A bill for an act relating to highway traffic regulations; including a person in a wheelchair within the definition of pedestrian; amending Minnesota Statutes 1980, Sections 169.01, Subdivision 24; and 169.21, Subdivision 5.

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

Page 1, after line 11, insert:

"Sec. 2. Minnesota Statutes 1980, Section 169.01, is amended by adding a subdivision to read:

Subd. 24a. [WHEELCHAIR.] For the purposes of chapter 169 "wheelchair" is defined to include any manual or motorized wheelchair, scooter, tricycle, or similar device used by a handicapped person as a substitute for walking."

Page 1, line 18, after "and" insert "are accessible and"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "Subdivision 24" insert ", and by adding a subdivision"

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

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

S.F. No. 2006: A bill for an act relating to gambling; providing an exception for certain nonprofit organizations to the annual limitation on prizes awarded

from the conduct of raffles; amending Minnesota Statutes 1980, Section 349.26, Subdivision 9, and by adding a subdivision; and Minnesota Statutes 1981 Supplement, Section 349.26, Subdivision 15.

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

Page 2, line 17, strike "\$35,000" and insert "\$50,000"

Page 2, after line 18, insert:

"The county attorney of each county shall be responsible for investigating and, if appropriate, prosecuting organizations for violations of this section."

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. 1907: A bill for an act relating to real property; requiring certification by the municipality prior to transfer by the county auditor of certain unplatted properties; proposing new law coded in Minnesota Statutes, Chapter 272.

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

Page 2, line 15, delete the comma and insert "and"

Page 2, line 15, delete "must" and insert "does not"

Page 2, line 17, before the period, insert ", the provisions of subdivision 1 shall not apply"

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. 1758: A bill for an act relating to controlled substances; prohibiting conspiracies to violate controlled substances laws; prescribing penalties; proposing new law coded in Minnesota Statutes 1980, Chapter 152.

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

Delete everything after the enacting clause and insert:

"Section 1. [152.095] [CONSPIRACIES PROHIBITED.]

Subdivision 1. [PROHIBITED ACTS; PENALTIES.] Any person who conspires to commit any act prohibited by section 152.09, except possession or distribution for no remuneration of a small amount of marijuana as defined in section 152.01, subdivision 16, is guilty of a felony and upon conviction may be imprisoned, fined, or both, up to the maximum amount authorized by law for the act the person conspired to commit.

Subd. 2. [CONVICTION OF CO-CONSPIRATOR NOT REQUIRED.] A person liable under this section may be charged with and convicted of conspiracy although the person or persons with whom he conspired have not been convicted or have been convicted of some other crime based on the same act.

Sec. 2. Minnesota Statutes 1980, Section 609.485, Subdivision 3, is amended to read:

Subd. 3. [EXCEPTIONS.] This section does not apply to a person who is free on bail or who is on parole or probation, or subject to a stayed sentence or stayed execution of sentence, unless he (1) has been taken into actual custody upon revocation of the parole, probation, or stay of the sentence or execution of sentence, or (2) *is in custody in a county jail or workhouse as a condition of a stayed sentence.*"

Amend the title as follows:

Page 1, line 2, delete "controlled substances" and insert "crimes"

Page 1, line 3, after the semicolon, insert "clarifying the crime of escape from jail;"

Page 1, line 4, after the semicolon, insert "amending Minnesota Statutes 1980, Section 609.485, Subdivision 3;"

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. 1336: A bill for an act relating to financial institutions; redefining "contract for deed" to include sales of residential units situated upon real property subject to a lease held by the seller; amending Minnesota Statutes 1980, Section 47.20, Subdivision 2.

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

Pages 1 to 5, delete section 1 and insert:

"Section 1. Minnesota Statutes 1981 Supplement, Section 47.20, Subdivision 2, is amended to read:

Subd. 2. For the purposes of this section the terms defined in this subdivision have the meanings given them:

(1) "Actual closing costs" mean reasonable charges for or sums paid for the following, whether or not retained by the mortgagee or lender:

(a) Any insurance premiums including but not limited to premiums for title insurance, fire and extended coverage insurance, flood insurance, and private mortgage insurance, but excluding any charges or sums retained by the mortgagee or lender as self-insured retention.

(b) Abstracting, title examination and search, and examination of public records.

(c) The preparation and recording of any or all documents required by law or custom for closing a conventional or cooperative apartment loan.

(d) Appraisal and survey of real property securing a conventional loan or real property owned by a cooperative apartment corporation of which a share or shares of stock or a membership certificate or certificates are to secure a cooperative apartment loan.

(e) A single service charge, which includes any consideration, not otherwise

specified herein as an "actual closing cost" paid by the borrower and received and retained by the lender for or related to the acquisition, making, refinancing or modification of a conventional or cooperative apartment loan, and ~~also includes~~ any consideration received by the lender for making a borrower's interest rate commitment or for making a borrower's loan commitment, whether or not an actual loan follows the commitment. The term service charge ~~does not include~~ *excludes* forward commitment fees. The service charge shall not exceed one percent of the original bona fide principal amount of the conventional or cooperative apartment loan, except that in the case of a construction loan, the service charge shall not exceed two percent of the original bona fide principal amount of the loan. That portion of the service charge imposed because the loan is a construction loan shall be itemized and a copy of the itemization furnished the borrower. A lender shall not collect from a borrower the additional one percent service charge permitted for a construction loan if it does not perform the service for which the charge is imposed or if third parties perform and charge the borrower for the service for which the lender has imposed the charge.

(f) Charges and fees necessary for or related to the transfer of real or personal property securing a conventional or cooperative apartment loan or the closing of a conventional or cooperative apartment loan paid by the borrower and received by any party other than the lender.

(2) "Contract for deed" means an executory contract for the conveyance of real estate, *or a bill of sale for the sale of a mobile home used as a residence by the seller*, the original principal amount of which is less than \$100,000. A commitment for a contract for deed shall include an executed purchase agreement or earnest money contract ~~wherein in which~~ the seller agrees to finance any part or all of the purchase price by a contract for deed.

(3) "Conventional loan" means a loan or advance of credit, other than a loan or advance of credit made by a credit union or made pursuant to section 334.011, to a noncorporate borrower in an original principal amount of less than \$100,000, secured by a mortgage upon real property containing one or more residential units or upon which at the time the loan is made it is intended that one or more residential units are to be constructed, and which is not insured or guaranteed by the secretary of housing and urban development, by the administrator of veterans affairs, or by the administrator of the farmers home administration, and which is not made pursuant to the authority granted in subdivision 1, clause (3) or (4). The term mortgage ~~does not include~~ *excludes* contracts for deed or installment land contracts.

(4) "Cooperative apartment loan" means a loan or advance of credit, other than a loan or advance of credit made by a credit union or made pursuant to section 334.011, to a noncorporate borrower in an original principal amount of less than \$100,000, secured by a security interest on a share or shares of stock or a membership certificate or certificates issued to a stockholder or member by a cooperative apartment corporation, which may be accompanied by an assignment by way of security of the borrower's interest in the proprietary lease or occupancy agreement in property issued by the cooperative apartment corporation and which is not insured or guaranteed by the secretary of housing and urban development, by the administrator of veterans affairs, or by the administrator of the farmers home administration.

(5) "Cooperative apartment corporation" means a corporation or associa-

tion 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.

(6) "Forward commitment fee" means a fee or other consideration paid to a lender for the purpose of securing a binding forward commitment by or through the lender to make conventional loans to two or more credit worthy purchasers, including future purchasers, of residential units, or a fee or other consideration paid to a lender for the purpose of securing a binding forward commitment by or through the lender to make conventional loans to two or more credit worthy purchasers, including future purchasers, of apartments as defined in section 515.02 to be created out of existing structures pursuant to the Minnesota condominium act, or a fee or other consideration paid to a lender for the purpose of securing a binding forward commitment by or through the lender to make cooperative apartment loans to two or more credit worthy purchasers, including future purchasers, of a share or shares of stock or a membership certificate or certificates in a cooperative apartment corporation; provided, that the forward commitment rate of interest does not exceed the maximum lawful rate of interest effective as of the date the forward commitment is issued by the lender.

(7) "Borrower's interest rate commitment" means a binding commitment made by a lender to a borrower ~~wherein~~ *in which* the lender agrees that, if a conventional or cooperative apartment loan is made following issuance of and pursuant to the commitment, the conventional or cooperative apartment loan shall be made at a rate of interest not in excess of the rate of interest agreed to in the commitment, provided that the rate of interest agreed to in the commitment is not in excess of the maximum lawful rate of interest effective as of the date the commitment is issued by the lender to the borrower.

(8) "Borrower's loan commitment" means a binding commitment made by a lender to a borrower ~~wherein~~ *in which* the lender agrees to make a conventional or cooperative apartment loan pursuant to the provisions, including the interest rate, of the commitment, provided that the commitment rate of interest does not exceed the maximum lawful rate of interest effective as of the date the commitment is issued and the commitment when issued and agreed to ~~shall constitute~~ *constitutes* a legally binding obligation on the part of the mortgagee or lender to make a conventional or cooperative apartment loan within a specified time period in the future at a rate of interest not exceeding the maximum lawful rate of interest effective as of the date the commitment is issued by the lender to the borrower; provided that a lender who issues a borrower's loan commitment pursuant to the provisions of a forward commitment is authorized to issue the borrower's loan commitment at a rate of interest not to exceed the maximum lawful rate of interest effective as of the date the forward commitment is issued by the lender.

(9) "Finance charge" means the total cost of a conventional or cooperative apartment loan including extensions or grant of credit regardless of the characterization of the same and includes interest, finders fees, and other charges levied by a lender directly or indirectly against the person obtaining the conventional or cooperative apartment loan or against a seller of real property securing a conventional loan or a seller of a share or shares of stock or a

membership certificate or certificates in a cooperative apartment corporation securing a cooperative apartment loan, or any other party to the transaction except any actual closing costs and any forward commitment fee. The finance charges plus the actual closing costs and any forward commitment fee, charged by a lender shall include all charges made by a lender other than the principal of the conventional or cooperative apartment loan. The finance charge, with respect to wraparound mortgages, shall be computed based upon the face amount of the wraparound mortgage note, which face amount shall consist of the aggregate of those funds actually advanced by the wraparound lender and the total outstanding principal balances of the prior note or notes which have been made a part of the wraparound mortgage note.

(10) "Lender" means any person making a conventional or cooperative apartment loan, or any person arranging financing for a conventional or cooperative apartment loan. The term also includes the holder or assignee at any time of a conventional or cooperative apartment loan.

(11) "Loan yield" means the annual rate of return obtained by a lender over the term of a conventional or cooperative apartment loan and shall be computed as the annual percentage rate as computed in accordance with sections 226.5 (b), (c) and (d) of Regulation Z, 12 C.F.R. section 226, but using the definition of finance charge provided for in this subdivision. For purposes of this section, with respect to wraparound mortgages, the rate of interest or loan yield shall be based upon the principal balance set forth in the wraparound note and mortgage and shall not include any interest differential or yield differential between the stated interest rate on the wraparound mortgage and the stated interest rate on the one or more prior mortgages included in the stated loan amount on a wraparound note and mortgage.

(12) "Monthly index of the federal national mortgage association auction yields" means the gross weighted average yield of accepted offers in the second free market system conventional home mortgage auction held by the federal national mortgage association in a month.

(13) "Person" means an individual, corporation, business trust, partnership or association or any other legal entity.

(14) "Residential unit" means any structure used principally for residential purposes or any portion thereof of it, and includes a unit in a townhouse or planned unit development, a condominium apartment, a non-owner occupied residence, and any other type of residence regardless of whether the unit is used as a principal residence, secondary residence, vacation residence or residence of some other denomination.

(15) "Vendor" means any person or persons who agree to sell real estate, or a mobile home used as a residence by the seller, and finance any part or all of the purchase price by a contract for deed. The term also includes the holder or assignee at any time of the vendor's interest in a contract for deed."

Amend the title as follows:

Page 1, line 3, delete "residential" and insert "mobile homes used as a residence"

Page 1, delete line 4

Page 1, line 5, delete "held"

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

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. 2121: A bill for an act relating to Olmsted County; allowing the county recorder to extend credit for the payment of charges.

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. 2042: A bill for an act relating to Ramsey County; permitting the county to establish a small business set-aside program.

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. 1902: A bill for an act relating to the city of Hibbing; providing for the size of the Hibbing public utilities commission.

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. 2139: A bill for an act relating to Lake County; providing conditions for the issuance of bonds for a county jail.

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. 2046: A bill for an act relating to local government; permitting the city of Bloomington to acquire court facilities; authorizing the issuance of bonds for them subject to referendum; allowing for long-term lease arrangements with Hennepin county.

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

Page 2, after line 18, insert:

"Sec. 4. [RELOCATION OF MUNICIPAL COURT.]

Notwithstanding the provisions of Minnesota Statutes, Section 488A.01, Subdivision 9, the county of Hennepin may relocate the municipal court serving the city of Bloomington and thereupon shall provide suitable quarters for the holding of regular terms of court in a southern suburban location within the county as may be designated by a majority of the judges of the court. All

functions of the court may be discharged, including both court and jury trials of civil and criminal matters, at the location designated pursuant to this section. Nothing in this section shall be construed to reduce the level of services to the residents of the city of Bloomington."

Page 2, line 20, delete ", 2 and 3" and insert "to 4"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, before the period, insert "; permitting the relocation of the municipal court serving the city of Bloomington"

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. 1078: A bill for an act relating to game and fish; expanding the list of counties in which the use of snowmobiles may be authorized in connection with taking beaver or otter; amending Minnesota Statutes 1980, Section 100.29, Subdivision 30.

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

Page 1, line 24, after "vehicle" insert "in any county"

Page 1, line 25, strike "in"

Page 1, line 25, delete "Kittson, Roseau,"

Page 1, delete line 26

Page 2, line 1, delete the new language and strike "Lake"

Page 2, line 2, strike everything before the period

Amend the title as follows:

Page 1, line 2, delete "expanding the list of"

Page 1, line 3, delete "counties in which" and insert "allowing the commissioner of natural resources to authorize"

Page 1, line 3, delete "may be"

Page 1, line 4, delete "authorized"

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. 2048: A bill for an act relating to state parks; restating the boundaries of Tower Soudan state park; authorizing conveyance of certain park lands.

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. 1631: A bill for an act relating to the Red River watershed; naming all counties in which the special taxing authority of certain watershed districts applies; amending Laws 1976, Chapter 162, Section 1.

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

Page 1, line 17, strike "the 1974 edition of"

Page 1, line 22, strike "the 1974 edition of"

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

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

S.F. No. 1890: A bill for an act relating to real property; providing for the modification and extension of contracts for deed; proposing new law coded in Minnesota Statutes, Chapter 508.

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

Page 1, line 9, before "an" insert "*a renegotiated contract for deed or*"

Page 1, line 10, after "deed" insert "*which was valid at its inception*"

Page 1, after line 13, insert:

"Sec. 2. Minnesota Statutes 1980, Section 559.21, Subdivision 1, is amended to read:

Subdivision 1. [DEFAULT; TERMINATION.] When default is made in the conditions of any contract for the conveyance of real estate or any interest ~~therein~~ *in it* executed *after July 30, 1976, and* prior to May 1, 1980, whereby the vendor has a right to terminate ~~the same~~ *it*, he may do so by serving upon the purchaser, his personal representatives or assigns, either within or without the state, a notice specifying the conditions in which default has been made, and stating that the contract will terminate (1) 30 days after the service of the notice if the purchaser has paid less than 30 percent of the purchase price, exclusive of interest ~~thereon~~ *on it*, and any mortgages or prior contracts for deed which are assumed by the purchaser, (2) 45 days after service of the notice if the purchaser has paid 30 percent, or more, but less than 50 percent of the purchase price, exclusive of interest ~~thereon~~ *on it*, and any mortgages or prior contracts for deed which are assumed by the purchaser, (3) 60 days after service of the notice if the purchaser has paid 50 percent, or more, of the purchase price, exclusive of interest ~~thereon~~ *on it*, and any mortgages or prior contracts for deed which are assumed by the purchaser, unless prior thereto the purchaser complies with the conditions and pays the costs of service, the mortgage registration tax, if actually paid by the vendor, together with an amount to apply on attorneys' fees actually expended or incurred, of \$75 when the amount in default is less than \$750, and of \$200 when the amount in default is \$750 or more; provided, however, that no amount is required to be paid for attorneys' fees as provided hereunder, unless some part of the conditions of default has existed at least 45 days prior to the date of service of the notice.

Sec. 3. Minnesota Statutes 1980, Section 559.21, is amended by adding a

subdivision to read:

Subd. 1a. [DEFAULT; TERMINATION.] When default is made in the conditions of any contract for the conveyance of real estate or any interest in it, executed prior to August 1, 1976, whereby the vendor has a right to terminate it, he may do so by serving upon the purchaser, his personal representatives or assigns, either within or without the state, a notice specifying the conditions in which default has been made, and stating that the contract will terminate 30 days after the service of the notice unless prior thereto the purchaser complies with the conditions and pays the costs of service, together with an amount to apply on attorneys' fees actually expended or incurred, of \$50 when the amount in default is less than \$500, and of \$100 when the amount in default is \$500 or more; provided, however, that no amount shall be required to be paid for attorneys' fees as provided hereunder, unless some part of the conditions of default shall have existed at least 45 days prior to the date of service of the notice. The notice must be given notwithstanding any provisions in the contract to the contrary, and shall be served within the state in the same manner as a summons in the district court, without the state, in the same manner, and without securing any sheriff's return of not found, making any preliminary affidavit, mailing a copy of the notice or doing any other preliminary act or thing whatsoever. Service of the notice without the state may be proved by the affidavit of the person making it, made before an authorized officer having a seal, and within the state by an affidavit or by the return of the sheriff of any county.

Sec. 4. [EFFECTIVE DATE.]

Section 1 is curative and is effective the day after final enactment as to all modifications and renegotiations occurring before, on, or after that date."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing dates for applicable laws relating to termination of contracts; amending Minnesota Statutes 1980, Section 559.21, Subdivision 1, and by adding a subdivision;"

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. 2035: A bill for an act relating to victim reparation for wrongful death; a clarification of the time limitations for maintaining an action for death by intentional wrongful act where the act causing the death constitutes the crime of murder; amending Minnesota Statutes 1980, Section 573.02, Subdivision 1.

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

Page 1, line 12, after "1." insert "[ACTION; LIMITATIONS.]"

Page 1, line 22, delete everything after "death"

Page 1, line 23, delete "murder" and insert "for which a defendant has been convicted under section 609.185, 609.19, or 609.195"

Page 1, line 23, delete "after the death of the"

Page 1, line 24, delete "*decedent*."

Page 2, line 21, delete "*, notwithstanding section 645.21,*"

Page 2, line 21, delete "*death or*"

Page 2, line 22, delete "*which resulted from*" and insert "*or thereafter*"

Page 2, delete lines 23 to 25

Page 2, line 26, delete "*entered*"

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

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

S.F. No. 1170: A bill for an act relating to tort claims against the state; clarifying existing law; amending Minnesota Statutes 1980, Sections 3.732, Subdivisions 1, 2, and 3; 3.736, Subdivisions 1, 3, 4, 5, 7, 8, 9, and by adding subdivisions; 3.755; and 3.84.

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 3.732, Subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section and section 3.736 the terms defined in this ~~section~~ *subdivision* have the meanings given them.

(1) "*State*" or "*state agency*" includes each of the departments, boards, agencies, commissions and officers ~~in the executive branch~~ of the state of Minnesota and includes but is not limited to the Minnesota Housing Finance Agency, the Minnesota Higher Education Coordinating Board, the Minnesota Higher Education Facilities Authority, the Armory Building Commission, the State Zoological Board, the University of Minnesota, state universities, community colleges, state hospitals, and state penal institutions. It does not include a city, town, county, school district, or other local governmental body corporate and politic.

(2) "*Employee of the state*" means all present or former officers, members, directors or employees of the state, members of the national guard, or persons acting on behalf of the state in an official capacity, temporarily or permanently, with or without compensation, but *only insofar as those persons are acting within the scope of their office or employment as defined herein*. This term does not include an independent contractor.

(3) "*Scope of his office or employment*" means that the employee was acting on behalf of the state in the performance of duties or tasks lawfully assigned to him by competent authority. Whether a state employee was acting "*within the scope of his office or employment*" shall be determined by application of the common law.

Sec. 2. Minnesota Statutes 1980, Section 3.732, Subdivision 2, is amended to read:

Subd. 2. [ADJUSTMENT OF SMALL CLAIMS.] The head of each de-

partment or agency of the state, or his designee, *with the approval of the attorney general acting on behalf of the state*, shall attempt to determine, adjust and settle, at any time, any claim for money damages of ~~\$2,500~~ \$500 or less ~~against the state for injury to or loss of property or personal injury or death caused by an act or omission of any employee of the state while acting within the scope of his office or employment, under circumstances where the state, if a private person, would be liable to the claimant for which the state or its employees could be liable under this chapter, on terms as he deems appropriate.~~ Any ~~such~~ settlement shall be final and conclusive ~~on all officers of the state, except where procured by fraud.~~ The acceptance by the claimant of any ~~such~~ settlement shall be final and conclusive on the claimant and shall constitute a complete release of any claim against the state and against the employee of the state whose act or omission gave rise to the claim, by reason of the same subject matter. *Settlements pursuant to this subdivision shall not be subject to the provisions of section 3.736, subdivision 7.*

The claims may be paid, with the approval of the attorney general, based upon the written statement of the claimant or a state employee setting forth the reasons why the state is or may be liable, the identity and address of the claimant, and the amount to be paid, in lieu of a more formal release.

Sec. 3. Minnesota Statutes 1980, Section 3.732, Subdivision 3, is amended to read:

Subd. 3. [FORM.] No settlement ~~made under the provisions of this section for an amount in excess of \$500~~ shall be valid unless it is supported by a claim in writing, and is approved in writing by the attorney general as to its form and legality. The claim shall be in ~~such the form as prescribed by the attorney general may prescribe.~~

Sec. 4. Minnesota Statutes 1980, Section 3.736, Subdivision 1, is amended to read:

Subdivision 1. [GENERAL RULE.] The state will pay compensation for injury to or loss of property or personal injury or death caused by an act or omission of any employee of the state while acting within the scope of his office or employment, under circumstances where the state, if a private person, would be liable to the claimant, *except as herein provided.*

Sec. 5. Minnesota Statutes 1980, Section 3.736, Subdivision 3, is amended to read:

Subd. 3. [EXCLUSIONS.] Without intent to preclude the courts from finding additional cases where the state and its employees should not, in equity and good conscience, pay compensation for personal injuries or property losses, the legislature declares that the state and its employees are not liable for the following losses:

(a) Any loss caused by an act or omission of a state employee exercising due care in the execution of *and in good faith reliance upon* a valid or invalid statute or, regulation, rule or order of a court or other competent authority;

(b) Any loss caused by the performance or failure to perform a discretionary duty, whether or not the discretion is abused;

(c) Any loss in connection with the assessment and collection of taxes or fees;

(d) Any loss caused by snow ~~or~~, ice or weather conditions, or other temporary natural conditions on any ~~highway~~ public way or other public place, except when the condition is affirmatively caused by the negligent acts of a state employee;

(e) Any loss caused by wild animals substantially in their natural state, except for crop losses within the borders of a state wildlife refuge caused by unnatural concentrations of migratory waterfowl;

(f) Any loss other than injury to or loss of property or personal injury or death;

(g) Any loss caused by the condition of or failure to warn of the condition of, or the failure to restrict access to, unimproved real property owned or controlled by the state, which means land that the state has not improved, and appurtenances, fixtures and attachments to and temporary or permanent structures upon land that the state has neither affixed nor improved, unless the structures, attachments, or fixtures are opened to the public or used by the state, and includes, but is not limited to any natural condition of any lake, stream, bay, river or beach;

(h) Any loss arising from the construction, operation, or maintenance of the outdoor recreation system, as defined in section 86A.04, or from the clearing of land, removal of refuse, and creation of trails or paths without artificial surfaces, except that the state is liable for conduct that would entitle a trespasser to damages against a private person-;

(i) Any loss of benefits or compensation due under a program of public assistance or public welfare, except where state compensation for loss is expressly required by federal law in order for the state to receive federal grants-in-aid;

(j) Any loss based on the failure of any person to meet the standards needed for a license, permit, or other authorization issued by the state or its agents caused by the issuance, denial, suspension or revocation of, or by the failure or refusal to issue, deny, suspend, or revoke, any permit, license, certificate, approval, order or similar authorization, except for tort claims brought by the person regulated;

(k) Any loss based on the usual care and treatment, or lack of care and treatment, of any person at a state hospital or state corrections facility where reasonable use of available appropriations has been made to provide care;

(l) Any loss, damage, or destruction of property of a patient or inmate of a state institution-;

The state will not pay punitive damages-

(m) Any loss resulting from a judicial, legislative, quasi-judicial or quasi-legislative action of the state or its employees;

(n) Any loss resulting from the performance of, or the failure to perform an inspection, regulatory or enforcement activity where the primary cause of the loss was the failure of another to comply with applicable laws, codes or regulations;

(o) Any loss resulting from the parole or release of an inmate, the terms and conditions of his parole or release or from the revocation of his parole or

release or the failure to revoke, regulate or supervise the parole or release;

(p) Any loss caused by a prisoner or patient to any other prisoner or patient;

(q) Any loss resulting from a good faith determination of: whether to confine a person for mental illness, mental deficiency or drug dependence; the terms and conditions of the confinement; or whether to parole, grant a leave of absence or home visit to or release a person from confinement for mental illness, mental deficiency or drug dependence.

Sec. 6. Minnesota Statutes 1980, Section 3.736, is amended by adding a subdivision to read:

Subd. 3a. [PUNITIVE DAMAGES.] The state is not obligated to pay any punitive damages.

Sec. 7. Minnesota Statutes 1980, Section 3.736, Subdivision 4, is amended to read:

Subd. 4. [LIMITS.] The total liability of the state and its employees acting within the scope of their employment on any tort claim shall not exceed:

(a) ~~\$100,000~~ \$200,000 when the claim is one for death by wrongful act or omission and ~~\$100,000~~ \$200,000 to any claimant in any other case.

*(b) ~~\$500,000~~ \$600,000 for any number of claims arising out of a single occurrence. If the amount awarded to or settled upon multiple claimants exceeds ~~\$500,000~~ \$600,000, any party may apply to any district court to apportion to each claimant his proper share of the ~~\$500,000~~ \$600,000. The share apportioned each claimant shall be in the proportion that the ratio of the award or settlement made to him bears to the aggregate awards and settlements for all claims arising out of the occurrence. *If the attorney general determines that the claims of multiple claimants are likely to result in total judgments exceeding \$600,000, he may commence an action in district court asking that the respective rights of the claimants be determined, but the state need make no payment into court, or to any claimant, prior to judgment or proof satisfactory to the attorney general that the claimants have all agreed to an apportionment of the moneys, nor shall the state, in those circumstances, be liable for costs, disbursements, attorneys fees or interest accruing prior to the judgment or agreement of the attorney general to liability.**

The limitation imposed by this subdivision on individual claimants includes damages claimed for loss of services or loss of support arising out of the same tort, and all claims of any kind resulting or derived from injury to another who is, has been or could be a claimant.

Sec. 8. Minnesota Statutes 1980, Section 3.736, Subdivision 5, is amended to read:

Subd. 5. [NOTICE REQUIRED.] Except as provided in subdivision 6, every person, whether plaintiff, defendant or third party plaintiff or defendant, who claims compensation from the state or a state employee acting within the scope of his employment for or on account of any loss or injury shall present to the attorney general of the state or, in the case of a claim against the university of Minnesota, to the person designated by the regents of the university as the university attorney, and any state employee from whom the claimant will seek compensation, if known, within 180 days after the alleged loss or injury is

discovered, a notice stating the time, place and circumstances ~~thereof of it~~, the names of any state employees known to be involved, and the amount of compensation or other relief demanded. Actual notice of sufficient facts to reasonably put the state or its insurer on notice of a possible claim complies with the notice requirements of this section. Failure to state the amount of compensation or other relief demanded does not invalidate the notice, ~~but~~. The claimant shall furnish full information ~~available regarding the nature and extent of the injuries and damages within 15 days after demand by the state concerning the claim as requested by the attorney general~~. The time for giving the notice does not include the time during which the person injured is incapacitated by the injury from giving the notice.

Sec. 9. Minnesota Statutes 1980, Section 3.736, Subdivision 7, is amended to read:

Subd. 7. [PAYMENT.] A state agency, ~~including any entity defined as part of the state in section 3.732, subdivision 1, clause (1);~~ incurring a tort claim judgment or settlement obligation or whose employees acting within the scope of their office or employment incur the obligation shall seek approval to make payment by submitting a written request to the commissioner of finance. The request shall contain a description of the tort claim precipitating the request, specify the amount of the obligation and be accompanied by copies of judgments, settlement agreements or other documentation relevant to the obligation for which the agency is seeking payment. Upon receipt of the request and review of the claim, the commissioner of finance shall determine the proper appropriation from which to make payment. If there is sufficient money in an appropriation or combination of appropriations to the agency for its general operations and management to allow the claim to be paid from that source without unduly hindering the operation of the agency, the commissioner shall direct that payment be made from that source. Claims relating to activities paid for by appropriations of dedicated receipts shall be paid from those appropriations if practicable. ~~If the commissioner determines that an agency has sufficient money in these appropriations to pay only part of a claim, the commissioner shall pay the remainder of the claim from the money appropriated to him for this purpose.~~ If the commissioner determines that the agency does not have sufficient money to pay *all or any part* of the claim, the commissioner shall pay *all or the unpaid portion* of the claim from money appropriated to him for this purpose. On January 1 and July 1 of each year, the commissioner of finance shall transmit to the legislature and to the chairmen of the house appropriations and senate finance committees copies of all requests in the preceding six months together with a report on the payments made with respect to each request. Payment shall be made only upon receipt of a written release by the claimant in a form approved by the attorney general, or the person designated as the university attorney, as the case may be.

No attachment or execution shall issue against the state, *its agencies or employees for any judgment for which the state is responsible pursuant to sections 3.732 to 3.738, nor shall any judgment constitute a lien against the property of the state, its agencies, officers or employees, or be a defect in the title to the property.*

Sec. 10. Minnesota Statutes 1980, Section 3.736, Subdivision 8, is amended to read:

Subd. 8. [LIABILITY INSURANCE.] A state agency, ~~including any entity~~

defined as a part of the state in section 3.732, subdivision 1, clause (1), may procure insurance against liability of the agency and its employees for damages resulting from the torts of the agency and its employees. The procurement of this insurance constitutes a waiver of the defense of governmental immunity to the extent of the liability stated in the policy but has no effect on the liability of the agency and its employees beyond the coverage so provided. When liability insurance is obtained by the state or a state agency, the coverage provided shall be in lieu of the coverage provided by this chapter. When a state employee personally obtains insurance purporting to cover actions also covered by sections 3.732 to 3.738, the insurance shall be construed to provide coverage in addition to the coverage provided by sections 3.732 to 3.738, to the extent of the limits of the policy. An insurer for the state or one of its employees shall be entitled to raise or cause to be raised, any of the provisions, exclusions, immunities or limitations which could be raised by the state. However, the monetary limitations on liability are waived to the extent of the coverage provided by the policy. The state may settle or compromise its liability and that of its employees including a privately insured employee as provided in sections 3.732 to 3.738 without affecting the obligation of an insurer to defend and indemnify a privately insured state employee for claims and suits arising from the same incident.

Sec. 11. Minnesota Statutes 1980, Section 3.736, Subdivision 9, is amended to read:

Subd. 9. [INDEMNIFICATION.] The state of Minnesota shall defend, save harmless, and indemnify any employee of the state against expenses, attorneys' fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by the employee of the state in connection with any tort claim or demand, or expenses, attorneys' fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by the employee of the state in connection with any claim or demand arising from the issuance and sale of any securities by the state, whether groundless or otherwise, arising out of an alleged act or omission occurring heretofore or hereafter during his period of employment if the employee provides complete disclosure and cooperation in the defense of the claim or demand and if the employee was acting within the scope of his employment. Except for elected employees, an employee of the state shall be conclusively presumed to have been acting within the scope of his employment if the employee's appointing authority issues a certificate to that effect. This determination may be overruled by the attorney general. The determination of whether an employee of the state was acting within the scope of his employment shall be a question of fact to be determined by the trier of fact based upon the circumstances of each case (i) in the absence of a certification, (ii) if a certification is overruled by the attorney general, (iii) if an unfavorable certification is made, or (iv) with respect to an elected official. The absence of the certification or an unfavorable certification shall not be evidence relevant to such a determination. It is the express intent of this provision to defend, save harmless, and indemnify any employee of the state against the full amount of any final judgment rendered by a court of competent jurisdiction arising from a claim or demand described herein, regardless of whether the limitations on liability specified in subdivision 4 or 4a hereof are, for any reason, found to be inapplicable. This subdivision does not apply in case of malfeasance in office or willful or wanton actions or neglect of duty shall not apply to an officer or employee whose liability was incurred because of actions outside the scope of his office or employment.

Sec. 12. Minnesota Statutes 1980, Section 3.736, is amended by adding a

subdivision to read:

Subd. 12. [CONSTRUCTION.] Nothing herein shall constitute consent by the state of Minnesota to be sued in the courts of the United States, nor in any way to waive the protection of the Eleventh Amendment to the Constitution of the United States.

Sec. 13. Minnesota Statutes 1980, Section 3.755, is amended to read:

3.755 [DAMAGE BY ESCAPING INMATES.]

~~The department of corrections and the department of public welfare are directed to pay all claims involving property damage, not covered by insurance, resulting from actions of escaping inmates or runaway patients occurring while perfecting their escape, provided that the departments have verified the reasonableness of the amounts claimed.~~ Upon the approval of the commissioner of public welfare or the commissioner of corrections as to the institutions under their respective control, the superintendent or chief executive officer of ~~any such~~ the institution may pay out of the current expense appropriation of the institution to any employee ~~thereof~~ of it the amount of any property damage sustained by the employee, not in excess of \$250, by reason or as a result of action of any patient or inmate of the institution.

Sec. 14. Minnesota Statutes 1980, Section 3.84, is amended to read:

3.84 ~~[MISDEMEANOR PENALTIES.]~~

A person who knowingly and wilfully presents, or attempts to present, a false or fraudulent claim; or a state ~~officer~~ employee who knowingly and wilfully participates, or assists, in the preparation or presentation of a false or fraudulent claim is guilty of a misdemeanor. If a ~~person~~ state employee is convicted of ~~such~~ this offense is a state officer, he also forfeits his office. ~~This section shall not be construed to prevent a felony or misdemeanor prosecution under any other provision of law.~~

Sec. 15. Minnesota Statutes 1980, Section 275.125, Subdivision 4, is amended to read:

Subd. 4. [ADDITIONAL LEVIES.] A school district may levy the amounts necessary to make payments for bonds issued and for interest ~~thereon~~ on them, including the bonds and interest ~~thereon~~ on them, issued as authorized by section 275.125, subdivision 3, clause (7) (C), as it read in Minnesota Statutes 1974; the amounts necessary for repayment of debt service loans and capital loans; the amounts necessary to pay the district's obligations under section 6.62; the amount authorized for liabilities of dissolved districts pursuant to section 122.45; the amounts necessary to pay the district's obligations under section 268.06, subdivision 25; the amounts necessary to pay the district's obligations under section 127.05; ~~the amounts necessary to pay the district's insurance premium costs under section 466.06;~~ the amounts authorized by section 122.531; and the amounts necessary to pay the district's obligations under section 122.533.

Sec. 16. Minnesota Statutes 1980, Section 466.04, Subdivision 1, is amended to read:

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

exceed

(a) ~~\$100,000~~ \$200,000 when the claim is one for death by wrongful act or omission and ~~\$100,000~~ \$200,000 to any claimant in any other case;

(b) ~~\$300,000~~ \$600,000 for any number of claims arising out of a single occurrence.

No award *against any municipality* for damages on any ~~such~~ claim shall include punitive damages.

Sec. 17. Minnesota Statutes 1980, Section 466.04, Subdivision 3, is amended to read:

Subd. 3. [DISPOSITION OF MULTIPLE CLAIMS.] Where the amount awarded to or settled upon multiple claimants exceeds ~~\$300,000~~ \$600,000, any party may apply to any district court to apportion to each claimant his proper share of the total amount limited by subdivision 1. The share apportioned each claimant shall be in the proportion that the ratio of the award or settlement made to him bears to the aggregate awards and settlements for all claims arising out of the occurrence.

Sec. 18. Minnesota Statutes 1980, Section 466.06, is amended to read:

466.06 [LIABILITY INSURANCE.]

The governing body of any municipality may procure insurance against liability of the municipality and its officers, employees, and agents for damages resulting from its torts and those of its officers, employees, and agents, including torts specified in section 466.03 for which the municipality is immune from liability; and ~~such the~~ insurance may provide protection in excess of the limit of liability imposed by section 466.04. If the municipality has the authority to levy taxes, the premium costs for ~~such the~~ insurance may be levied in excess of any per capita or millage tax limitation imposed by statute or charter; ~~provided, a school district may not levy for premium costs pursuant to this section.~~ Any independent board or commission in the municipality having authority to disburse funds for a particular municipal function without approval of the governing body may similarly procure liability insurance with respect to the field of its operation. The procurement of ~~such the~~ insurance constitutes a waiver of the defense of governmental immunity to the extent of the liability stated in the policy but has no effect on the liability of the municipality beyond the coverage so provided.

Sec. 19. [EFFECTIVE DATE.]

Sections 15 and 18 of this act are effective the day after final enactment. The remaining sections of this act are effective on and apply to all claims arising from injuries or losses which occur on or after January 1, 1983."

Delete the title and insert:

"A bill for an act relating to tort claims against the state and political subdivisions; specifying liability; raising liability limits; clarifying existing law; amending Minnesota Statutes 1980, Sections 3.732, Subdivisions 1, 2, and 3; 3.736, Subdivisions 1, 3, 4, 5, 7, 8, 9, and by adding subdivisions; 3.755; 3.84; 275.125, Subdivision 4; 466.04, Subdivisions 1 and 3; and 466.06."

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. 1996: A bill for an act relating to Polk County; authorizing the county to establish subordinate service areas to provide and finance governmental services.

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

S.F. No. 2117: A bill for an act relating to local government; providing for the economic development of University Avenue in the cities of Minneapolis and St. Paul; creating an authority to develop and implement transit, housing, and economic development projects; authorizing bonding; providing for a tax levy, special assessments, and eminent domain; appropriating money.

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

S.F. No. 1819: A bill for an act relating to partition fences; exempting certain lands from the provisions of chapter 344; providing that when only one owner or occupant is benefited by a fence he shall be assigned the entire expenses of the fence; amending Minnesota Statutes 1980, Section 344.03, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 344.

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

Delete everything after the enacting clause and insert:

“Section 1. [344.011] [APPLICATION.]

This chapter applies only when the land of the adjoining owners or occupants considered together is in excess of 20 acres.

Sec. 2. [344.20] [TOWN OPTION.]

The town board of a town may adopt its own policy and procedures for dealing with partition fences, including enforcement procedures, in which case this chapter does not apply in that town.

The town board may adopt a partition fence policy for a town only after eight or more freeholders in the town have petitioned the town board for a vote on the adoption of a policy and the policy is approved by the electors of the town at an annual or special town meeting.

This chapter applies to any partition fence lying on the boundary between a town which has adopted its own partition fence policy and any other political subdivision unless the other political subdivision is a town which has adopted a similar policy.”

Amend the title as follows:

Page 1, line 3, delete "providing that"

Page 1, delete lines 4 to 6

Page 1, line 7, delete "344.03, Subdivision 1;"

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. 2051: A bill for an act relating to rural development; changing the purposes of rural development financing authorities; amending Minnesota Statutes 1980, Section 362A.01, Subdivision 2.

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

Page 2, after line 28, insert:

"Sec. 2. Minnesota Statutes 1981 Supplement, Section 362.50, Subdivision 5, is amended to read:

Subd. 5. "Eligible small business" for the purpose of section 362.52, subdivision 5, means a business entity organized for profit, including but not limited to any individual, partnership, corporation, joint venture, association or cooperative, which entity:

(a) Has 20 or fewer full time employees or not more than the equivalent of \$1,000,000 in annual gross revenues in the preceding fiscal year; and

(b) Is not at least 20 percent owned by a business dominant in its field of operation, or by partners, officers, directors, majority stockholders, or their equivalent, of a business dominant in its field of operation. For the purpose of this subdivision, "dominant in its field of operation" means having more than 20 full time employees and more than \$1,000,000 in annual gross revenues.

"Eligible small business" shall also include an agricultural project acquired, constructed, improved or equipped by a rural development finance authority as defined in section 362A.01, subdivision 2."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "changing the definition of eligible small business for the purpose of small business finance agency loans;"

Page 1, line 5, before the period, insert "; and Minnesota Statutes 1981 Supplement, Section 362.50, Subdivision 5"

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. 1937: A bill for an act relating to the city of Madison; authorizing the city to make certain loans from its public utilities fund to promote economic

development in the city; repealing Laws 1967, Chapter 239.

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

Page 1, line 15, before the period, insert "*or as a stimulant to encourage private development*"

Page 1, line 25, delete "*and submitted*" and insert "*subject*"

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

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

S.F. No. 1568: A bill for an act relating to retirement; recognizing service covered by multiple retirement funds for entitlement to a disability benefit; proposing new law coded in Minnesota Statutes, Chapter 356.

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

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

S.F. No. 1964: A bill for an act relating to state government; ratifying state employee and University of Minnesota labor agreements and compensation plans; amending Minnesota Statutes 1980, Sections 15A.081, Subdivision 7; 15A.083, Subdivisions 1 and 2; 299D.03, Subdivision 2; Minnesota Statutes 1981 Supplement, Section 15A.081, Subdivision 1; repealing Minnesota Statutes 1980, Sections 299C.041; and 299D.03, 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 299D.03, Subdivision 2, is amended to read:

Subd. 2. [SALARIES.] (1) Each employee other than the chief supervisor, lieutenant colonel, majors, captains, corporals and sergeants hereinafter designated shall be known as patrol troopers.

(2) There may be appointed one lieutenant colonel; and such majors, captains, corporals, sergeants and troopers as the commissioner deems necessary to carry out the duties and functions of the highway patrol. Persons in above named positions shall be appointed by law and have such duties as the commissioner may direct and, except for troopers, shall be selected from the patrol troopers, corporals, sergeants, captains, and majors who shall have had at least five years' experience as either patrol troopers, corporals, sergeants, or supervisors.

(3) Commencing July 4, 1979, the salaries for all members of the highway patrol, except for the chief supervisor and the lieutenant colonel shall be as shown in the following table:

TOTAL YEARS OF SERVICE

	Base	6	1	2	3
	Salary	Months	Year	Years	Years
Trooper	\$1186	1229	1327	1377	1439

	4 thru 6	7 thru 11	12 thru 20	After		
	Years	Years	Years	20 Years		
Trooper	\$1511	1566	1625	1687		
	5 thru 11	12 thru 20	After			
	Years	Years	20 Years			
Trooper I	\$1566	1625	1687			
		10 thru 20	After			
		Years	20 Years			
Corporal		\$1650	1712			
Staff Sergeant		Years				
7	8	9	10	11	12 thru 20	After 20
\$1656	1687	1719	1753	1786	1817	1880

TIME IN RANK

	Base	1	2	After 12	After 20
	Salary	Year	Years	Years total	Years total
Captain	\$1950	2020	2083	Service	Service
Major	\$2239	2301		2363	2425

Commencing July 2, 1980, the salaries for all members of the highway patrol, except for the chief supervisor and the lieutenant colonel shall be as shown in the following table:

TOTAL YEARS OF SERVICE

	Base	6	1	2	3	
	Salary	Months	Year	Years	Years	
Trooper	\$1257	1303	1407	1460	1525	
	4 thru 6	7 thru 11	12 thru 20	After 20		
	Years	Years	Years	Years		
Trooper	\$1602	1660	1723	1788		
		5 thru 11	12 thru 20	After 20		
		Years	Years	Years		
Trooper I		\$1660	1723	1788		
			10 thru 20	After 20		
			Years	Years		
Corporal			\$1749	1815		
Staff Sergeant			Years			
7	8	9	10	11	12 thru 20	After 20
\$1755	1788	1822	1858	1893	1926	1993

TIME IN RANK

	Base	1	2	After 12	After 20
	Salary	Year	Years	Years Total	Years Total
Captain	\$2077	2141	2208	Service	Service
Major	\$2373	2439		2505	2571

Employees designated as station sergeants shall receive an additional three percent above the current rate rounded to the nearest dollar for the duration of the appointment. Employees permanently assigned exclusively to Twin City metropolitan freeway duty shall be designated freeway troopers and shall be compensated \$25 per month above their current salary when so assigned. Salary increases in accordance with the above schedule shall become effective for the payroll period nearest the employee's anniversary date of employment.

(4) Upon promotion, the person will be paid at the base salary rate of pay in

effect for that rank, and shall subsequently be eligible for the time in rank increases calculated from the effective date of promotion.

(5) Any time in rank increases in salary provided for in the tables in clause (3), shall be effective for the payroll period nearest the employee's anniversary date of employment.

The salary rates for all highway patrol troopers, corporals and sergeants as cited in clause (3) shall be deemed to include reimbursement for shift differential, meal and business expenses incurred by highway patrol troopers, corporals and sergeants in the performance of their assigned duties in their patrol areas; business expenses include, but are not limited to: uniform costs, home garaging of squad cars and maintenance of home office.

Sec. 2. [RATIFICATION; STATE OF MINNESOTA.]

Subdivision 1. The labor agreement between the state of Minnesota and the bureau of criminal apprehension agents' association, Minnesota conservation officers' association and Minnesota state patrol officers' association, approved by the legislative commission on employee relations on August 18, 1981, is hereby ratified.

Subd. 2. The labor agreement between the state of Minnesota and the American federation of state, county and municipal employees, council 6, approved by the legislative commission on employee relations on August 19, 1981, is hereby ratified.

Subd. 3. The labor agreement between the state of Minnesota and the Minnesota nurses association, approved by the legislative commission on employee relations on November 19, 1981, is hereby ratified.

Subd. 4. The labor agreement between the state of Minnesota and the interfaculty organization, Minnesota education association, approved by the legislative commission on employee relations on November 19, 1981, is hereby ratified.

Subd. 5. The labor agreement between the state of Minnesota and the Minnesota community college faculty association, Minnesota education association, approved by the legislative commission on employee relations on November 19, 1981, is hereby ratified.

Subd. 6. The labor agreement between the state of Minnesota and the Minnesota state university association of administrative and service faculty, international brotherhood of teamsters, local 320, approved by the legislative commission on employee relations on November 19, 1981, is hereby ratified.

Subd. 7. The labor agreement between the state of Minnesota and the association of health treatment professionals, approved by the legislative commission on employee relations on November 19, 1981, is hereby ratified.

Subd. 8. The labor agreement between the state of Minnesota and the Minnesota association of professional employees, approved by the legislative commission on employee relations on November 19, 1981, is hereby ratified.

Subd. 9. The labor agreement between the state of Minnesota and the state residential schools education association, approved by the legislative commission on employee relations on January 26, 1982, is hereby ratified.

Subd. 10. The labor agreement between the state of Minnesota and the middle management association, approved by the legislative commission on employee relations on November 19, 1981, is hereby ratified.

Subd. 11. The commissioner of employee relations' plan for certain unrep-

resented state employees, approved by the legislative commission on employee relations on November 19, 1981, is hereby ratified.

Sec. 3. [RATIFICATION; UNIVERSITY OF MINNESOTA.]

Subdivision 1. The salary supplements provided in the labor agreement between the regents of the University of Minnesota and the international brotherhood of teamsters, local 320, approved by the legislative commission on employee relations on September 3, 1981, are hereby ratified.

Subd. 2. The salary supplements provided in the labor agreement between the regents of the University of Minnesota and the international brotherhood of teamsters, local 320, approved by the legislative commission on employee relations on November 19, 1981, are hereby ratified.

Subd. 3. The salary supplements provided in the labor agreement between the regents of the University of Minnesota and the American federation of state, county and municipal employees, council 6, and local 1164, American federation of labor-congress of industrial organizations, approved by the legislative commission on employee relations on September 29, 1981, are hereby ratified.

Subd. 4. The salary supplements provided in the University of Minnesota regents' compensation plan for unrepresented nursing professional, noninstructional (nonacademic appointment) professional and supervisory employees, approved by the legislative commission on employee relations on January 12, 1982, are hereby ratified.

Subd. 5. The salary supplements provided in the University of Minnesota regents' compensation plan for unrepresented clerical and office, technical, managerial and confidential employees, approved by the legislative commission on employee relations on November 19, 1981, are hereby ratified.

Subd. 6. The salary supplements provided in the University of Minnesota regents' compensation plan for unrepresented twin cities and outstate instructional, graduate assistant and noninstructional (academic appointment) professional employees, approved by the legislative commission on employee relations on January 12, 1982, are hereby ratified.

Sec. 4. [REPEALER.]

Minnesota Statutes 1980, Sections 299C.041 and 299D.03, Subdivision 3, are repealed.

Sec. 5. [EFFECTIVE DATE.]

This act is effective the day following enactment."

Amend the title as follows:

Page 1, delete line 5

Page 1, line 6, delete "1 and 2;" and insert "Section"

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

Page 1, delete line 7

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

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

S.F. No. 1639: A bill for an act relating to retirement; Hennepin county supplemental retirement program; providing for a phase out of the program; authorizing current participants to withdraw from the program; providing for an increased withdrawal benefit option in certain instances; amending Laws 1969, Chapter 950, Sections 1, 2, 3, as amended, 4, as amended, 5 and 6; repealing Laws 1969, Chapter 950, Section 8.

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

Page 3, line 8, delete "163" and insert "153"

Page 4, line 4, delete "163" and insert "153"

Page 4, line 19, strike "62" and insert "58"

Page 7, line 8, after "to" insert "or after"

Page 7, line 9, delete everything after "and" and insert "who previously had not redeemed any shares in the program"

Page 7, delete line 10

Page 7, line 11, delete "participant"

Page 7, line 13, delete "of the participant. A"

Page 7, lines 14 to 27, delete the new language and strike the old language

Page 7, line 28, strike "account records of active" and delete "participants"

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

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

S.F. No. 1629: A bill for an act relating to the city of Hibbing; authorizing increases in certain firefighters service pensions and survivor benefits; amending Laws 1977, Chapter 169, Section 1 and Laws 1971, Chapter 614, Section 1, Subdivision 2.

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

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

S.F. No. 2103: A bill for an act relating to retirement; St. Cloud firefighters relief association; clarifying and resolving an inconsistency in prior enactments concerning medical and health insurance coverage for certain relief association members; amending Laws 1974, Chapter 382, Sections 4, Subdivision 3, as amended; and 6, Subdivision 4.

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

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

S.F. No. 1523: A bill for an act relating to the city of Little Falls; extending a certain expired deferred compensation option to the city administrator therein.

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

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

S.F. No. 2133: A bill for an act relating to retirement; Richfield firefighters relief association; eliminating various obsolete special law provisions; validating certain prior payments or actions; amending Extra Session Laws 1961, Chapter 28, Section 14; repealing Extra Session Laws 1961, Chapter 28, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13; and Laws 1963, Chapter 464.

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

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

S.F. No. 1494: A bill for an act relating to retirement; Buhl school district; altering the effective date of retirement for the payment of the post-retirement increase; requiring payment of necessary reserves.

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

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

S.F. No. 1901: A bill for an act relating to employment; providing for equitable compensation relationships among certain government employees; appropriating money; amending Minnesota Statutes 1981 Supplement, Sections 43A.01, by adding a subdivision; 43A.02, by adding subdivisions; 43A.05, by adding a subdivision; and 43A.18, Subdivision 8; proposing new law coded in Minnesota Statutes, Chapter 137.

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 43A.01, is amended by adding a subdivision to read:

Subd. 3. [EQUITABLE COMPENSATION RELATIONSHIPS.] It is the policy of this state to attempt to establish equitable compensation relationships between female-dominated, male-dominated, and balanced classes of employees in the executive branch. Compensation relationships are equitable within the meaning of this subdivision when the primary consideration in negotiating, establishing, recommending, and approving total compensation is comparability of the value of the work in relationship to other positions in the executive branch.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 43A.02, is amended by adding a subdivision to read:

Subd. 6a. [BALANCED CLASS.] "Balanced class" means any class in which no more than 80 percent of the incumbents are male and no more than 70 percent of the incumbents are female.

Sec. 3. Minnesota Statutes 1981 Supplement, Section 43A.02, is amended by adding a subdivision to read:

Subd. 14a. [COMPARABILITY OF THE VALUE OF THE WORK.] "Comparability of the value of the work" means the value of the work measured by the composite of the skill, effort, responsibility, and working conditions normally required in the performance of the work.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 43A.02 is amended by adding a subdivision to read:

Subd. 22a. [FEMALE-DOMINATED CLASS.] "Female-dominated class" means any class in which more than 70 percent of the incumbents are female.

Sec. 5. Minnesota Statutes 1981 Supplement, Section 43A.02, is amended by adding a subdivision to read:

Subd. 27a. [MALE-DOMINATED CLASS.] "Male-dominated class" means any class in which more than 80 percent of the incumbents are male.

Sec. 6. Minnesota Statutes 1981 Supplement, Section 43A.05, is amended by adding a subdivision to read:

Subd. 5. [COMPARABILITY ADJUSTMENTS.] The commissioner shall compile and submit to the legislative commission on employee relations by January 1 of each odd-numbered year a list showing, by bargaining unit, and by plan for executive branch employees covered by a plan established pursuant to section 43A.18, those female-dominated classes and those male-dominated classes in the executive branch for which a compensation inequity exists based on comparability of the value of the work. The commissioner shall also submit to the legislative commission on employee relations, along with the list, an estimate of the appropriation necessary for providing comparability adjustments for classes on the list. The commission shall review and approve, disapprove, or modify, the list and proposed appropriation. The commission's action shall be submitted to the full legislature in the same manner as provided in section 3.855 and section 43A.18 or section 179.74, subdivision 5. The commission shall allocate the proposed appropriation among the bargaining units and among the plans established under 43A.18. Each bargaining unit and each plan shall be allocated that proportion of the total proposed appropriation which equals the number of positions in the unit or plan approved by the commission for comparability adjustments divided by the total number of positions on the list approved by the commission for comparability adjustments. Distribution of funds within each bargaining unit or plan shall be determined by collective bargaining agreements or by plans.

Sec. 7. Minnesota Statutes 1981 Supplement, Section 43A.18, Subdivision 8, is amended to read:

Subd. 8. [COMPENSATION RELATIONSHIPS OF POSITIONS.] In preparing management negotiating positions for compensation which is established pursuant to subdivision 1, and in establishing, recommending and approving total compensation for any position within the plans covered in subdivisions 2, 3 and 4, the commissioner shall assure that:

(a) Compensation for positions in the classified and the unclassified service compare reasonably to one another;

(b) Compensation for state positions bears reasonable relationship to compensation for similar positions outside state service;

(c) Compensation for management positions bears reasonable relationship to compensation of represented employees managed;

(d) Compensation for positions within the classified service bears reasonable relationships among related job classes and among various levels within the same occupation; and

(e) Compensations bear reasonable relationships to one another within the meaning of this subdivision if compensation for positions which require comparable ~~knowledge, abilities, duties, responsibilities and accountabilities skill, effort, responsibility, and working conditions~~ is comparable and if compensation for positions which require differing ~~knowledge, abilities, duties, responsibilities and accountabilities skill, effort, responsibility, and working conditions~~ is proportional to the ~~knowledge, abilities, duties and responsibilities skill, effort, responsibility, and working conditions~~ required.

Sec. 8. [ALLOCATION; STATE EMPLOYEES.]

The amount approved by the legislative commission on employee relations pursuant to section 6, and approved by the full legislature, to make comparability adjustments shall be appropriated to the commissioner of finance from the various funds in the state treasury from which salaries are paid. The commissioner of finance, in consultation with the commissioner of employee relations, shall allocate these amounts to the proper accounts for distribution to incumbents of classes which have been approved for comparability adjustments.

Funds appropriated for purposes of comparability adjustments for state employees shall be distinct within the funds appropriated for salary supplements or other employee compensation. Funds not used for purposes of comparability adjustments shall revert to the appropriate fund."

Amend the title as follows:

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

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

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

S.F. No. 1052: A bill for an act relating to retirement; highway patrol benefits and refunds; amending Minnesota Statutes 1980, Sections 352B.08, Subdivision 2; and 352B.11, Subdivisions 1 and 2.

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 352B.02, Subdivision 1, is amended to read:

Subdivision 1. There is hereby established a highway patrol retirement fund, the membership of which shall consist of all persons defined in section

352B.01, subdivision 2. Each member shall pay a sum equal to ~~seven~~ 8.5 percent of ~~his the member's~~ monthly salary. Member contribution amounts shall be deducted monthly by the department head, who shall cause the total amount of the monthly deductions to be paid to the state treasurer, and shall cause a detailed report of all monthly deductions to be made each month to the executive director of the Minnesota state retirement system. In addition thereto, there shall be paid out of money appropriated to the departments for this purpose, monthly, by the department heads, a sum equal to 12 percent of the salary upon which deductions were made, and a sum equal to nine percent of the salaries upon which deductions were made for the purpose of amortizing the actuarial deficit of the fund. These amounts shall be credited to the highway patrol retirement fund. All moneys received shall be deposited by the state treasurer in the highway patrol retirement fund. Out of the fund shall be paid the administrative expenses of the retirement fund, and the benefits and annuities as hereinafter provided:

Sec. 2. Minnesota Statutes 1981 Supplement, Section 352B.08, Subdivision 2, is amended to read:

Subd. 2. The annuity shall be paid in monthly installments equal to that portion of the average monthly salary of the member multiplied by 2-1/2 percent for each year and pro rata for completed months of service not exceeding 20 25 years and two percent for each year and pro rata for completed months of service in excess of 20 25 years. "Average monthly salary" shall mean the average of the monthly salaries for the five highest successive years of service as a member. The monthly salary for the period prior to July 2, 1969 shall be deemed to be \$600. The term "average monthly salary" shall not include any reduced salary paid during the period the person is entitled to benefit payments from the workers' compensation court of appeals for temporary disability. In lieu of the single life annuity herein provided, the member or former member with ten years or more of service may elect a joint and survivor annuity, payable to a designated beneficiary for life, adjusted to the actuarial equivalent value of the single life annuity. The joint and survivor annuity elected by a member may also provide that the elected annuity be reinstated to the single life annuity herein provided, if after drawing the elected joint and survivor annuity, the designated beneficiary dies prior to the death of the member. This reinstatement shall not be retroactive but shall be in effect for the first full month subsequent to the death of the designated beneficiary. This additional joint and survivor option with reinstatement clause shall be adjusted to the actuarial equivalent value of a regular single life annuity.

Sec. 3. Minnesota Statutes 1980, Section 352B.11, Subdivision 1, is amended to read:

Subdivision 1. [~~REFUNDMENT~~ REFUND OF PAYMENTS.] Should any member who does not qualify for other benefits under this chapter become separated, *either voluntarily or involuntarily*, from state service that entitled him or her to be a member of the association, ~~either voluntarily or involuntarily, he the member, or in the event of the member's death, the member's estate, shall thereupon~~ be entitled to receive a ~~refundment~~ refund of all payments which have been made by salary deductions.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 352B.11, Subdivision 2, is amended to read:

Subd. 2. [DEATH; PAYMENT TO SPOUSE AND CHILDREN.] In the event any member serving actively as a member, a member receiving the disability benefit provided by section 352B.10, clause (1), or a former member with 20 or more years of allowable service credit receiving a disability benefit as provided by section 352B.10, clause (3) dies from any cause, the surviving spouse and dependent child or dependent children shall be entitled to benefit payments as follows:

(a) A member with at least ten years of allowable service or a former member with at least 20 years of allowable service is deemed to have elected a 100 percent joint and survivor annuity payable to a surviving spouse only on or after the date the member or former member attained or would have attained the age of 55.

(b) The surviving spouse of a member who had credit for less than ten years of service shall receive, for life, a monthly annuity equal to 20 percent of that portion of the average monthly salary of the member from which deductions were made for retirement. If the surviving spouse remarries, the annuity shall cease as of the date of the remarriage.

(c) The surviving spouse of a member who had credit for at least ten years of service and who dies after attaining 55 years of age, may elect to receive a 100 percent joint and survivor annuity, for life, notwithstanding a subsequent remarriage, in lieu of the annuity prescribed in clause (b).

(d) The surviving spouse of any member who had credit for ten years or more and who was not 55 years of age at death, shall receive the benefit equal to 20 percent of the average monthly salary as described in clause (b) until the deceased member would have reached his or her 55th birthday, and beginning the first of the month following that date, may elect to receive the 100 percent joint and survivor annuity. If the surviving spouse remarries prior to the deceased member's 55th birthday, all benefits or annuities shall cease as of the date of remarriage. Remarriage subsequent to the deceased member's 55th birthday shall not affect the payment of the benefit.

(e) Each dependent child shall receive a monthly annuity equal to ten percent of that portion of the average monthly salary of the former member from which deductions were made for retirement. A dependent child over the age of 18 years and under the age of 22 years also may receive the monthly benefit provided herein, if the child is continuously attending an accredited school as a full time student during the normal school year as determined by the director. If the child does not continuously attend school but separates from full time attendance during any portion of a school year, the annuity shall cease at the end of the month of separation. In addition, a payment of \$20 per month shall be prorated equally to surviving dependent children when the former member is survived by one or more dependent children. Payments for the benefit of any qualified dependent child shall be made to the surviving spouse, or if there be none, to the legal guardian of the child. The maximum monthly benefit shall not exceed 40 percent of the average monthly salary for any number of children.

(f) If the member shall die under circumstances which entitle the surviving spouse and dependent children to receive benefits under the workers' compensation law, amounts equal to the workers' compensation benefits received by them shall not be deducted from the benefits payable pursuant to this section.

(g) In the event any former member who had separated from service prior to having completed ten years of service, except former members permanently disabled in performance of duty, and was not employed by the state in a capacity entitling the former member to accumulate allowable service credit at the time of death, the surviving spouse, or if none, the children or heirs shall be entitled to receive any funds the former member may have left on deposit in the highway patrol retirement fund, but shall receive no further benefits under this chapter. The surviving spouse of a deceased former member who had credit for ten or more years of allowable service, but excluding the spouse of a former member receiving a disability benefit under the provisions of section 352B.10, clause (3), based on less than 20 years of service, shall be entitled to receive the 100 percent joint and survivor annuity at such time as the deceased member would have reached his or her 55th birthdate, provided the surviving spouse has not remarried prior to that date. In the event of the death of a former member who does not qualify for other benefits under this chapter, the surviving spouse or, if none, the children or heirs shall be entitled to receive a refund of the accumulated deductions left in the fund.

Sec. 5. [352B.265] [PRE-1973 INCREASE.]

Total benefits payable to a retiree or surviving spouse whose benefits were computed under the law in effect prior to June 1, 1973, shall be increased by six percent on July 1, 1982, and on July 1 of each year thereafter. Funds sufficient to pay the increases provided by this section are hereby appropriated annually to the executive director from the highway patrol retirement fund.

Sec. 6. [EFFECTIVE DATE.]

This act is effective July 1, 1982."

Delete the title and insert:

"A bill for an act relating to retirement; highway patrol benefits and refunds; providing annual benefit increases to pre-1973 retirees and surviving spouses; appropriating funds; amending Minnesota Statutes 1980, Section 352B.11, Subdivision 1; Minnesota Statutes 1981 Supplement, Sections 352B.02, Subdivision 1; 352B.08, Subdivision 2; and 352B.11, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 352B."

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

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

S.F. No. 1548: A bill for an act relating to retirement; public employees retirement association; changing the reduction factors for early retirement; amending Minnesota Statutes 1980, Section 353.30, Subdivisions 1 and 1a; Minnesota Statutes 1981 Supplement, Section 353.30, Subdivision 1c; repealing Minnesota Statutes 1980, Section 353.30, Subdivision 1b.

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

Page 2, line 2, delete "85" and insert "90"

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

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

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

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

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

Amend the title as follows:

Page 1, line 3, before "hospital" insert "clarifying certain"

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. 1948: A bill for an act relating to the Hennepin County park reserve district; authorizing the district to participate in hydroelectric power generation with other local government units under certain conditions.

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

Delete everything after the enacting clause and insert:

"Section 1. [HENNEPIN PARKS; DAMS.]

In furtherance of the authority granted by Minnesota Statutes, Chapter 398, the Hennepin county park reserve district may develop and maintain a hydroelectric generation and transmission facility and use or distribute the power generated by the facility in connection with dams owned or controlled by the district. The authority shall in all cases be exercised jointly in connection with another local government unit. In connection with the park property known as the Coon Rapids dam regional park and the Coon Rapids dam which is a part of it, the district may only exercise the foregoing authority jointly with the city of Anoka pursuant to Minnesota Statutes, Section 471.59, and an agreement by the parties under section 471.59 which shall include the principles stated in section 3 and the effectiveness of which shall be contingent upon an affirmative determination in the proceedings described in section 2.

Sec. 2. [FEDERAL ORDER.]

Anoka and the district shall jointly apply to the Federal Energy Regulatory Commission for a declaratory order stating that the parties may amend their competing applications as now on file for a hydroelectric preliminary permit so that: (a) the applications may be deemed as a single, joint application for the permit pursuant to the terms of this act; (b) the single, joint application shall retain the same effective filing date as the application of the first of the parties to have filed; and (c) the single, joint application and operation of the project pursuant to the terms of section 3 shall be deemed the application of a municipality as provided in section 3(7) of the Federal Power Act and be entitled to the preference provided for in that act.

Sec. 3. [AGREEMENT WITH ANOKA.]

Subdivision 1. The agreement of Anoka and the district under Minnesota Statutes, Section 471.59, shall include the principles set forth in this section and be incorporated in full in the application of the parties to the Federal Energy Regulatory Commission made pursuant to section 2.

Subd. 2. The parties shall both seek the fulfillment of the following coequal goals: (a) the development of the hydroelectric facilities to maximize the use of the public waters in the production of energy; and (b) the preservation and protection of the park as a major regional open space recreational area maximizing the integrity of and the existing public recreational uses of the park, and, to the extent feasible, limiting the exclusive dedication of any park property and facilities to electric generation and distribution purposes.

Subd. 3. The district shall grant to Anoka the rights in and to the property of the park as may be required to allow Anoka to develop the generating, transmission and distribution facilities of the hydroelectric project, to finance its development, to operate and maintain the facilities and utilize or distribute the energy produced by the facilities, all for a term not to exceed 50 years and subject to renewal provisions as the parties may agree. In consideration of the foregoing, Anoka shall pay to the district an annual fee which shall provide to the district reasonable compensation for the fair value of the property which is contributed by the district for hydroelectric generating or distributing facilities for the full term of the agreement. The value shall be determined at the time of contribution and as if Anoka had taken the property by right of eminent domain.

Subd. 4. If the parties are unable to agree upon the interpretation or application of the foregoing or any terms of the agreement, they shall submit to arbitration as provided by law and the rules of the American Arbitration Association, except that the arbitrator or arbitration panel shall be composed of the persons appointed in the manner provided by this subdivision. If the parties agree, one person may serve as the arbitrator. If not, a panel of three arbitrators shall be utilized. Anoka shall appoint a person experienced in public utility management or the development of hydroelectric generating projects, or both. The district shall appoint a person experienced in public park management, and those persons shall appoint the third member of the panel.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3, by the governing body of the Hennepin county park reserve district and the council of the city of Anoka. If compliance has not occurred before May 7, 1982, or if the parties shall not have entered into the agreement provided for in section 3 and submitted the application provided for in section 2 before August 7, 1982, this act and all of its terms and conditions are void."

Amend the title as follows:

Page 1, line 2, before the semicolon, insert "and the city of Anoka"

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. 2053: A bill for an act relating to education; authorizing the state university board to lease land on Mankato state university campus; permitting Mankato state university to lease a building; transferring title for a building to the state; proposing new law coded in Minnesota Statutes, Chapter 136.

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

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

S.F. No. 1421: A bill for an act relating to game and fish; authorizing a separate selection for deer permits for persons 65 years of age or older; amending Minnesota Statutes 1980, Section 97.48, Subdivision 24.

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 97.48, Subdivision 24, is amended to read:

Subd. 24. The commissioner may limit the number of persons who may hunt deer or bear in any areas, when he determines that ~~the game supply or area open to hunting is too small for unrestricted hunting~~ it is necessary or prevent an overharvest or to provide for a suitable distribution of hunters, and he may establish by order any practicable method, including a drawing, for impartially determining the persons who may hunt in such areas. Beginning with data available for the 1981 seasons, the commissioner may give preference to hunters who have previously unsuccessfully applied for the license in question.

Sec. 2. Minnesota Statutes 1980, Section 97.49, is amended by adding a subdivision to read:

Subd. 1b. (a) For the purposes of this subdivision, "resident deer license" means a license issued by the commissioner under the provisions of section 98.46, subdivision 2, clauses (2) and (3), and "resident bear license" means a license issued by the commissioner under the provisions of section 98.46, subdivision 2, clause (7).

(b) It is the policy of this state that at least \$1 from each resident deer license and each resident bear license shall be used to fund deer and bear management programs, including the computerized licensing system.

Sec. 3. Minnesota Statutes 1981 Supplement, Section 98.46, Subdivision 2, is amended to read:

Subd. 2. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To take small game, \$7;
- (2) To take deer with firearms, ~~\$14~~ \$15;
- (3) To take deer with bow and arrow, ~~\$14~~ \$15;
- (4) To take fish by angling, \$6.50;

- (5) Combination husband and wife, to take fish by angling, \$10.50;
- (6) To take moose, \$140 for an individual or for a party of not to exceed four persons;
- (7) To take bear only, \$14 \$15;
- (8) To take turkeys, \$10, in addition to a small game license;
- (9) To take raccoon, bobcat, coyote or fox with the aid of dogs, \$7.50, in addition to a small game license.

Sec. 4. Minnesota Statutes 1980, Section 101.42, Subdivision 18, is amended to read:

Subd. 18. Except as otherwise specifically permitted, it shall be unlawful to have in possession in an automobile or any vehicle or on their person, or at or near any waters, a spear, fish trap, net, dip net, seine, or any other device capable of taking fish, ~~which may be possessed between the hours of sunrise and sunset or to take any fish by means of such devices during the period of February 16 to April 30, inclusive, except when acting under permit or contract to trap or seine from the division of fisheries, during the period of February 16 to April 30, inclusive and except that fish and wildlife.~~ Spears, dip nets, bows and arrows, and devices permitted in section 101.51 used for the taking of rough fish may be possessed between the hours of sunrise and sunset after April 30. This subdivision does not apply to nets used in the taking of trout and smelt in season or to seines or traps used for the taking of minnows for bait or to legal angling equipment.

Sec. 5. [DISPOSAL OF CERTAIN SURPLUS EQUIPMENT.]

Notwithstanding the provisions of Minnesota Statutes 1980, Section 16.07, or any other law, the commissioner of natural resources is authorized to negotiate the sale of surplus state equipment to the Leech Lake Band of Chippewa Indians. This authorization is limited to equipment currently in the possession of the Leech Lake Band of Chippewa Indians and being used for enforcement of game and fish laws.

Sec. 6. [MILLE LACS BAND OF CHIPPEWA INDIANS.]

The commissioner, in consultation with the Mille Lacs Band of Chippewa Indians and other interested persons, shall review and evaluate the claimed right of the Mille Lacs Band to hunt, trap, fish and gather wild rice within the original boundaries of the Mille Lacs Indian Reservation and on contiguous waters free of state regulation and control. Based on this review the commissioner shall submit a report to the legislature by January 1, 1983, which shall include, but not be limited to, a discussion of the desirability and feasibility of entering into an agreement with the Mille Lacs Band similar to the agreements authorized by sections 97.431 to 97.433. Nothing herein shall be construed to authorize the commissioner to enter into any such agreement.

Sec. 7. [APPROPRIATION.]

Subdivision 1. [COMPUTERIZED LICENSING SYSTEM.] The sum of \$180,000 is appropriated from the game and fish fund to the commissioner of natural resources to develop and operate computerized licensing systems for the period ending June 30, 1983.

Subd. 2. [EMERGENCY FEEDING.] The sum of \$250,000 is appropriated

from the game and fish fund to the commissioner of natural resources for the emergency feeding of deer, pheasants, and other wild animals during the winter of 1982. All money so appropriated which is unencumbered on July 1, 1982, shall revert to the game and fish fund.

Sec. 8. [EFFECTIVE DATE.]

Sections 1, 4, 5 and 6 are effective the day following final enactment. Sections 2 and 3 are effective March 1, 1983."

Delete the title and insert:

"A bill for an act relating to fish and wildlife; providing additional authority for the commissioner of natural resources to limit the numbers of deer and bear hunters under certain circumstances; increasing resident deer and bear license fees; providing for deer and bear management, computerized licensing systems, and emergency feeding of wild animals during the winter of 1982; clarifying provisions concerning possession of certain equipment usable in taking fish; authorizing negotiated sale of certain surplus equipment; appropriating money; amending Minnesota Statutes 1980, Sections 97.48, Subdivision 24; 97.49, by adding a subdivision; and 101.42, Subdivision 18; and Minnesota Statutes 1981 Supplement, Section 98.46, Subdivision 2."

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1623: A bill for an act relating to municipal bonds; providing a formula for determining limitations on interest rates; changing a public sale requirement; amending Minnesota Statutes 1980, Sections 474.06; 475.55 and 475.60; Subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Local Government and Urban Affairs, shown in the Journal for February 15, 1982, be amended to read:

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1967, 2006, 1907, 1758, 1336, 2121, 2042, 1902, 2139, 2046, 1078, 2048, 1631, 1890, 2035, 1170, 1819, 2051, 1937, 1568, 1964, 1639, 1629, 2103, 1523, 2133, 1494, 1052, 1548, 1274 and 1948 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. moved that the name of Mr. Nichols be stricken as chief author and Mr. Moe, D.M. be added as chief author to S.F. No. 211. The motion prevailed.

Mr. Solon moved that the name of Mr. Frank be added as a co-author to S.F. No. 1697. The motion prevailed.

Mr. Penny moved that the name of Mr. Hughes be added as a co-author to S.F. No. 2143. The motion prevailed.

Mr. Ulland moved that the name of Mr. Solon be added as a co-author to S.F. No. 2152. The motion prevailed.

Mr. Ramstad moved that the names of Messrs. Merriam and Taylor be added as co-authors to S.F. No. 2163. The motion prevailed.

Mr. Ramstad moved that the name of Mr. Taylor be added as a co-author to S.F. No. 2164. The motion prevailed.

Mr. Davis moved that S.F. No. 1365 be withdrawn from the Committee on Health, Welfare and Corrections and re-referred to the Committee on Finance. The motion prevailed.

Mr. Hughes introduced—

Senate Resolution No. 75: A Senate resolution extending condolences to the families and friends of the volunteer firefighters who died in a fire in Stillwater and appreciation to all firefighters.

Referred to the Committee on Rules and Administration.

Mrs. Lantry moved that her name be stricken as a co-author to S. F. No. 1683. The motion prevailed.

Mr. Johnson moved that S.F. No. 2046, on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Johnson moved that S.F. No. 2139, on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

CONSENT CALENDAR

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

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 58 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Renneke voted in the negative.

So the bill passed and its title was agreed to.

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.

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1648: A bill for an act relating to nonprofit corporations; providing an internal reference correction; providing for the conduct of meetings by telephone; amending Minnesota Statutes 1980, Sections 317.16, Subdivision 2; 317.20, Subdivision 8; and 317.22, 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

Mr. Bernhagen moved that S.F. No. 1671 be stricken from the Consent Calendar and placed at the top of General Orders. The motion prevailed.

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.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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; clarifying certain provisions regarding the term of the legislative auditor; modifying authority of the housing finance agency and certain other agencies to contract for audits without approval; amending Minnesota Statutes 1980, Sections 3.97, Subdivision 4; 3.972; and 462A.22, Subdivision 10.

Mr. Moe, D.M. moved that S.F. No. 1689 be stricken from the Consent Calendar and placed at the top of General Orders. The motion prevailed.

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.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

Mr. Schmitz, for Mr. Davies, moved that S.F. No. 1853 be stricken from the Consent Calendar and placed at the top of General Orders. The motion prevailed.

GENERAL ORDERS

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

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

S.F. Nos. 1687, 1547, 1591, 1455, 328, 1589, 1443, 1702, 1641, 1673, 1679, 1692, 1733, 1727, 1678, 1749 and 1744, which the committee recommends to pass.

S.F. No. 1689, which the committee recommends to pass, after the following motion:

The question was taken on the recommendation to pass S.F. No. 1689.

The roll was called, and there were yeas 30 and nays 22, as follows:

Those who voted in the affirmative were:

Berglin	Dieterich	Langseth	Pehler	Stern
Bertram	Frank	Lantry	Penny	Stumpf
Dahl	Hanson	Luther	Peterson, C.C.	Tennesen
Davies	Johnson	Moe, D.M.	Peterson, R.W.	Vega
Davis	Knoll	Moe, R.D.	Petty	Waldorf
Dicklich	Kroening	Nelson	Setzepfandt	Willet

Those who voted in the negative were:

Ashbach	Brataas	Knutson	Pillsbury	Taylor
Bang	Engler	Kronebusch	Ramstad	Ulland
Benson	Frederick	Lessard	Renneke	
Berg	Frederickson	Lindgren	Rued	
Bernhagen	Kamrath	Peterson, D.L.	Sieloff	

The motion prevailed. So S.F. No. 1689 was recommended to pass.

S.F. No. 69, which the committee recommends to pass, subject to the following motion:

Mr. Davies moved to amend S.F. No. 69 as follows:

Page 1, line 13, delete "2" and insert "3"

Page 1, after line 16, insert:

"Subd. 2. [NOTICE TO LEGISLATURE REQUIRED.] When a court modifies or overrules a statute under subdivision 1, it must send an informational letter to the revisor of statutes enclosing a copy of the order, findings, decision, or opinion. The revisor shall include the court's action in the report submitted by the revisor to the legislature pursuant to section 482.09, clause (10)."

Page 1, line 17, delete "2" and insert "3"

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

Page 2, line 4, delete "4" and insert "5"

Page 2, line 18, delete "5" and insert "6"

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass S.F. No. 69.

The roll was called, and there were yeas 28 and nays 27, as follows:

Those who voted in the affirmative were:

Belanger	Davies	Luther	Peterson, R.W.	Sieloff
Berg	Dicklich	Moe, D.M.	Petty	Spear
Berglin	Engler	Moe, R.D.	Pillsbury	Stern
Bertram	Hanson	Nelson	Rued	Tennessen
Brataas	Johnson	Peterson, C.C.	Schmitz	
Dahl	Lindgren	Peterson, D.L.	Setzepfandt	

Those who voted in the negative were:

Benson	Humphrey	Langseth	Ramstad	Waldorf
Bernhagen	Kamrath	Lantry	Renneke	Wegener
Chmielewski	Knoll	Menning	Solon	Willet
Davis	Knutson	Pehler	Stumpf	
Frank	Kroening	Penny	Ulland	
Frederickson	Kronebusch	Purfeerst	Vega	

The motion prevailed. So S.F. No. 69 was recommended to pass.

S.F. No. 1671, which the committee recommends to pass with the following amendment offered by Mr. Luther:

Page 1, line 23, strike "five" and insert "four"

Page 1, line 23, after "members" insert "*and the chairman of the board*"

Page 1, line 23, strike "to the board"

Page 2, line 1, reinstate "public" and delete "board" and after "members" insert "*of the board*"

Page 2, delete section 3

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

S.F. No. 1853, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 1, line 17, after the stricken "thereof" insert "*of the company*" and reinstate the stricken "and be accompanied by a fee"

Page 1, line 22, delete "*of the company*"

Page 1, line 23, delete "*application*" and insert "*fee*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1481, which the committee recommends to pass with the following amendments offered by Messrs. Peterson, C.C. and Pehler:

Mr. Peterson, C.C. moved to amend S.F. No. 1481 as follows:

Page 2, line 31, delete "*March 1*" and insert "*February 28*"

Page 2, line 34, after "1981" insert "*; or a member of the highway patrol, as defined in chapter 352B, who has at least 20 years of state service and retires, earlier than required, after July 1, 1981*"

The motion prevailed. So the amendment was adopted.

Mr. Pehler moved to amend S.F. No. 1481 as follows:

Page 2, line 34, after "1981" insert "*; or an employee who has at least 20*"

years of state service and retires, earlier than required, from employment as a member of Unit 8 department of corrections employees"

The motion prevailed. So the amendment was adopted.

Mr. Peterson, C.C. moved to amend S.F. No. 1481 as follows:

Page 2, line 27, delete "70" and insert "65"

The motion prevailed. So the amendment was adopted.

S.F. No. 412, which the committee recommends to pass with the following amendment offered by Mr. Peterson, R.W.:

Page 1, line 22, after "law" insert "*for a period of three years from the date of filing*"

Page 2, line 1, before "if" insert "*for a period of three years from the date of filing*"

Page 2, line 5, after "married" insert "*to each other*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1398, which the committee recommends to pass with the following amendment offered by Mr. Purfeerst:

Page 1, line 19, after the period, insert "*The applicant shall pay all costs for each plate issued under this subdivision.*"

Page 2, delete section 2

Amend the title as follows:

Page 1, line 5, delete everything before "amending"

The motion prevailed. So the amendment was adopted.

S.F. No. 1856, which the committee recommends to pass with the following amendments offered by Mr. Spear:

Mr. Spear moved to amend S. F. No. 1856 as follows:

Page 11, line 35, after "agency head" insert "*, or the employing constitutional officer*"

Page 28, line 5, strike "classified" and delete "*or unclassified*"

Page 35, lines 19 and 20, reinstate the stricken language and after the reinstated "coordinator" insert "*from among the eligibles certified by the commissioner*"

Page 35, lines 21 to 26, reinstate the stricken language and delete the new language

Page 35, lines 32 to 36, reinstate the stricken language

Page 39, line 24, after "employees" insert "*, if they are*"

Page 39, line 25, strike "who"

Page 39, line 26, after "system" insert a comma

Page 39, line 27, strike "such" and insert "*an*"

Page 39, line 29, strike "his"

Page 39, line 29, after "employment" insert "*in the unclassified service*"

Page 39, line 29, strike "he" and insert "*the employee*"

Page 39, line 33, strike "his" and insert "*the*"

Page 39, line 36, delete: "*an unclassified employee of*"

Page 40, line 13, reinstate the stricken language and delete the new language

Page 40, line 14, after the stricken "2a" insert "*1, clause (c), or subdivision*"

Page 41, line 1, strike "and"

Page 41, line 4, before the period, insert "*, and*"

(8) *The chief executive officers of correctional facilities operated by the department of corrections and of hospitals and nursing homes operated by the department of welfare*

Page 41, lines 9 to 11, delete the new language

Page 41, line 12, delete "(b)"

Page 41, line 13, after "*program*" insert a comma

Page 41, line 16, after "*position*" insert "*or a position in a higher class in the same agency. When an unclassified position which entitles a person to participate in the unclassified retirement program is placed in the classified service, the commissioner of employee relations shall send written notice to the incumbent of the position, and to the director of the Minnesota state retirement system. This notice shall state the incumbent's option under this subdivision*"

Page 41, line 19, delete "*their*" and insert "*the person's*"

Page 41, line 19, after "*membership*" insert "*in the unclassified plan*"

Page 41, line 20, after "*which*" insert "*the commissioner sends the notice stating that*"

Page 41, line 20, after "*position*" delete "*is*" and insert "*has been*"

Page 44, line 28, delete "*Sections 1 to 9 and 11 to 67*" and insert "*The remaining sections*"

The motion prevailed. So the amendment was adopted.

Mr. Spear then moved to amend S.F. No. 1856 as follows:

Page 44, after line 21, insert:

"Subd. 3. Any person who on the day before the effective date of sections 13 and 14 is the incumbent of a position in the classified service which pursuant to section 13 or 14 is placed or is subject to being placed in the unclassified service may elect to continue to serve in the classified service so long as the person remains in that position.

Subd. 4. The commissioner of employee relations shall, within 30 days of the date on which the position is placed in the unclassified service pursuant to section 13 or 14, notify the incumbent of the position of his or her rights under subdivision 3. Any person who elects to remain in the classified service shall notify the commissioner in writing of this election within 60 days after the commissioner's notice is sent. A person who fails to file this notice shall waive

any rights under subdivision 3 to remain in the classified service.

Subd. 5. An employee who, on the effective date of this section, is on authorized leave of absence from a classified assistant agency head position, shall have the right to return to the position, and to continue to serve in the classified service so long as the employee remains in the position. An employee who elects to continue in the classified service shall notify the commissioner of employee relations of this choice within 60 days of the employee's return to the position from the leave of absence."

The motion prevailed. So the amendment was adopted.

Mr. Spear then moved to amend S.F. No. 1856 as follows:

Page 11, line 25, delete "or assistant"

The motion prevailed. So the amendment was adopted.

Mr. Spear then moved to amend S.F. No. 1856 as follows:

Page 11, line 16, after "agencies;" insert "the state board of investment;"

The motion prevailed. So the amendment was adopted.

S.F. No. 1637, which the committee recommends to pass, subject to the following motion:

Mr. Spear moved to amend S. F. No. 1637 as follows:

Page 3, line 8, after the period, insert "For purposes of this section, "documentary evidence" shall include, as a minimum, an executed affidavit by an appropriate officer of the corporation, in a form prepared by the board, attesting to the fact that the corporation or financial institution is in compliance with section 363.03, subdivision 1, clauses (2) and (4). The board shall also attempt to verify compliance by reference to sources of information not affiliated with the corporation or financial institution."

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass S. F. No. 1637.

The roll was called, and there were yeas 28 and nays 21, as follows:

Those who voted in the affirmative were:

Berglin	Frank	Luther	Peterson, R. W.	Tennessen
Dahl	Humphrey	Merriam	Petty	Vega
Davies	Johnson	Moe, D. M.	Spear	Waldorf
Davis	Knoll	Moe, R. D.	Stern	Willet
Dicklich	Kroening	Pehler	Stokowski	
Dieterich	Lantry	Peterson, C. C.	Stumpf	

Those who voted in the negative were:

Ashbach	Brataas	Knutson	Rued	Ulland
Belanger	Engler	Lindgren	Schmitz	
Berg	Frederickson	Pillsbury	Setzepfandt	
Bernhagen	Kamrath	Rainstad	Sieloff	
Bertram	Keefe	Renneke	Taylor	

The motion prevailed. So S.F. No. 1637 was recommended to pass.

S.F. No. 1691, which the committee recommends to pass with the following

amendment offered by Mr. Petty:

Page 2, line 4, delete "*expect*" and insert "*know*"

Page 2, line 5, delete "*will in the future*" and insert "*is reasonably likely to*"

The motion prevailed. So the amendment was adopted.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

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

S.F. No. 2171: A bill for an act relating to education; requiring the higher education coordinating board to submit a report on undergraduate enrollments in public post-secondary schools.

Referred to the Committee on Education.

Mr. Dieterich introduced—

S.F. No. 2172: A bill for an act relating to crimes; clarifying methods of and responsibility for imposing and collecting penalty assessments; amending Minnesota Statutes 1981 Supplement, Sections 609.101 and 626.861.

Referred to the Committee on Judiciary.

Mr. Rued and Mrs. Kronebusch introduced—

S.F. No. 2173: 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; permitting corporations to spend money to promote or defeat ballot questions; requiring disclosure of contributions and expenditures on ballot questions; 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.19, Subdivision 2; 204C.33, Subdivision 3; 204D.11, Subdivision 5, and by adding a subdivision; 204D.15; 290.09, Subdivision 2; 290.21, Subdivision 3; and by proposing new law coded as Minnesota Statutes, Chapter 3B.

Referred to the Committee on Judiciary.

Mr. Knoll introduced—

S.F. No. 2174: A bill for an act relating to appropriations; appropriating money to the housing development fund for certain purposes.

Referred to the Committee on Finance.

Mr. Vega introduced—

S.F. No. 2175: A bill for an act relating to the city of South St. Paul; giving the city the powers of a port authority.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Davis introduced—

S.F. No. 2176: A bill for an act relating to real property; changing certain restrictions on corporate ownership of agricultural land; amending Minnesota Statutes 1981 Supplement, Section 500.24, Subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Langseth and Moe, R.D. introduced—

S.F. No. 2177: A bill for an act relating to economic development; recognizing the problems of distressed border cities; directing the department of energy, planning and development to identify border city equalization zones and disparity relief measures.

Referred to the Committee on Governmental Operations.

Messrs. Langseth and Moe, R.D. introduced—

S.F. No. 2178: A bill for an act relating to public utilities; requiring the averaging of natural gas rates; amending Minnesota Statutes 1980, Section 216B.16, by adding a subdivision.

Referred to the Committee on Commerce.

Mr. Kroening introduced—

S.F. No. 2179: A bill for an act relating to state government; providing for chiropractic positions in state government civil service; providing for the provision of chiropractic services; proposing new law coded in Minnesota Statutes, Chapters 43A and 148.

Referred to the Committee on Health, Welfare and Corrections.

Without objection, the Senate reverted to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES

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

S.F. No. 1859: A bill for an act relating to forestry; establishing a forest research management policy and plan; realignment of forestry boundaries; establishing a forest management fund and accounting system; making various changes in forestry laws; amending Minnesota Statutes 1980, Sections 16A.125, Subdivision 5; 89.001, Subdivision 6, and by adding subdivisions; 89.01, Subdivision 6; 89.021, Subdivision 1; 89.036; 89.37, Subdivisions 2, 3, 3a, and 4; 90.251, Subdivisions 1 and 4; 197.447; 282.01, Subdivisions 1 and 3; 282.02; and 282.132; Minnesota Statutes 1981 Supplement, Section

282.04, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapters 88, 89, 90, and 282; repealing Minnesota Statutes 1980, Sections 282.031; 282.032; 282.033; 282.034; 282.035; 282.036; and 282.037.

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

Pages 1 and 2, delete section 1 and insert:

"Section 1. [SHORT TITLE.]

Sections 1 to 29 may be cited as the Forest Resource Management Act of 1982."

Page 2, after line 32, insert:

"Subd. 13. [FOREST LANDS UNDER THE AUTHORITY OF THE COMMISSIONER.] *"Forest lands under the authority of the commissioner" means state forest lands and other forest lands managed by the commissioner outside of state forests, except for tax-forfeited lands held in trust for the taxing districts and for the following units of the outdoor recreation system as defined in section 86A.04: state parks, state trails, state wildlife management areas, state scientific and natural areas, state water access sites, state historic sites, state rest areas and state wilderness areas."*

Page 2, line 36, after "lands" insert "under the authority of the commissioner"

Page 3, line 6, delete "state forest lands or other"

Page 3, line 9, delete "state forest land and other forest land" and insert "forest lands"

Page 3, line 10, delete "his" and after "authority" insert "of the commissioner"

Page 3, line 17, delete "land under his" and insert "lands under the"

Page 3, line 18, after "authority" insert "of the commissioner"

Page 6, after line 18, insert:

"Sec. 7. [89.014] [PRESENTATION TO LEGISLATURE.]

The completed forest resource management plan and unit plans shall be presented at hearings before the standing committees of each house of the legislature with jurisdiction over natural resources or appropriation matters."

Page 6, line 19, delete "[89.014]" and insert "[89.015]"

Page 6, line 24, delete "state forest land" and insert "forest lands"

Page 6, line 25, delete "his" and insert "the"

Page 6, line 25, after "authority" insert "of the commissioner"

Page 9, delete lines 4 to 6

Reletter the clauses in sequence

Page 12, line 8, after "RESEARCH" insert "AND EXTENSION"

Page 12, line 9, delete "ACTIVITIES ENUMERATED" and insert

"AGRICULTURE EXPERIMENT STATION"

Page 12, line 31, delete everything before "To"

Page 13, after line 3, insert:

"Subd. 2. [AGRICULTURAL EXTENSION SERVICE.] The director of the agricultural extension service at the University of Minnesota is authorized to conduct, support, and cooperate in forestry extension activities including, but not limited to, the following:

(a) Providing educational programs that will enable individuals to recognize and capture opportunities for managing forests for purposes of recreation, timber, water, wildlife, forage, and other purposes;

(b) Using educational programs to disseminate the results of forestry research;

(c) Providing for the forestry educational needs of the private, nonindustrial forest landowner;

(d) Assisting in providing continuing education programs for professionally trained resource managers;

(e) Providing educational programs that will enhance in harvesting, processing, and marketing of wood;

(f) Assisting in the identification of topics in need of forestry research.

In implementing this subdivision, all appropriate educational methods may be used.

To ensure efficient and effective accomplishment of forestry extension goals and objectives, the director of the state extension service shall cooperate with the commissioner in the development and implementation of the forest resources management policy and plan, and shall encourage close cooperation between forestry extension staffs in county, state, and federal service, and between personnel involved in forestry research and land management in all public and private agencies.

Sec. 20. 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 14, line 18, after "and" insert "as far as practicable"

Page 23, line 10, before the period, insert "except in the case of oral or sealed bid auction sales, the down payment shall be twenty percent of the full appraised value, and the remaining eighty percent shall be paid prior to entry"

Page 23, line 10, after the period, insert

"In the case of auction sales that are partitioned and sold as a single sale with predetermined cutting blocks, the down payment shall be twenty percent of the appraised price of the entire timber sale which may be held until the satisfactory completion of the sale or applied in whole or in part to the final cutting block. The value of each separate block must be paid in full before any cutting may begin in that block. With the permission of the county administrator the purchaser may enter unpaid blocks and cut necessary timber incidental to developing logging roads as may be needed to log other blocks provided that no timber may be removed from an unpaid block until separately scaled and paid for."

Page 28, line 3, delete "25" and insert "27"

Page 28, after line 20, insert:

"Sec. 34. Laws 1981, Chapter 305, Section 11, is amended to read:

Sec. 11. [EXTENSION OF CERTAIN TIMBER PERMITS.]

The commissioner of natural resources may extend for an additional period of not to exceed one year any timber permit issued pursuant to Minnesota Statutes, ~~Section 90.191~~ Chapter 90, which expires ~~during 1981~~ between January 1, 1981 and December 31, 1982. This extension shall be in addition to any extension previously granted pursuant to ~~section 90.191~~ chapter 90; shall be made without additional charge, and shall otherwise be subject to the requirements of ~~section 90.191~~ chapter 90."

Page 28, after line 23, insert:

"Sec. 36. [EFFECTIVE DATE.]

Sections 10, 11, 14, 15, 16, 17, and 30 are effective July 1, 1982. The remaining sections of this act are effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "changing certain procedures for timber sales from state and tax-forfeited lands; extending certain timber permits;"

Page 1, line 7, delete "Subdivision 6, and"

Page 1, line 10, before "90.251" insert "90.201;"

Page 1, line 13, after "1;" insert "Laws 1981, Chapter 305, Section 11;"

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

Mr. Moe, R.D. moved the adoption of the foregoing committee report. The motion prevailed. Amendments adopted. Report adopted.

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

MOTIONS AND RESOLUTIONS

CONFIRMATION

Mr. Tennesen moved that the appointments of notaries public received February 17, 1982, be taken from the table. The motion prevailed.

Mr. Tennesen moved that the Senate, having given its advice, do now consent to and confirm the appointments of the notaries public. The motion prevailed. So the appointments were confirmed.

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, March 1, 1982. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate