

SEVENTY-EIGHTH DAY

St. Paul, Minnesota, Monday, March 1, 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. Lyle Christianson.

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

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

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. Keefe and Pillsbury were excused from the Session of today.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1582 and 1756.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 25, 1982

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 709 and 1088.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 26, 1982

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1538: A bill for an act relating to peace officers; providing for appointment of peace officers, constables and deputy constables in towns; requiring towns to notify the peace officers standards and training board before employing law enforcement officers; amending Minnesota Statutes 1980, Sections 367.03, Subdivisions 1, 2, and 3; 367.22; 367.40, Subdivisions 3 and 4; 367.41; Minnesota Statutes 1981 Supplement, Section 367.42, Subdivision 1; repealing Minnesota Statutes 1981 Supplement, Section 382.28.

There has been appointed as such committee on the part of the House:

Lehto, Vanasek and Jennings.

Senate File No. 1538 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 25, 1982

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1646, 1697, 1456, 1547, 1685, 1700, 1725, 1902, 1920, 1948, 1713, 1747, 1885, 1955, 2116, 2066, 2068, 2077, 2078, 2134, 2175, 685, 1262, 1589, 1068, 1366, 1532, 1611, 1719, 1734, 1442 and 1712.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 26, 1982

FIRST READING OF HOUSE BILLS

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

H.F. No. 1646: 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1494, now on General Orders.

H.F. No. 1697: A bill for an act relating to retirement; validating a certain post retirement adjustment granted by the Virginia firefighters relief association; authorizing increases in benefits payable by the Eveleth police and fire trust fund; defining certain terms, providing for the governance of separate and

distinct general and special funds, providing benefit improvements for certain participants and benefit recipients, validating adoption of third class city police law, and validating past payments by the Virginia police relief association; clarifying the authority to approve alternative benefit increases; repealing Laws 1935, Chapters 92 and 259; Laws 1937, Chapter 197; and Laws 1949, Chapter 235.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1628.

H.F. No. 1456: A bill for an act relating to probate; changing certain records-keeping requirements; amending Minnesota Statutes 1980, Section 525.03; Laws 1979, Chapter 303, Article III, Section 43.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1400, now on General Orders.

H.F. No. 1547: A bill for an act relating to intoxicating liquor; town board approval of certain county liquor licenses; amending Minnesota Statutes 1980, Section 340.119, by adding a subdivision; and Minnesota Statutes 1981 Supplement, Section 340.11, Subdivision 10.

Referred to the Committee on Commerce.

H.F. No. 1685: A bill for an act relating to the military; providing for the administration of oaths and acknowledgments by a member of the armed forces of the United States; amending Minnesota Statutes 1980, Sections 192.205, by adding a subdivision; and 358.32.

Referred to the Committee on Veterans' Affairs.

H.F. No. 1700: A bill for an act relating to the military; prohibiting entry to Camp Ripley without authorization of the adjutant general; imposing a penalty; amending Minnesota Statutes 1980, Sections 609.60 and 609.605.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1692, now on the Calendar.

H.F. No. 1725: A bill for an act relating to the military; increasing the minimum pay for enlisted personnel called into active service; amending Minnesota Statutes 1980, Section 192.51, Subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1733, now on the Calendar.

H.F. No. 1902: A bill for an act relating to Ramsey County; permitting the county to establish a small business set-aside program.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2042, now on General Orders.

H.F. No. 1920: A bill for an act relating to economic development; excepting motor carriers from the definition of "business license;" amending Minnesota Statutes 1981 Supplement, Section 362.452, Subdivision 2a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1903, now on General Orders.

H.F. No. 1948: A bill for an act relating to retirement; Richfield firefighters relief association; eliminating various obsolete special law provisions; validat-

ing 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2133, now on General Orders.

H.F. No. 1713: A bill for an act relating to St. Louis county; providing for the calculation of vacation and sick leave allowances of certain employees.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1530, now on General Orders.

H.F. No. 1747: A bill for an act relating to the city of Minneapolis; providing for the security for certain rehabilitation loans; amending Laws 1977, Chapter 138, Section 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1678, now on the Calendar.

H.F. No. 1885: A bill for an act relating to public welfare; providing for approval of mental health clinics and centers pending promulgation of permanent rules.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1769, now on General Orders.

H.F. No. 1955: A bill for an act relating to the city of Waconia; authorizing the sale of certain revenue bonds at a price less than par value and authorizing the maturity schedule to be determined by municipal resolution.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1748, now on General Orders.

H.F. No. 2116: A bill for an act relating to Blue Earth County; permitting county board members to serve on the county housing and redevelopment authority.

Referred to the Committee on Local Government and Urban Affairs.

H.F. No. 2066: A bill for an act relating to local government; providing for city facilities related to armories; authorizing issuance of bonds; proposing new law coded in Minnesota Statutes, Chapter 193.

Referred to the Committee on Rules and Administration.

H.F. No. 2068: A bill for an act relating to intoxicating liquor; authorizing the city of International Falls to issue one short term on-sale liquor license.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2057, now on General Orders.

H.F. No. 2077: A bill for an act relating to insurance; increasing the percentage of the state comprehensive health plan premium that may be used to pay certain fees and expenses; amending Minnesota Statutes 1980, Section 62E.11, Subdivision 3.

Referred to the Committee on Commerce.

H.F. No. 2078: A bill for an act relating to state government; authorizing the

commissioner of the department of economic security to delegate certain powers; amending Minnesota Statutes 1980, Section 268.011, Subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2026, now on General Orders.

H.F. No. 2134: A bill for an act relating to intoxicating liquor; providing that on-sale licenses issued to certain nonprofit corporations shall authorize sales on all days of the week; amending Minnesota Statutes 1980, Section 340.11, Subdivision 11b.

Referred to the Committee on Commerce.

H.F. No. 2175: A bill for an act relating to Minnesota Statutes, correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating certain redundant, conflicting and superseded provisions; authorizing the revisor of statutes to make necessary reference changes if the administrative procedure act is recompiled as a separate chapter; amending Minnesota Statutes 1980, Sections 60C.02, Subdivision 1; 62B.04, Subdivision 1; 92.03, Subdivision 4; 106.011, Subdivision 20; 106.021, Subdivision 2; 106.081, Subdivision 1; 106.091, Subdivision 2; 120.17, Subdivisions 4a and 5; 123.21; 123.78, Subdivision 1; 123.932, Subdivision 1a; 125.12, Subdivision 3; 129.121, Subdivision 1; 136.015; 145.833, Subdivisions 9, 10 and 11; 160.05, Subdivision 1; 175.35; 177.23, Subdivisions 4, 7 and 10; 177.27; 177.28; 177.29; 177.30; 177.31; 177.32; 177.33; 177.34; 177.35; 214.14, Subdivision 1; 273.11; Subdivision 5; 282.01, Subdivision 1; 290.41, Subdivision 3; 458.192, Subdivision 15; 462.415, Subdivisions 4 and 6; 462.421, Subdivisions 1, 2 and 20; 462.425, Subdivision 7; 462.426, Subdivision 1; 462.427, Subdivision 2; 462.428, Subdivision 3; 462.445, Subdivisions 1, 4 and 5; 462.451, Subdivision 2; 462.461, Subdivisions 1 and 2; 462.485; 462.511; 462.541, Subdivision 2; 462.545, Subdivisions 1, 2, 3 and 6; 462.555; 462.561; 462.571; 462.581; 462.591, Subdivision 1; 462.621, Subdivisions 1 and 3; 462.631, Subdivision 1; 462.635; 462.645; Subdivisions 1, 5 and 7; 462.665; 462.671; 462.701; 462.705; 462.712; 462.713; 473.195, Subdivision 1; 504.24, Subdivision 2; Chapter 111, by adding a section; Minnesota Statutes 1981 Supplement, Sections 11A.18, Subdivision 9; 43A.08, Subdivision 2; 43A.27, Subdivision 2; 47.20, Subdivisions 4a and 4b; 60A.11, Subdivisions 9 and 10; 69.011, Subdivision 2; 69.031, Subdivision 5; 97.488, by adding a subdivision; 116H.129, Subdivisions 1, 5 and 6; 156A.02, Subdivision 6; 168.013, Subdivision 1c; 169.825, Subdivision 10; 171.36; 176.306, Subdivision 2; 204B.31; 222.63, Subdivision 4; 273.11, Subdivision 1; 290.077, Subdivision 4; 290.09, Subdivision 15; 299F.011, Subdivision 1; 353.01, Subdivisions 2a and 6; 355.11, Subdivision 5; 414.0325, Subdivision 5; 462.601; 462.605; 514.011, Subdivision 4a; 525.551, Subdivision 5; 525.6198; and Laws 1981, Chapter 224, Section 73; repealing Minnesota Statutes 1980, Section 60A.11, Subdivisions 5a and 5b; Minnesota Statutes 1981 Supplement, Section 290.971, Subdivision 7; Laws 1980, Chapter 587, Article I, Sections 31, 32, 33, 34, 35, 36, 37, 38 and 39; Laws 1981, Chapters 31, Section 7; 60, Section 14; 137, Section 3; 158; 178, Section 33; 205, Section 1; 224, Section 92; 255, Sections 1, 3 and 4; 356, Sections 99, 189, 190, 191, 210 and 212; and 357, Section 28.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2064, now on General Orders.

H.F. No. 685: A bill for an act relating to crimes; providing photographic records of evidence shall be admissible as evidence; providing for the return of stolen property; proposing new law coded in Minnesota Statutes, Chapter 609.

Referred to the Committee on Judiciary.

H.F. No. 1262: A bill for an act relating to workers' compensation; permitting political subdivisions to provide additional benefits; amending Minnesota Statutes 1980, Section 176.021, Subdivision 5.

Referred to the Committee on Employment.

H.F. No. 1589: A bill for an act relating to motor vehicles; authorizing the operation of motorized golf carts by certain persons on designated roadways of city streets; regulating the operation thereof; amending Minnesota Statutes 1980, Sections 168.012, by adding a subdivision; 169.522; and proposing new law coded in Minnesota Statutes, Chapter 169.

Referred to the Committee on Transportation.

H.F. No. 1068: A bill for an act relating to adoption; providing for record retention; providing for services by adoption agencies; proposing new law coded in Minnesota Statutes, Chapter 259.

Referred to the Committee on Judiciary.

H.F. No. 1366: A bill for an act relating to liens for improvements made to real property; prescribing notice requirements to owners by subcontractors; defining owner; amending Minnesota Statutes 1980, Section 514.011, Subdivisions 2 and 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1406, now on General Orders.

H.F. No. 1532: A bill for an act relating to tort actions; prohibiting the causes of action for wrongful life and wrongful birth; prohibiting a defense, an award of damages, or a penalty based on the failure or refusal to prevent a live birth; proposing new law coded in Minnesota Statutes, Chapter 145.

Referred to the Committee on Judiciary.

H.F. No. 1611: A bill for an act relating to garnishment; authorizing an employer to recover expenses incurred for administering garnishment of an employee's wages; amending Minnesota Statutes 1980, Section 571.57.

Referred to the Committee on Employment.

H.F. No. 1719: A bill for an act relating to courts; authorizing the chief judge of the judicial district to fill vacancies in the office of judicial officer in St. Louis, Steele, Goodhue and Carlton counties; amending Minnesota Statutes 1981 Supplement, Section 487.08, Subdivision 2.

Referred to the Committee on Judiciary.

H.F. No. 1734: A bill for an act relating to courts; authorizing the continuance of the office of court referee in the second and fourth judicial districts; amending Minnesota Statutes 1981 Supplement, Section 484.70, Subdivision 1.

Referred to the Committee on Judiciary.

H.F. No. 1442: A bill for an act relating to crimes; eliminating the defenses of mental illness and mental retardation; amending Minnesota Statutes 1980, Section 611.026.

Referred to the Committee on Judiciary.

H.F. No. 1712: A bill for an act relating to public welfare; amending the community social services act; removing certain requirements related to biennial plans and the sliding fee for child care; providing for identification of certain rules; exempting the commissioner from certain rulemaking procedures; providing for notice and comment procedures with respect to proposals to amend or repeal certain rules; providing for allocation of funds to counties; amending Minnesota Statutes 1980, Section 256E.09, Subdivision 4; Minnesota Statutes 1981 Supplement, Sections 245.84, Subdivision 2; 256E.03, Subdivision 2; 256E.05, Subdivision 3; and 256E.07, Subdivision 3; repealing Minnesota Statutes 1981 Supplement, Section 256E.07, Subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1808, now on General Orders.

REPORTS OF COMMITTEES

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

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

S.F. No. 2123: A bill for an act relating to the city of Duluth; authorizing the sale of bonds to finance the purchase of certain equipment without an election.

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

Page 1, line 9, after "bonds" insert "in a principal amount not to exceed \$2,000,000."

Page 1, line 14, delete ", unless" and insert "except as provided in section 2, or as"

Page 1, after line 15, insert:

"Sec. 2. [REVERSE REFERENDUM.]

The city council of Duluth, prior to the issuance of any bonds authorized by section 1, shall adopt a resolution stating the amount, purpose and, in general, the security to be provided for the bonds, and shall publish the resolution once each week for two consecutive weeks in the medium of official and legal publication of the city. The bonds may be issued without the submission of the question of their issuance to the voters of the city unless within 21 days after the second publication of the resolution a petition requesting a referendum signed by at least 8 percent of the registered voters of the city is filed with the city clerk. If a petition is filed, no bonds shall be issued unless approved by a majority of the voters of the city voting on the question of their issuance at a regular or special election."

Page 1, line 17, delete "This law is" and insert "Sections 1 and 2 are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, before the period insert “; providing for a reverse referendum”

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. 1962: A bill for an act relating to agriculture; providing for the regulation of grain storage warehouse operators; providing penalties; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 232; repealing Minnesota Statutes 1980, Sections 232.06, Subdivisions 2, 3, 4, 6 and 7; 232.07 to 232.19; Minnesota Statutes 1981 Supplement, Section 232.06, Subdivision 1.

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

Page 1, delete section 1

Page 1, lines 18 and 21, delete “2 to 7” and insert “1 to 6”

Page 2, line 1, delete “or the commissioner’s designee”

Page 2, lines 24 and 26, delete “5” and insert “4”

Page 2, delete lines 31 to 35

Renumber the subdivisions in sequence

Page 3, line 6, after “or” insert “purchase, or”

Page 3, line 16, delete “operators” and insert “operator’s”

Page 3, line 19, delete “a” and insert “the same”

Page 3, line 25, delete “should” and insert “may”

Page 3, line 26, delete “if possible”

Page 3, lines 31, 33, and 34, delete “2 to 7” and insert “1 to 6”

Page 3, line 34, after “7” insert “and chapters 231, 233 and 236”

Page 4, line 3, delete “2” and insert “1”

Page 4, line 4, delete “7” and insert “6 and chapters 231, 233 and 236”

Page 4, line 5, delete “2 to 7” and insert “1 to 6 and chapters 231, 233 and 236”

Page 4, line 7, delete “operators” and insert “operator’s”

Page 4, line 10, after “established” insert “by rule”

Page 4, line 13, delete “public grain warehouse” and insert “location”

Page 4, line 14, delete “grain warehouses” and insert “locations”

Page 4, line 18, delete “cash”

Page 4, line 23, delete “Should” and insert “If”

Page 4, line 24, delete "*neglect or refuse*" and insert "*neglects or refuses*"

Page 5, line 12, delete "*depositor*" and insert "*person*"

Page 5, line 25, after "*The*" insert "*condition one*"

Page 5, after line 29, insert:

"(b) The condition two bond shall provide for payment of loss caused by the grain buyer's failure to pay, upon the owner's demand, the purchase price of grain sold to the grain buyer. The bond shall be conditioned upon the grain buyer being duly licensed as provided herein. The bond shall not cover any transaction which constitutes a voluntary extension of credit."

Reletter the clauses in sequence

Page 6, line 1, before "*if*" insert a period

Page 7, line 16, delete "*storge*" and insert "*storage*"

Page 7, line 19, delete the second "*location*"

Page 8, line 7, delete "*hve*" and insert "*have*"

Page 8, line 10, after "*or*" insert "*.....*"

Page 8, line 35, delete the first "*or*" and insert "*of*"

Page 8, line 36, delete "*memoranda*" and insert "*memorandum*"

Page 9, line 22, delete "*for dirt or other cause*"

Page 10, line 1, delete "*party*" and insert "*person*"

Page 10, line 2, delete "*party*" and insert "*person*"

Page 10, line 5, delete "*parties*" and insert "*persons*"

Page 10, line 20, delete "*in store*" and insert "*being stored*"

Page 11, line 11, after the quotation marks insert "*and*"

Page 11, line 28, delete "*by*" and insert "*for*"

Page 12, after line 32, insert:

"Sec. 8. Minnesota Statutes 1981 Supplement, Section 231.16, is amended to read:

231.16 [WAREHOUSEMAN TO OBTAIN LICENSE.]

Every person desiring to engage in the business of warehouseman, before engaging therein, shall be licensed annually by, and shall be under the supervision and subject to the inspection of, the department. Written application in the form prescribed by the department shall be made to the department for license, specifying the city in which it is proposed to carry on the business of warehousing, the location, size, character, and equipment of the buildings or premises to be used by the warehouseman, the kind of goods, wares, and merchandise intended to be stored therein, the name of the person or corporation operating the same, and of each member of the firm or officer of the corporation, and any other facts necessary to satisfy the department that the property proposed to be used is suitable for warehouse purposes and that the warehouseman making the application is qualified to carry on the business of

warehousing. Should the department decide that the building or other property proposed to be used as a warehouse is suitable for the proposed purpose and that the applicants are entitled to a license, notice of the decision shall be given the interested parties and, upon the applicants filing with the department the necessary bond, as provided for in this chapter, the department shall issue the license provided for, upon payment of the license fee, as in this section provided. A warehouseman to whom a license is issued shall pay for the license a fee based on the storage capacity of the warehouse as follows:

Storage capacity in square feet:

(1) 5,000 or less	\$ 65	\$ 90
(2) Over 5,000 to 10,000	\$125	\$175
(3) Over 10,000 to 20,000	\$200	\$250
(4) Over 20,000 to 100,000	\$250	\$325
(5) Over 100,000 to 200,000	\$325	\$400
(6) Over 200,000	\$375	\$450

Fees collected under this chapter shall be paid into the grain buyers and storage fund established in section 4.

The license shall be renewed annually on June 30, and always upon payment of the full license fee, as provided for in this section for such renewal; and no license shall be issued for any portion of a year for less than the full amount of the license fee, as provided for in this section. Each license obtained under this chapter shall be publicly displayed in the main office of the place of business of the warehouseman to whom it is issued. The license shall authorize the warehouseman to carry on the business of warehousing only in the one city or town named in the application and in the buildings therein described. The department, without requiring an additional bond and license, may issue permits from time to time to any warehouseman already duly licensed under the provisions of this chapter to operate an additional warehouse in the same city or town for which his original license was issued during the term thereof, upon his filing an application for a permit in the form prescribed by the department.

License may be refused for good cause shown and revoked by the department for violation of law or of any rule or regulation by it prescribed, upon notice and after hearing.

Sec. 9. Minnesota Statutes 1981 Supplement, Section 233.08, is amended to read:

233.08. [LICENSE.]

No public terminal warehouse shall be operated or receive grain for storage, either to be mixed with the grain of other parties of like grade, or in separate bins, until the owners or parties in charge and operating the warehouse shall first obtain a license from the department authorizing the warehouseman to operate a warehouse under the provisions of this chapter. All licenses issued or renewed annually shall expire at midnight on the 30th day of June next following the date of issuance or renewal. Before any license shall be issued, written application shall be made to the department for license specifying the kind of warehouse, the nature of its construction, its capacity and location, the name of the firm or corporation operating the same and each member of the firm or officer of the corporation and other facts as the department may require shall be contained in the application. The application shall be acted upon with

reasonable dispatch by the department; and, if no reason exists for refusing the same, a license may be issued upon the payment of the fee of ~~\$60~~ \$90 for each elevator. The application shall be granted only upon the warehouseman furnishing to the department a bond to the state of Minnesota, to be approved by the department, in a penal sum to be fixed by the department but not less than \$50,000 for each warehouse, which shall be conditioned for the faithful discharge of the duties of warehouseman and full compliance with all the laws of the state and rules of the department relative to the operation of public terminal warehouses and for the delivery to parties storing grain in such warehouses under the terms of this chapter of the grain or an equal amount of the same kind and grade so stored or the payment therefor of the value of the grain in case of failure to make the delivery. The license may be revoked by the department for violation of the law or any rule or regulation prescribed by the department, but shall only be revoked upon a written notice or complaint specifying the charges and after a hearing had before the department. A license may be refused to any warehouseman whose license has been revoked within the preceding year. ~~All moneys collected for license fees shall be deposited with the state treasurer.~~ If a warehouseman applies for a license for more than one warehouse in the same county, but one bond need be furnished but the same shall in all cases be in proportion to the capacity of all warehouses.

Fees collected under this chapter shall be paid into the grain buyers and storage fund established in section 4.

Sec. 10. Minnesota Statutes 1980, Section 236.02, is amended to read:

236.02 [GRAIN BANK LICENSING; BONDING OF APPLICANTS.]

Any person who (1) operates an establishment which processes grain into feed and (2) is licensed to buy grain as a public or private local grain warehouseman under section 232.02; ~~and acts amendatory thereof~~, may obtain a license to operate a grain bank. No person may conduct a grain bank without a grain bank license.

A grain bank license shall be obtained from the department, which is hereby authorized to issue such a license upon compliance by the applicant with the bond requirements of sections 236.01 to 236.09. Such grain bank license shall be in addition to the license to buy grain as a public or private local grain warehouseman and shall empower the licensee to conduct a grain bank in accordance with sections 236.01 to 236.09.

Every grain bank license shall expire at midnight on the 30th day of June each year, the fee shall be ~~\$25~~ \$50 for each license and a license shall be required for each location where a grain bank is operated. ~~The fees collected under this section shall be paid into the state treasury and credited to the general fund.~~ Such licenses shall be revocable by the department for cause upon notice and hearing. All licenses and rules regulating the operation of the grain bank shall be posted in a prominent and easily accessible place in the grain bank.

Fees collected under this chapter shall be paid into the grain buyers and storage fund established in section 4.

No license shall be issued for the operation of a grain bank until the applicant has filed with the department a bond in such sum as the department may prescribe, which sum shall not be less than \$1,500 for each license and shall at all times be in sufficient sum to protect the holders of outstanding grain bank

receipts. Such bonds shall be filed annually and cover the period of the grain bank license. Such bonds shall run to the state of Minnesota and shall be for the benefit of all persons storing grain in such grain bank. They shall be conditioned upon the faithful performance by the grain bank operator of all the provisions of the law relating to the operation of grain banks by such grain bank operator, and the rules and regulations of the department relative thereto. The department is authorized to require such increases in the amounts of such bonds from time to time as it deems necessary for the protection of grain bank receipt holders. The surety of such bonds shall be a corporate surety company authorized to transact business in the state of Minnesota. Any person for whose benefit the bond is given may commence an action thereof in their own name in district court. Any person who is granted a grain bank license at more than one location may, with the department's approval, file one bond covering all locations in such total amount as the department may require under sections 236.01 to 236.09 and the rules and regulations made pursuant to sections 236.01 to 236.09. Any person, firm or corporation licensed as a public local grain warehouseman and bonded under the provisions of section 232.13 may include liability for outstanding non-negotiable grain bank receipts under the coverage of such bond in lieu of securing a separate grain bank bond as provided in this section."

Page 12, line 35, after "*commissioner*" insert "*of agriculture*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "changing certain fee provisions;"

Page 1, line 4, after "money;" insert "amending Minnesota Statutes 1980, Section 236.02; Minnesota Statutes 1981 Supplement, Sections 231.16; and 233.08;"

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

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

S.F. No. 1541: A bill for an act relating to insurance; providing for conversion privileges for spouses of deceased employees covered by group health and accident insurance; amending Minnesota Statutes 1980, Section 62A.146.

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 62A.145, is amended to read:

62A.145 [SURVIVORS OF DECEASED EMPLOYEE; DEFINITIONS
DEFINITION.]

Subdivision 1. For the purposes of this section and section 62A.146, the terms defined in this section shall have the meanings here given them.

Subd. 2. "Covered employee" means any person who, at the time of his death, was employed by any employer providing, offering or contributing to group insurance coverage for that employee who was so enrolled for the

coverage.

Subd. 3. "Group insurance" means any policy or contract of accident and health protection, regardless of by whom underwritten, paid for in full or in part by an employer, which provides benefits, including cash payments for reimbursement of expenses and the provision of usual and needed health care and medical services as the result of any injury, sickness, disability or disease suffered by a group of employees, or any one of them, and the dependents of such employees.

Subd. 4. "Employer" means any natural person, company, corporation, partnership, association or firm which employs any employee.

Subd. 5. "survivor" means any a person who would be entitled to and be dependent upon economic support by an employee insured, subscriber or enrollee if that employee he were alive; including any a spouse and/or, child or children as defined by the group insurance policy or plan of accident and health protection.

Sec. 2. Minnesota Statutes 1980, Section 62A.146, is amended to read:

62A.146 [GROUP INSURANCE; CONTINUATION OF BENEFITS TO SURVIVORS.]

Every employer providing a policy or plan of accident and health protection and benefits for his employees, or any of them, and the dependents of such employees No policy or plan of accident and health protection issued by an insurer, nonprofit health service plan corporation, or health maintenance organization, providing coverage of hospital or medical expense on either an expense incurred basis or other than an expense incurred basis which in addition to coverage of the insured, subscriber, or enrollee, also provides coverage to his dependents, shall not, except upon the written consent of the survivor or survivors of any the deceased covered employee insured, subscriber or enrollee, terminate, suspend or otherwise restrict the participation in or the receipt of benefits otherwise payable under such the policy or plan of group insurance to such the survivor or survivors within one year of the covered employee's death until the earlier of the following dates:

(a) The date of remarriage of the surviving spouse; or

(b) The date coverage would have terminated under the policy or plan had the insured, subscriber, or enrollee lived.

Provided, however, that any The survivor or survivors, in order to have the coverage and benefits extended for such one year period, as herein provided, may be required to pay the entire cost of such the protection. Failure of the survivor to make premium or fee payments in advance to the employer within 30 days after notice of the requirement to pay the premiums or fees shall be a basis in itself for the termination of the coverage without the written consent heretofore required for such termination, but . In event of termination by reason of the survivor's failure to make required premium payments, if any or fee contributions, written notice of such cancellation must be sent by the policyholder by mail mailed to said the survivor's last known address at least 15 days prior to such before the cancellation. If the coverage is provided under a group policy or plan, any required premium or fee contributions for the coverage shall be paid by the survivor to the group policyholder or contract

holder for remittance to the insurer, nonprofit health service plan corporation, or health maintenance organization.

Sec. 3. Minnesota Statutes 1981 Supplement, Section 62A.21, Subdivision 2a, is amended to read:

Subd. 2a. [CONTINUATION PRIVILEGE.] Every ~~group~~ policy described in subdivision 1 shall contain a provision which permits continuation of coverage under the policy for the insured's former spouse and *dependent* children upon entry of a valid decree of dissolution of marriage, if the decree requires the insured to provide continued coverage for those persons. The coverage may be continued until the earlier of the following dates:

(a) The date of remarriage of either the insured or the insured's former spouse; or

(b) The date coverage would otherwise terminate under the ~~group~~ policy.

If the coverage is provided under a group policy, any required premium contributions for the coverage shall be paid by the insured to the group policyholder for remittance to the insurer.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 62A.21, Subdivision 2b, is amended to read:

Subd. 2b. [CONVERSION PRIVILEGE.] Every ~~group~~ policy described in subdivision 1 shall contain a provision allowing a former spouse *and dependent children* of an insured, without providing evidence of insurability, to obtain from the insurer at the expiration of any continuation of coverage required under subdivision 2a *or section 62A.146*, or upon termination of coverage by reason of an entry of a valid decree of dissolution which does not require the insured to provide continued coverage for the former spouse *and dependent children*, conversion coverage providing at least the minimum benefits of a qualified plan as prescribed by section 62E.06 and the option of a number three qualified plan, a number two qualified plan, a number one qualified plan as provided by section 62E.06, subdivisions 1 to 3, provided application is made to the insurer within 30 days following *notice of* the expiration of the continued coverage and upon payment of the appropriate premium. A policy providing reduced benefits at a reduced premium rate may be accepted by the former spouse *and dependent children* in lieu of the optional coverage otherwise required by this subdivision. The individual policy shall be renewable at the option of the former spouse as long as the former spouse is not covered under another qualified plan as defined in section 62E.02, subdivision 4, up to age 65 or to the day before the date of eligibility for coverage under Title XVIII of the Social Security Act, as amended. Any revisions in the table of rate for the individual policy shall apply to the former spouse's original age at entry, and shall apply equally to all similar policies issued by the insurer.

Sec. 5. Minnesota Statutes 1980, Section 62C.142, is amended to read:

62C.142 [CONTINUATION AND CONVERSION PRIVILEGE PRIVILEGES FOR FORMER SPOUSE SPOUSES AND CHILDREN.]

Subdivision 1. [TERMINATION OF COVERAGE.] No subscriber contract of a nonprofit health service plan corporation which, in addition to covering the subscriber, also covers the subscriber's spouse shall contain a provision for termination of coverage for a spouse covered under the subscriber contract

solely as a result of a break in the marital relationship except by reason of an entry of a valid decree of dissolution of marriage between the parties.

Subd. 2. [CONVERSION PRIVILEGE.] Every subscriber contract, other than a contract whose continuance is contingent upon continued employment or membership, which contains a provision for termination of coverage of the spouse upon dissolution of marriage shall contain a provision to the effect that upon the entry of a valid decree of dissolution of marriage between the covered parties the spouse shall be entitled to have issued to him or her allowing a former spouse and dependent children of a subscriber, without providing evidence of insurability, upon application made to the corporation within 30 days following the entry of the decree and upon the payment of the appropriate fee, an individual subscriber contract. The contract shall provide the coverage then being issued by the corporation which is most nearly similar to, but not greater than, the terminated coverage. Any probationary or waiting period set forth in the conversion contract shall be considered as being met to the extent coverage was in force under the prior contract to obtain from the corporation at the expiration of any continuation of coverage required under subdivision 2a or section 62A.146, or upon termination of coverage by reason of an entry of a valid decree of dissolution which does not require the insured to provide continued coverage for the former spouse, an individual subscriber contract providing at least the minimum benefits of a qualified plan as prescribed by section 62E.06 and the option of a number three qualified plan, a number two qualified plan, a number one qualified plan as provided by section 62E.06, subdivisions 1 to 3, provided application is made to the corporation within 30 days following notice of the expiration of the continued coverage and upon payment of the appropriate fee. A subscriber contract providing reduced benefits at a reduced fee may be accepted by the former spouse and dependent children in lieu of the optional coverage otherwise required by this subdivision. The individual subscriber contract shall be renewable at the option of the former spouse as long as the former spouse is not covered under another qualified plan as defined in section 62E.02, subdivision 4, up to age 65 or to the day before the date of eligibility for coverage under Title XVIII of the Social Security Act, as amended. Any revisions in the table of rate for the individual subscriber contract shall apply to the former spouse's original age at entry, and shall apply equally to all similar contracts issued by the corporation.

Subd. 2a. [CONTINUATION PRIVILEGE.] Every subscriber contract, other than a contract whose continuance is contingent upon continued employment or membership, shall contain a provision which permits continuation of coverage under the contract for the subscriber's former spouse and children upon entry of a valid decree of dissolution of marriage, if the decree requires the subscriber to provide continued coverage for those persons. The coverage may be continued until the earlier of the following dates:

(a) The date of remarriage of either the subscriber or the subscriber's former spouse; or

(b) The date coverage would otherwise terminate under the subscriber contract.

Subd. 3. [APPLICATION.] This section Subdivision 1 applies to every subscriber contract which is delivered, issued for delivery, renewed or amended on or after the effective date of this section July 19, 1977.

Subdivisions 2 and 2a apply to every subscriber contract which is delivered, issued for delivery, renewed, or amended on or after August 1, 1982.

Sec. 6. Minnesota Statutes 1980, Section 62D.101, is amended to read:

62D.101 [CONTINUATION AND CONVERSION PRIVILEGES FOR FORMER SPOUSES AND CHILDREN.]

Subdivision 1. [TERMINATION OF COVERAGE.] No health maintenance contract which, in addition to covering an enrollee, also covers the enrollee's spouse shall contain a provision for termination of coverage for a spouse covered under the health maintenance contract solely as a result of a break in the marital relationship except by reason of an entry of a valid decree of dissolution of marriage between the parties.

Subd. 2. [CONVERSION PRIVILEGE.] Every health maintenance contract, other than a contract whose continuance is contingent upon continued employment or membership, which contains a provision for termination of coverage of the spouse upon dissolution of marriage shall contain a provision to the effect that upon the entry of a valid decree of dissolution of marriage between the covered parties the spouse shall be entitled to have issued to him or her allowing a former spouse and dependent children of an enrollee, without providing evidence of insurability, upon application made to the health maintenance organization within 30 days following the entry of the decree, and upon the payment of the appropriate fee, an individual health maintenance contract. The contract shall provide the coverage then being issued by the organization which is most nearly similar to, but not greater than, the terminated coverage. Any probationary or waiting period set forth in the conversion contract shall be considered as being met to the extent coverage was in force under the prior contract to obtain from the health maintenance organization at the expiration of any continuation of coverage required under subdivision 2a or section 62A.146, or upon termination of coverage by reason of an entry of a valid decree of dissolution which does not require the health maintenance organization to provide continued coverage for the former spouse, an individual health maintenance contract providing at least the minimum benefits of a qualified plan as prescribed by section 62E.06 and the option of a number three qualified plan, a number two qualified plan, a number one qualified plan as provided by section 62E.06, subdivisions 1 to 3, provided application is made to the health maintenance organization within 30 days following notice of the expiration of the continued coverage and upon payment of the appropriate fee. A contract providing reduced benefits at a reduced fee may be accepted by the former spouse and dependent children in lieu of the optional coverage otherwise required by this subdivision. The individual health maintenance contract shall be renewable at the option of the former spouse as long as the former spouse is not covered under another qualified plan as defined in section 62E.02, subdivision 4, up to age 65 or to the day before the date of eligibility for coverage under Title XVIII of the Social Security Act, as amended. Any revisions in the table of rate for the individual contract shall apply to the former spouse's original age at entry, and shall apply equally to all similar contracts issued by the health maintenance organization.

Subd. 2a. [CONTINUATION PRIVILEGE.] Every health maintenance contract, other than a contract whose continuance is contingent upon continued employment or membership, shall contain a provision which permits con-

tinuation of coverage under the contract for the enrollee's former spouse and children upon entry of a valid decree of dissolution of marriage, if the decree requires the enrollee to provide continued coverage for those persons. The coverage may be continued until the earlier of the following dates:

(a) The date of remarriage of either the enrollee or the enrollee's former spouse; or

(b) The date coverage would otherwise terminate under the health maintenance contract.

Subd. 3. [APPLICATION.] ~~This section~~ Subdivision 1 applies to every health maintenance contract which is delivered, issued for delivery, renewed or amended on or after ~~the effective date of this section~~ July 19, 1977.

Subdivisions 2 and 2a apply to every health maintenance contract which is delivered, issued for delivery, renewed, or amended on or after August 1, 1982."

Delete the title and insert:

"A bill for an act relating to accident and health insurance; broadening continuation and conversion privileges of survivors and former spouses; amending Minnesota Statutes 1980, Sections 62A.145; 62A.146; 62C.142; and 62D.101; and Minnesota Statutes 1981 Supplement, Section 62A.21, Subdivisions 2a and 2b."

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

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

S.F. No. 1818: A bill for an act relating to credit unions; providing for maximum interest rates on the unpaid balance of loans made by a credit union; making a temporary, superseding interest rate provision permanent; amending Minnesota Statutes 1980, Section 52.14, Subdivision 2; repealing Minnesota Statutes 1980, Section 52.14, Subdivision 1.

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

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1980, Section 48.153, Subdivision 1a, is amended to read:

Subd. 1a. ~~(a) Notwithstanding subdivision 1,~~ A bank organized under the laws of this state, or a national banking association doing business in this state, making a loan of money not exceeding \$35,000 repayable in installments, may charge, at the time the loan is made, a rate of interest upon the unpaid principal balance of the amount financed of 12 percent a year, or the rate of interest authorized by section ~~334.011~~ 48.195, whichever is greater. If the rate of interest charged is permitted by section ~~334.011~~ 48.195 at the time the loan is made, the rate does not later become usurious because of a fluctuation in the federal discount rate.

~~(b) This subdivision supersedes subdivision 1 from April 8, 1980 until June 30, 1982.~~

Sec. 2. Minnesota Statutes 1980, Section 48.153, Subdivision 3a, is

amended to read:

Subd. 3a. ~~(a) Notwithstanding subdivision 3,~~ A savings bank organized pursuant to under chapter 50, a savings association or savings and loan association subject to the provisions of sections 51A.01 to 51A.57, or a savings and loan association chartered under the laws of the United States, that has its principal place of business in this state, may make a loan for consumer purposes to a natural person in an amount not exceeding \$25,000-repayable in installments, and may charge a rate of interest upon the unpaid principal balance of the amount financed of 12 percent a year, or the rate of interest authorized by section ~~334.011~~ 48.195, whichever is greater. If the rate of interest charged is permitted by section ~~334.011~~ 48.195 at the time the loan is made, the rate does not later become usurious because of a fluctuation in the federal discount rate.

~~(b) This subdivision supersedes subdivision 3 from April 8, 1980 until June 30, 1982.~~

Sec. 3. Minnesota Statutes 1981 Supplement, Section 48.195, is amended to read:

48.195 [INTEREST RATES; USURY LIMIT FOR BANKS DEPOSITORY INSTITUTIONS.]

Notwithstanding any law to the contrary, ~~banks and a bank, savings banks bank, savings association, savings and loan association, or credit union~~ organized under the laws of this state ~~and any~~, or a national bank or federally chartered savings bank, savings and loan association, or credit union, doing business in this state, may charge on any loan or discount made or upon any note, bill or other evidence of debt, except an extension of credit made pursuant to section 48.185, interest at a rate of not more than four and one-half percent in excess of the discount rate, *including any surcharge thereon*, on 90 day commercial paper in effect at the federal reserve bank located in the Ninth Federal Reserve District."

Page 1, lines 15 and 17, strike "334.011" and insert "48.195"

Page 1, line 23, delete "Section" and insert "Sections 48.153, Subdivisions 1 and 3; and"

Page 1, line 23, delete "is" and insert "are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "credit unions" and insert "financial institutions"

Page 1, line 4, after the first "a" insert "bank, savings bank, savings association, or"

Page 1, line 6, delete "Section" and insert "Sections 48.153, Subdivisions 1a and 3a;"

Page 1, line 6, after "2;" insert "Minnesota Statutes 1981 Supplement, Section 48.195;"

Page 1, line 7, delete "Section" and insert "Sections 48.153, Subdivisions 1 and 3; and"

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

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

S.F. No. 518: A bill for an act relating to cable communications; changing certain definitions and procedures relating to cable communications system franchises and operations; amending Minnesota Statutes 1980, Sections 238.02, Subdivision 3; 238.03; 238.06, Subdivision 6; 238.08, Subdivision 4; 238.09, Subdivisions 6 and 7; 238.11, Subdivision 2; and 238.12, Subdivisions 1 and 2; repealing Minnesota Statutes 1980, Section 238.05, Subdivisions 6 and 7.

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

Page 1, line 15, strike "shall mean any" and insert "means a"

Page 1, line 18, strike "any"

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

Page 1, line 21, strike "such" in both instances and insert "the"

Page 1, line 22, strike "Such" and insert "The"

Page 1, lines 23, 24, 25, and 28, strike "any" and insert "a"

Page 2, line 5, strike "The provisions of"

Page 2, line 5, strike "shall"

Page 2, line 13, strike "contemplated by the provisions"

Page 2, line 14, strike "shall be deemed to be" and insert "are"

Page 2, line 14, strike "the provisions of"

Page 2, line 15, strike "may have" and insert "has"

Page 2, line 16, delete "Provided, however,"

Page 2, delete lines 17 to 20

Page 2, after line 20, insert:

"Sec. 3. Minnesota Statutes 1980, Section 238.05, is amended by adding a subdivision to read:

Subd. 18. The board shall adopt rules to ensure that all cable communications systems as defined in section 238.02, subdivision 3, and all systems which would meet that definition but for the number of subscribers served, provide adequate access for educational and governmental programming. In adopting the rules, the board shall give consideration to both the needs of the community and the capability of the system."

Page 2, line 23, strike "any" and insert "a"

Page 2, line 26, strike "may deem" and insert "deems"

Page 2, line 28, after the period, insert "The board shall not release"

Page 2, line 30, delete "shall not be released"

Page 2, line 32, delete ", and shall be"

Page 2, line 33, delete "*considered non-public data within the meaning of section 15,162*"

Pages 2 and 3, delete section 4

Page 3, line 11, strike "every" and insert "a"

Page 3, line 12, strike "be required to"

Page 3, line 14, strike "such" and insert "the"

Page 3, lines 18 and 25, strike "any" and insert "an"

Page 3, line 22, strike "Any" and insert "A"

Page 3, lines 30 and 31, strike "any" and insert "a"

Page 3, line 32, delete "*, provided*" and insert a period

Page 4, delete section 10

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the second semicolon, insert "238.05, by adding a subdivision;"

Page 1, line 6, delete "238.08,"

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

Page 1, line 8, delete the second semicolon

Page 1, delete line 9

Page 1, line 10, delete "Subdivisions 6 and 7"

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

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

S.F. No. 1684: A bill for an act relating to commerce; providing uniformity in requiring insurance of accounts in depository financial institutions; clarifying examination reports as confidential records; clarifying permissible transactions at financial institutions by examiners; defining building and loan association; clarifying financial institution real estate investment authority; establishing an application procedure for certain bank detached facilities; providing for clearly differentiating a detached facility from the parent bank principal office; establishing a uniform authority for financial institutions' limited trust powers and individual housing accounts; clarifying certain words, terms and phrases relating to supervision of banks and trust companies; eliminating the filing requirement for bank directors' oaths; clarifying exceptions to prohibition against bank or trust company sale of assets; providing for uniform quarterly reporting by banks or trust companies; providing uniform capital requirements for stock savings banks and approval procedures for amending articles or certificates of incorporation; removing inconsistencies in fees payable to secretary of state; removing the expiration date for the credit union advisory council; removing inconsistencies with earlier laws regarding certificate loan plans of industrial loan and thrift companies; providing for liquidity reserve requirements by insured industrial loan and thrift companies consistent

with other depository institutions; providing for reasonable fees, annual renewals and surety bond limits for licensing safe deposit companies; clarifying default charges, deferments, conversion rights, interest after maturity and issuance of receipts on regulated loans; limiting licensing and examination of sales finance companies to those located in this state; authorizing the restatement of articles of incorporation of financial institutions; amending Minnesota Statutes 1980, Sections 46.07, Subdivision 2; 46.09, as amended; 47.01, Subdivision 5; 47.10; 48.01, Subdivision 1; 48.16; 48.21; 48.76; 50.25; 51A.23, Subdivision 6; 52.061; 52.24; 53.04, Subdivision 5; 53.07; 55.04, Subdivision 2; 55.05; 168.66, Subdivision 8; Minnesota Statutes 1981 Supplement, Sections 48.06; 48.48; 51A.03, Subdivision 5; 56.131, Subdivision 1; 56.14; proposing new law coded in Minnesota Statutes, Chapters 45; 47; 55; and 300; repealing Minnesota Statutes 1980, Sections 47.16, Subdivision 2; 48.159, Subdivision 1; 48.25; 50.157, Subdivision 1; 51A.21, Subdivision 16; 52.135; Minnesota Statutes 1981 Supplement, Sections 48.159, Subdivision 2; 50.157, Subdivision 2; 51A.21, Subdivision 16a; and 52.136.

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

Page 2, line 12, delete "*full force and*"

Page 2, lines 13 and 27, delete "*or any*" and insert "*, an*"

Page 2, lines 14 and 27, delete "*other*" and insert "*a*"

Page 2, line 19, after "*corporation*" delete "*or any*" and insert "*, an*"

Page 2, line 19, delete the second "*any*" and insert "*a*"

Page 2, line 21, delete "*a bank is as*" and insert "*''bank'' means a bank''*"

Page 2, line 24, delete "*any*" and insert "*a*"

Page 2, line 33, delete the comma

Page 3, line 6, after "*corporation*" delete "*or any*" and insert "*, an*"

Page 3, line 6, delete the second "*any*" and insert "*a*"

Page 3, line 15, strike "*any*" and insert "*an*"

Page 3, line 16, strike "*such*"

Page 3, line 16, strike "*any*" and insert "*a*"

Page 3, line 20, strike "*of*"

Page 3, line 22, strike "*any*" in both places and insert "*a*"

Page 3, line 24, strike "*any such*" and insert "*an*"

Page 3, line 25, strike the second "*any*" and insert "*an*"

Page 3, line 32, delete "*1980*" and insert "*1981 Supplement*"

Page 3, line 32, delete "*as amended*"

Page 3, line 33, delete "*by Laws 1981, Chapter 31, Section 1,*"

Page 4, line 1, after "*1.*" insert "*[PROHIBITION.]*"

Page 4, line 5, strike "*any*" and insert "*a*"

Page 4, line 16, strike "shall" and insert "do"

Page 4, line 18, after "2." insert "[EXCEPTIONS.]"

Page 5, line 2, after "3." insert "[LOANS AND CREDIT ADVANCES.]"

Page 5, line 2, delete "shall" and insert "do"

Page 5, lines 3 and 8, delete "any" and insert "a"

Page 5, line 5, delete "Any" and insert "A"

Page 5, line 6, delete "shall be" and insert ", is"

Page 5, line 15, after "and" insert "which"

Page 5, line 32, delete "where" and insert "if"

Page 6, lines 2 and 22, delete "where" and insert "if"

Page 6, lines 29 and 35, delete "Any" and insert "A"

Page 7, line 3, delete "together with"

Page 7, line 8, delete the comma

Page 7, line 24, delete "greater than" and insert "outside"

Page 7, line 29, delete "All" and insert "A"

Page 7, line 29, delete "facilities shall" and insert "facility must"

Page 7, line 29, delete "as"

Page 7, line 30, delete "such"

Page 7, line 30, delete "their" and insert "its"

Page 7, line 30, delete "to include words that" and insert "in a manner which"

Page 7, line 31, delete "differentiate the facility" and insert "differentiates it"

Page 7, line 31, delete "bank"

Page 7, line 31, delete "and" and insert "of the parent bank. The identification must include"

Page 7, line 36, delete "shall have the power to" and insert "may"

Page 7, line 36, delete "within"

Page 8, line 1, delete "the contemplation of" and insert "under"

Page 8, line 2, delete "within the"

Page 8, line 3, delete "contemplation of" and insert "under"

Page 8, line 5, delete "such" and insert "the"

Page 8, line 15, delete "shall have the power to" and insert "may"

Page 8, lines 23 and 25, strike "shall have" and insert "has"

Page 8, line 29, strike "When" and insert "If"

Page 8, line 29, strike "shall exceed" and insert "exceeds"

Page 8, line 35, strike "any" and insert "a"

Page 9, line 2, strike "same" and insert "stock"

Page 9, line 4, strike "or her"

Page 9, line 23, delete "any" and insert "a"

Page 9, line 30, delete "any" and insert "an"

Page 9, line 33, strike "any"

Page 10, line 3, strike "for the following purposes" and insert "only"

Page 10, line 4, strike "Such"

Page 10, line 10, delete "is"

Page 10, lines 12, 15, and 18, strike "Such as is" and insert "If"

Page 10, lines 12 and 19, strike "any" and insert "a"

Page 10, line 13, strike "by way of" and insert "as"

Page 10, line 13, after "made" insert "by"

Page 10, line 14, strike "such bank" and insert "it"

Page 10, line 19, delete "and" and insert "or"

Page 10, line 20, delete "Such as may be" and insert "If"

Page 10, strike line 22

Page 10, line 23, strike "estate in any case or for any other purpose whatever."

Page 10, line 24, strike "in the cases contemplated in" and insert "under"

Page 10, line 25, delete "(4)" and insert "(5)"

Page 11, lines 5, 35, and 36, strike "any" and insert "a"

Page 11, line 36, strike "shall have" and insert "has"

Page 12, line 4, strike "shall order" and insert "orders"

Page 12, line 21, strike "Any" and insert "A"

Page 13, line 35, delete "full force and"

Page 14, lines 1 and 7, strike "or any" and insert "an"

Page 14, line 8, strike "any" and insert "a"

Page 15, line 18, delete "full force and"

Page 16, line 12, strike "such"

Page 16, line 12, strike the second "may"

Page 16, line 14, strike "such"

Page 16, line 14, strike "may"

Page 16, line 15, strike "upon the same" and insert "on them"

Page 16, line 17, strike "such" in both places

Page 16, line 17, strike "as may be"

Page 16, line 17, strike "; and" and insert a period

Page 16, line 33, delete "any" and insert "an"

Page 17, line 34, strike "such"

Page 17, line 35, strike "as"

Page 17, line 35, strike "may require" and insert "requires"

Page 18, line 13, strike "to a"

Page 18, strike line 14

Page 18, line 15, strike "partnership"

Page 18, line 15, strike "it" and insert "the applicant"

Page 18, line 17, strike "the amount"

Page 18, line 18, strike "thereof to be" and insert "as"

Page 18, line 18, strike the comma and insert ". The bond must be"

Page 18, line 19, strike the comma

Page 18, line 20, strike ", to" and insert "and must"

Page 18, line 20, strike "its" and insert "the safe deposit company's"

Page 18, line 21, strike the comma

Page 18, line 21, strike "to"

Page 18, line 22, strike "This" and insert "The"

Page 18, line 22, strike "shall" and insert "must"

Page 18, line 23, strike "who shall be in any manner"

Page 18, line 24, strike the comma

Page 18, line 24, strike "by"

Page 18, line 26, strike the comma

Page 18, line 27, strike "full force and"

Page 18, line 28, strike "licensed hereunder"

Page 18, line 32, strike the first "any" and insert "a"

Page 18, line 32, strike the second "any"

Page 18, line 33, strike the second "for"

Page 18, line 34, strike "full"

Page 21, line 10, delete the parenthesis before "If"

Page 24, line 3, after "adopt" insert "a"

Page 24, line 4, delete "certificates" and insert "certificate"

Page 24, lines 5 and 7, after the period, insert "The"

Page 24, line 9, after "in" insert "the"

Page 24, line 16, delete "any" and insert "a"

Page 24, line 20, after the first "of" insert "the"

Page 24, line 21, after the period, insert "The"

Page 24, after line 26, insert:

"Sec. 29. Minnesota Statutes 1980, Section 580.23, Subdivision 1, is amended to read:

Subdivision 1. When lands have been sold in conformity with the preceding sections of this chapter the mortgagor, his personal representatives or assigns, within six months after such sale, except as otherwise provided in subdivision 2, may redeem such lands, as hereinafter provided, by paying the sum of money for which the same were sold, with interest from the time of sale at the rate provided to be paid on the mortgage debt; ~~not to exceed eight percent per annum;~~ and, if no rate be provided in the mortgage note, at the rate of six percent per annum, together with any further sums which may be payable pursuant to section 582.03. Where the redemption period is as provided in this subdivision the mortgagee, or his successors, assigns, or personal representative, or any other purchaser so purchasing at the sheriff's sale shall by purchasing the property at the sheriff's sale thereby waive his right to a deficiency judgment against the mortgagor."

Page 24, line 34, delete "29" and insert "30"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 39, after the semicolon, insert "removing ceiling on interest rate paid by mortgagor during redemption period;"

Page 1, line 44, after "8;" insert "580.23, Subdivision 1;"

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

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

S.F. No. 1865: A bill for an act relating to cable communications; changing the definition of cable communications system; reducing the number of days available to the metropolitan council for review of cable service territory proposals; conforming the certificate of confirmation term to the franchise term; authorizing rules preventing obstruction of service to multiple unit dwellings; providing to municipalities the option concerning cable service rates information included in a franchise; amending Minnesota Statutes 1980, Sections 238.02, Subdivision 3; 238.05, Subdivision 7, and by adding a subdivision; 238.09, Subdivisions 6 and 7, and by adding a subdivision; 238.12, by adding a subdivision; repealing Minnesota Statutes 1980, Section 238.12, Subdivisions 1 and 2.

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

Page 1, lines 22, 30, and 31, strike "any" and insert "a"

Page 1, line 24, strike "any"

Page 2, lines 1 and 4, strike "any" and insert "a"

Page 2, line 18, delete "*shall promulgate*" and insert "*may adopt*"

Page 2, line 18, delete "*which would*" and insert "*to*"

Page 2, line 19, delete "*provide*" and insert "*ensure*"

Page 2, line 19, after "*access*" insert "*by cable systems*"

Page 2, line 19, delete "*by cable*"

Page 2, line 20, delete "*communication companies*" and insert "*and any site, lot, field, or tract of land and water upon which two or more occupied mobile or immobile dwelling units are located*"

Page 2, line 23, strike "*every*" and insert "*a*"

Page 2, line 24, strike "*be required to*"

Page 2, line 27, delete "*section*" and insert "*subdivision*"

Page 2, line 31, strike "*any*" and insert "*an*"

Page 2, line 34, strike "*Any*" and insert "*A*"

Page 3, line 1, strike "*any*" and insert "*an*"

Amend the title as follows:

Page 1, line 9, after "*dwellings*" insert "*and tracts of multiple dwelling units*"

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

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

S.F. No. 1761: A bill for an act relating to credit unions; providing for approval of amendments to certificates of organization and bylaws; authorizing the board of directors to appoint a credit committee or a credit manager; prescribing the powers of a credit committee and credit manager; amending Minnesota Statutes 1980, Section 52.02; 52.08; 52.09, Subdivision 2; and 52.10.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 52.02, is amended to read:
52.02 [BYLAWS AND AMENDMENTS, APPROVAL.]

Subdivision 1. [AMENDMENTS BY MEMBERS.] To amend *the* certificate of organization or bylaws, proposed amendments shall be set forth as follows:

(a) (1) if balloting by mail has not been authorized by the board of directors, then the proposed amendments shall be set forth in the notice of the meeting; or

(b) (2) if balloting by mail has been authorized by the board of directors as either the exclusive means of voting or in conjunction with voting in person, the proposed amendments shall be set forth in a notice mailed to all members eligible to vote at least ten days prior to the close of balloting by mail. Any

amendments to the certificate of organization or bylaws shall be approved by two-thirds vote of the members actually voting, ~~provided~~ if the members actually voting constitute a quorum.

Subd. 2. [BYLAW AMENDMENTS BY DIRECTORS.] The members may, pursuant to subdivision 1, provide for the bylaws to be amended by the board of directors. If the bylaws permit amendment by the directors, any amendments shall be approved by a two-thirds vote of the total number of directors authorized. The board of directors shall not adopt, amend, or repeal a bylaw fixing a quorum for meetings of members, prescribing procedures for removing directors or filling vacancies in the board, or fixing the number of directors or their classifications, qualifications, or terms of office, but may adopt or amend a bylaw to increase the number of directors. If three percent or more of all members propose a resolution for action by the members to adopt, amend, or repeal bylaws adopted, amended, or repealed by the board and the resolution sets forth the provisions proposed for adoption, amendment, or repeal, the resolution shall be submitted to the members for a vote as provided in subdivision 1.

Subd. 3. [APPROVAL.] Any and all Amendments to the certificate of organization or bylaws must be approved by the commissioner of banks before they become operative. The commissioner shall not unreasonably withhold such approval if such the amendments do not violate any provision of this chapter or other state law. In any event, the commissioner shall approve or disapprove the proposed amendment within 90 60 days of the date the proposed amendment is submitted to him the commissioner by the credit union. In case of disapproval the credit union shall have the right to appeal to a court of competent jurisdiction within the time limits as stated in clause (5) of section 52.01, clause (5). In case the any amendment to the certificate of organization is adopted, the resolution, containing a full text thereof of the amendment and verified by its president and treasurer and approved by the commissioner of banks, shall be recorded in the office of the county recorder in the county in which the credit union is located. If the amendment proposes to change the place of business from one county to another, it shall be recorded in the office of the county recorder of the county of the place of business immediately prior to the amendment and a certified copy of the original certificate of organization and all amendments thereto to it shall be recorded in the office of the county recorder in the county in which the credit union desires to do business.

Sec. 2. Minnesota Statutes 1980, Section 52.08, is amended to read:

52.08 [ANNUAL MEETING.]

At the annual meeting (the organization meeting shall be the first annual meeting) the credit union shall elect a board of directors of not less than five members, a credit committee of not less than three members, and a supervisory committee of three members, and may elect a credit committee of not less than three members, all to hold office for such the terms, respectively, as provided in the bylaws provide and until successors qualify. Some or all of such the terms of office may be staggered, as provided in the bylaws provide. A record of the names and addresses of the members of the board and committees and the officers shall be filed with the commissioner of banks within ten days of their election. No full time manager of a credit union shall be a director of such a credit union operating under this chapter.

The organization meeting shall be the first annual meeting.

Sec. 3. Minnesota Statutes 1980, Section 52.09, Subdivision 2, is amended to read:

Subd. 2. [PARTICULAR DUTIES.] It shall be the duty of the directors to have general management of the affairs of the credit union, particularly:

(1) to act on applications for membership, ~~provided that~~. This power may be delegated to a membership chairman who ~~shall serve~~ *serves* at the pleasure of the board of directors and ~~is subject to its rules, however such~~. The application shall contain a certification signed by the membership chairman or a member of the board showing the basis of membership;

(2) to determine interest rates on loans and on deposits. The interest period on deposits may be on a daily, monthly, quarterly, semi-annual or annual basis, and may be paid on all deposits whether or not ~~said~~ *the* deposits have been withdrawn during the interest period. Interest may be computed on a daily basis. At the discretion of the board of directors interest may not be paid on deposit accounts of less than \$10;

(3) to fix the amount of the surety bond which shall be required of all officers and employees handling money;

(4) to declare dividends, and to transmit to the members, recommended amendments to the bylaws;

(5) to fill vacancies in the board and in the credit committee until successors are chosen and qualify at the next annual meeting;

(6) to limit the number of shares and deposits which may be owned by a member, not to exceed ~~40 ten~~ percent of the outstanding shares and deposits, or \$2,000, whichever is larger, and the maximum individual loan which can be made with and without security, including liability indirectly as a co-maker, guarantor, or endorser to ~~40 ten~~ percent of outstanding shares and deposits; ~~provided, however, that~~. The ~~40 ten~~ percent share and deposit limitation shall not be applicable to the Minnesota Central Credit Union, or to credit unions insured by the National Credit Union Administration;

(7) to have charge of investments ~~other than~~ *including* loans to members, ~~unless a credit committee is established pursuant to section 52.08 or paragraph (13) of this subdivision;~~

(8) to fix the salaries of the treasurer and other employees, which shall be on a fixed monthly or annual basis, in dollars (not percentage);

(9) to designate the bank or banks in which the funds of the credit union shall be deposited;

(10) to authorize the officers of the credit union to borrow money from any source, as provided in section 52.15;

(11) with the permission of the commissioner of banks to suspend any member ~~or members~~ of the credit committee or supervisory committee if it deems ~~such this~~ action to be necessary to the proper conduct of the credit union, and to call the members together to act on the suspension within a reasonable time after the suspension. The members at the meeting may, by majority vote of those present, sustain the suspension and remove the committee members

permanently or may reinstate the committee members; ~~and~~

(12) to provide financial assistance to the supervisory committee in carrying out its audit responsibilities; *and*

(13) *if the bylaws so provide and no credit committee has been elected pursuant to section 52.08, to appoint a credit manager or a credit committee of not less than three members.*

Sec. 4. Minnesota Statutes 1980, Section 52.09, Subdivision 3, is amended to read:

Subd. 3. [OFFICERS, BYLAWS; COMPENSATION.] The duties of the officers shall be as determined in the bylaws, except that the treasurer may be the general manager. No member of the board ~~or of either, the supervisory committee or an elected credit committee~~ shall receive a salary as such, but may be compensated for time actually spent in his official duties at an hourly rate as determined by the annual meeting of members.

Sec. 5. Minnesota Statutes 1980, Section 52.10, is amended to read:

52.10 [CREDIT COMMITTEE; CREDIT MANAGER; POWERS.]

Subdivision 1. [AUTHORITY OF CREDIT COMMITTEE.] The credit committee shall have the general supervision of all loans to members as provided herein. Applications for loans shall be on a form prepared by the credit committee, shall set forth the purpose for which the loan is desired, the security, if any, offered and such other data as may be required. Within the meaning of this section, an assignment of shares or deposits or the endorsement of a note may be deemed security. Except where the credit committee approves the extension of a self-replenishing line of credit pursuant to section 52.16, subdivision 2, at least a majority of the members of the credit committee shall pass on all loans and approval must be in writing and by unanimous vote of the members present. The credit committee shall meet as often as may be necessary after due notice to each member ~~thereof of the committee.~~ *Provided, however,* In the case of any credit union having total assets in excess of \$10,000, the board of directors may authorize the credit committee to appoint one or more loan officers. Loan officers, subject to the supervision of the committee, may be delegated authority by the credit committee, to act on all or some applications for loans and to approve them, reporting thereon to the credit committee at their next meeting or within 15 days. The credit committee and the board of directors, meeting jointly and acting collectively as a whole, shall have the general supervision of all loans to a member who is a director, officer, or a member of the credit or supervisory committee whenever the application exceeds the amount of the member's holdings in shares and deposits. Application for these loans shall be in similar form as may be required to be furnished to the credit committee for a loan in the case of any other member. At least a majority of the members of the credit committee and of the board of directors at a joint meeting and acting collectively as a whole, shall pass on all such loans in the absence of the applicant, and the approval of the loan must be in writing and by unanimous vote of all members present. The credit committee and the board of directors shall meet for this purpose as often as may be necessary after due notice to each member ~~thereof of the board and credit committee.~~

Subd. 2. [AUTHORITY OF CREDIT MANAGER.] *If a credit manager is appointed, the board shall have the powers and responsibilities described in*

subdivision 1 for a credit committee. The board may delegate in writing any or all of these powers and responsibilities to a credit manager.

Sec. 6. Minnesota Statutes 1980, Section 52.135, is amended to read:

52.135 [INDIVIDUAL RETIREMENT ACCOUNTS.]

A credit union, upon approval of the commissioner of banks of an application in the prescribed form filed with him together with a filing fee of \$100, may act as trustee or custodian within the contemplation of the federal self-employed individuals tax retirement act of 1962, as amended and may act as trustee or custodian within the contemplation of the federal employee retirement income security act of 1974, as amended, to establish an individual retirement account. The funds shall be invested only in savings, or time deposits, except that this restriction shall not prevent a credit union from accepting and retaining, as a deposit, property or investments derived from any qualified plan from which the applicant desires to transfer the property.

Funds held in the fiduciary capacity may be commingled for purposes of investment or for other purposes approved by the commissioner of banks, but individual records shall be maintained by the fiduciary for each participant and show in detail all transactions engaged in under authority of this section. In passing upon applications the commissioner shall take into consideration all pertinent facts that relate to a credit union's financial responsibility and may grant or refuse the application accordingly.

Notwithstanding the provisions of sections 52.04, subdivision 1, clause (1), and 52.05, a credit union may receive payment as deposits to establish an individual retirement account for the spouse of a blood or adoptive relative of a regularly qualified member if the blood or adoptive relative is a member of the credit union."

Amend the title as follows:

Delete the title and insert:

"A bill for an act relating to credit unions; providing for approval of amendments to certificates of organization and bylaws; authorizing the board of directors to appoint a credit committee or a credit manager; prescribing the powers of a credit committee and credit manager; allowing certain non-members to establish individual retirement accounts; amending Minnesota Statutes 1980, Sections 52.02; 52.08; 52.09, Subdivisions 2 and 3; 52.10; and 52.135."

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

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

S.F. No. 1460: A bill for an act relating to safety; imposing an additional registration tax on motorcycles for motorcycle safety education programs; providing for the disposition of the proceeds of the additional tax; prescribing duties of commissioner of education; appropriating money; amending Minnesota Statutes 1980, Section 168.013, Subdivisions 1b and 8; proposing new law coded in Minnesota Statutes, Chapter 126.

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

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

"Section 1. Minnesota Statutes 1980, Section 171.06, is amended by adding a subdivision to read:

Subd. 2a. [FEE INCREASED.] The fee for any duplicate drivers license which is obtained for the purpose of adding a two-wheeled vehicle endorsement is increased by \$6 for each first such duplicate license and \$4 for each renewal thereof. The additional fee shall be paid into the state treasury and credited to the motorcycle safety fund which is hereby created.

All application forms prepared by the commissioner for two-wheeled vehicle endorsements shall clearly contain the information that of the total fee charged for the endorsement, \$4 is dedicated to the motorcycle safety fund.

Sec. 2. Minnesota Statutes 1980, Section 297B.035, is amended by adding a subdivision to read:

Subd. 4. Motorized bicycles, as defined in section 168.011, subdivision 27, purchased for resale in the ordinary course of business shall be exempt from the provisions of this chapter if the person purchasing the motorized bicycles has a permanent enclosed commercial building or structure either owned in fee or leased and is engaged in the business of selling motorized bicycles, either exclusively or in addition to any other occupation."

Page 2, after line 2, insert:

"Subdivision 1. [ADVISORY COMMITTEE ESTABLISHED.] There is hereby created an advisory committee on motorcycle safety. The committee shall be appointed by the commissioners of education and public safety and shall consist of no more than eight members which shall include educational, safety and motorcycling representatives. The committee will serve at no expense to the state and shall expire September 30, 1984."

Page 2, line 3, delete "Subdivision 1." and insert "Subd. 2."

Page 2, line 5, delete "commissioner" and insert "commissioners"

Page 2, line 5, after "of" insert "public safety and"

Page 2, line 5, after "education" insert "with the advice of the advisory committee on motorcycle safety. The program shall include but is not limited to training and coordination of motorcycle safety instructors; motorcycle safety promotion and public information, and reimbursement for the cost of approved courses offered by schools and organizations"

Page 2, line 5, delete "The"

Page 2, delete lines 6 to 12

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

Page 2, line 14, delete "shall" and insert "may"

Page 2, line 15, after "and" insert "other"

Page 2, line 16, after "for" insert "up to 50 percent of"

Page 2, line 16, after the period, insert "If sufficient funds are not available, reimbursements shall be prorated."

Page 2, line 18, delete "a school or" and insert "schools and"

Page 2, line 18, delete "organization" and insert "organizations"

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

Page 2, line 20, delete "Money in the motorcycle safety" and insert "All funds in the motorcycle safety fund created by section 1 of this act are hereby annually appropriated to the commissioner of public safety to carry out the purposes of subdivisions 2 and 3. The commissioner of public safety may make grants from the fund to the commissioner of education at such times and in such amounts as he deems necessary to carry out the purposes of subdivisions 2 and 3. Not more than five percent of the funds so appropriated shall be expended to defray the administrative costs of carrying out the purposes of subdivisions 2 and 3, and not more than 50 percent of the money so appropriated shall be expended for the combined purpose of training and coordinating the activities of motorcycle safety instructors and making reimbursements to schools and other approved organizations."

Page 2, delete lines 21 to 26

Amend the title as follows:

Page 1, delete line 3

Page 1, line 4, delete "education" and insert "fee for two-wheeled vehicle endorsements for motorcycle safety"

Page 1, line 5, delete "tax" and insert "fee"

Page 1, line 5, after the semicolon, insert "exempting from the motor vehicle excise tax certain purchasers of motorized bicycles for resale; establishing an advisory committee on motorcycle safety;"

Page 1, line 6, delete "commissioner of" and insert "the commissioners of public safety and"

Page 1, line 6, delete "appropriating money" and insert "establishing a fund; making a standard appropriation"

Page 1, lines 7 and 8, delete "Section 168.013, Subdivisions 1b and 8" and insert "Sections 171.06, by adding a subdivision; 297B.035, by adding a subdivision"

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

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

S.F. No. 1583: A bill for an act relating to public finance; repealing and suspending authority to incur state debt; repealing Laws 1980, Chapter 610; and Laws 1981, Chapter 275.

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

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

House Concurrent Resolution No. 6: A House concurrent resolution requesting that suitable space be provided for a permanent memorial for Martin Luther King.

Reports the same back with the recommendation that the resolution do pass.

Report adopted.

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

S.F. No. 1957: A resolution memorializing the President and Congress of the United States in support of a mutual freeze with the Soviet Union on the testing, production, and deployment of nuclear weapons and delivery systems.

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

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

S.F. No. 1630: A bill for an act relating to the legislature; changing January payment date; amending Minnesota Statutes 1980, Section 3.099, Subdivision 1.

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

Page 1, line 10, delete the new language

Page 1, line 12, reinstate the stricken language and delete the new language

Page 1, line 12, after the reinstated "January" insert "*in the first month of each term*"

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

Page 2, line 14, reinstate the stricken language and delete the new language

Page 2, line 14, after the reinstated "January" insert "*in the first month of each term*"

Page 2, line 15, delete the new language

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. 1640: A bill for an act relating to Hennepin County; providing for the interest on and name of certain debt; regulating personnel provisions; clarifying self insurance authority; amending Laws 1965, Chapter 855, Section 4, Subdivision 1, as amended, and Section 7, Subdivisions 3, as amended, and 4, as amended; Laws 1979, Chapter 55, Section 1; and Laws 1979, Chapter 198, Article II, Section 7, Subdivisions 1 and 2.

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

Page 4, after line 25, insert:

"Sec. 7. [AUTOMOBILE ALLOWANCE; COUNTY BOARD.]

The Hennepin County board of commissioners may by resolution provide that each county board member shall be paid as compensation or reimbursement for the use by that board member of his own automobile in the performance of his official duties a monthly or periodic allowance in lieu of mileage

in an amount to be determined by the board.

Sec. 8. Minnesota Statutes 1981 Supplement, Section 375.055, Subdivision 1, is amended to read:

Subdivision 1. [FIXED BY COUNTY BOARD.] The county commissioners in all counties of the state, except ~~Hennepin and Ramsey counties~~ *County*, shall receive as compensation for services rendered by them for their respective counties, annual salaries and in addition may receive per diem payments and reimbursement for necessary expenses in performing the duties of the office as set by resolution of the county board, provided that the salary and schedule of per diem payments shall not become effective until January 1 of the next year. The resolution shall contain a statement of the new salary to be established set forth on an annual basis. The board may establish a schedule of per diem payments for service by individual county commissioners on any board, committee, or commission of county government including committees of the board; or for the performance of services by individual county commissioners when required by law. In addition to its publication in the official newspaper of the county as part of the proceedings of the meeting of the county board, the resolution setting the salary and schedule of per diem payments shall be published in one other newspaper of the county, if there be one located in a different municipality in the county than the official newspaper. The salary of a county commissioner or the schedule of per diem payments shall not change except in accordance with the provisions of this subdivision."

Page 4, line 27, delete "This act is" and insert "Sections 1 to 7 are"

Page 4, line 29, after the period insert "Section 8 is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "permitting the county board members to be paid an allowance in lieu of mileage; removing an exception to the general law;"

Page 1, line 5, after "amending" insert "Minnesota Statutes 1981 Supplement, Section 375.055, Subdivision 1;"

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

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

S.F. No. 1869: A bill for an act relating to Carver County; permitting the county to make electronic funds transfers.

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 471.38, Subdivision 3, is amended to read:

Subd. 3. [ELECTRONIC FUNDS TRANSFER.] Electronic funds transfer is the process of value exchange via mechanical means without the use of

checks, drafts or similar negotiable instruments. A school district *or county* may make an electronic funds transfer for a claim for a payment from an imprest payroll bank account or investment of excess money and for payment of bond principal, bond interest and a fiscal agent service charge from the debt redemption fund. This authorization extends only to a school district *or county* which has enacted all of the following policy controls:

(a) The ~~school board~~ *governing body* shall annually delegate the authority to make electronic funds transfers to a designated business administrator;

(b) The dispersing bank shall keep on file a certified copy of the delegation of authority;

(c) The initiator of the electronic transfer shall be identified;

(d) The initiator shall document the request and obtain an approval from the designated business administrator before initiating the transfer;

(e) A written confirmation of the transaction shall be made no later than one business day after the transaction and shall be used in lieu of a check, order check or warrant required to support the transaction;

(f) A list of all transactions made by electronic funds transfer shall be submitted to the ~~school board~~ *governing body* at its next regular meeting after the transaction."

Delete the title and insert:

"A bill for an act relating to local government; permitting counties to make electronic funds transfers; amending Minnesota Statutes 1980, Section 471.38, Subdivision 3."

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. 2141: A bill for an act relating to local government; allowing towns and cities to set license fees for cigarette sellers; amending Minnesota Statutes 1980, Section 461.12.

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

Page 1, line 14, delete "*The*"

Page 1, delete line 15

Page 1, line 16, delete everything before "*It*"

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. 1177: A bill for an act relating to crimes; establishing minimum terms of imprisonment for certain burglary offenses; prescribing penalties; amending Minnesota Statutes 1980, Section 609.58, by adding a subdivision.

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

follows:

Delete everything after the enacting clause and insert:

"Section 1. [609.5811] [DEFINITIONS; SCOPE.]

Subdivision 1. [LAWFUL ENTRY.] Whoever enters a building while open to the general public does so with consent except when consent was previously expressly withdrawn.

Subd. 2. [DEFINITIONS.] For the purposes of sections 1 of this act to 609.59, the terms in this subdivision have the meanings given them and the principles set forth in this section apply.

"Building" means a dwelling or other structure suitable for or affording shelter for human beings or appurtenant to or connected with a structure so adapted, and includes portions of such structures separately occupied.

"Dwelling" means a structure used as a permanent or temporary residence by a person or persons, including any tent, watercraft, structure, or vehicle that is intended and used for overnight lodging.

Sec. 2. [609.5812] [BURGLARY IN THE FIRST DEGREE.]

Whoever, under any of the following circumstances, enters a building without the consent of the person in lawful possession, with intent to commit a crime in it, or remains in a building without the consent of the person in lawful possession, with intent to commit a crime in it, commits burglary in the first degree and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000, or both:

(1) The building he enters is a dwelling which is occupied or believed to be occupied;

(2) The portion of the building he enters contains a banking business or other business of receiving securities or other valuable papers for deposit or safekeeping, the entry is with force or threat of force, and the intent is to steal or commit a felony therein;

(3) When entering or while in the building, he possesses a dangerous weapon or commits an assault upon a person present in the building entered; or

(4) When entering or while in the building, he possesses an explosive or tool to gain access to money or property.

Sec. 3. [609.5813] [BURGLARY IN THE SECOND DEGREE.]

Whoever, when burglary in the first degree is not committed, enters a dwelling without the consent of the person in lawful possession, with intent to commit a crime in it, or remains in a dwelling without the consent of the person in lawful possession, with intent to commit a crime in it, commits burglary in the second degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$15,000, or both.

Sec. 4. [609.5814] [BURGLARY IN THE THIRD DEGREE.]

Whoever, when burglary in the first or second degree is not committed, enters a building without the consent of the person in lawful possession, with intent to commit a felony or gross misdemeanor in it, or remains in a building

without the consent of the person in lawful possession, with intent to commit a felony or gross misdemeanor in it, commits burglary in the third degree and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both.

Sec. 5. [609.5815] [BURGLARY IN THE FOURTH DEGREE.]

Whoever, when burglary in the first, second, or third degree is not committed, enters a building without the consent of the person in lawful possession, with intent to commit a misdemeanor in it, or remains in a building without the consent of the person in lawful possession, with intent to commit a misdemeanor in it, commits burglary in the fourth degree and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.

Sec. 6. [609.5816] [SENTENCING.]

Subdivision 1. [SEPARATE CRIMES.] A prosecution for or conviction of the crime of burglary is not a bar to conviction of any other crime committed on entering or while in the building.

Subd. 2. [CONSECUTIVE SENTENCES.] Notwithstanding the provisions of section 609.15, subdivision 1, sentences for violations of section 2 or section 3 and for any other crime committed on entering or while in the building entered shall be presumed to be consecutive to each other. The consecutive sentences shall not constitute a departure under the Minnesota sentencing guidelines.

Sec. 7. [REPEALER.]

Minnesota Statutes 1980, Section 609.58, is repealed."

Amend the title as follows:

Page 1, line 2, delete "minimum" and insert "classifications for the crime of burglary; prescribing"

Page 1, line 4, delete "prescribing penalties; amending" and insert "proposing new law coded in Minnesota Statutes, Chapter 609; repealing"

Page 1, line 5, delete " , by adding a subdivision"

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

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

S.F. No. 1839: A bill for an act relating to transportation; modifying the provisions for financial assistance for certain services under the metropolitan transit service demonstration program; amending Minnesota Statutes 1981 Supplement, Section 174.265, Subdivision 4.

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

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1980, Section 174.21, is amended to read:

174.21 [PUBLIC TRANSIT ASSISTANCE AND TRANSPORTATION MANAGEMENT; PURPOSE.]

It is the purpose of sections 174.21 to 174.27 to:

(a) to increase vehicle occupancy, to reduce the use of vehicles occupied by only one person and the congestion, pollution, energy consumption, highway damage, and other costs associated with such use;

(b) to assure that those citizens of this state who are unable by reason of age or incapacity to use regular means of private or public transportation shall have reasonable access to transportation service necessary to permit them to be active, productive, self-supporting and healthy citizens; and

(c) to increase the efficiency and productivity of and benefit from public investments in road space and transportation and transit facilities and systems in the state.

(a) provide access to transit for persons who have no alternative mode of transit available;

(b) increase the efficiency and productivity of public transit systems;

(c) alleviate problems of automobile congestion and energy consumption and promote desirable land use where such activities are cost effective;

(d) maintain a state commitment to public transportation; and

(e) meet the needs of individual transit systems to the extent they are consistent with the other objectives stated above.

Sec. 2. Minnesota Statutes 1980, Section 174.22, is amended by adding subdivisions to read:

Subd. 9. "Large urbanized area service" means the transportation service provided by the Duluth transit authority but does not include elderly and handicapped service, as defined in subdivision 13 of this section, provided by that transit authority.

Subd. 10. "Urbanized area service" means a transportation service operating in an urban area of more than 50,000 persons but does not include services operated by the metropolitan transit commission, as defined in section 174.22, subdivision 4, or elderly and handicapped service, as defined in subdivision 13 of this section.

Subd. 11. "Small urban area service" means a transportation service operating in an area with a population between 2,500 and 50,000.

Subd. 12. "Rural area service" means a transportation service primarily operated in an area having population centers of less than 2,500 persons.

Subd. 13. "Elderly and handicapped service" means transportation service provided on a regular basis in urbanized or large urbanized areas, except for metro mobility service established under section 174.31, and designed exclusively or primarily to serve individuals who are elderly or handicapped and unable to use regular means of public transportation.

Sec. 3. Minnesota Statutes 1980, Section 174.23, is amended by adding a subdivision to read:

Subd. 7. [RULEMAKING; TOTAL OPERATING COST.] The commissioner shall by rule define "total operating cost" as the term is used in carrying out the purposes of section 174.24. The commissioner shall consult

with eligible recipients to the maximum extent feasible in formulating these rules and develop necessary and reasonable changes in cost allowability provisions and financial examination procedures where possible. The rules are subject to the provisions in the administrative procedure act of sections 15.041 to 15.052.

Sec. 4. Minnesota Statutes 1980, Section 174.23, is amended by adding a subdivision to read:

Subd. 8. [PROGRAM ADMINISTRATION.] The commissioner shall assign the administration of the programs set forth in sections 174.21 to 174.27 to a single division within the department of transportation.

Sec. 5. Minnesota Statutes 1980, Section 174.24, Subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT; PURPOSE.] A public transit ~~subsidy~~ participation program is established to ~~provide~~ carry out the objectives stated in section 174.21 by providing financial assistance from the state to eligible recipients. ~~The purpose of the public transit subsidy program shall be to supplement local effort in financing public transit systems in order to preserve and develop public transit and a balanced transportation system in the state.~~

Sec. 6. Minnesota Statutes 1980, Section 174.24, Subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY; APPLICATIONS.] Any legislatively established public transit commission or authority, any county or statutory or home rule charter city providing financial assistance to or operating public transit, any private operator of public transit, or any combination thereof is eligible to receive financial assistance through the public transit ~~subsidy~~ participation program.

Sec. 7. Minnesota Statutes 1981 Supplement, Section 174.24, Subdivision 3, is amended to read:

Subd. 3. [FINANCIAL ASSISTANCE.] Payment of financial assistance shall be by contract between the commissioner and an eligible recipient. The commissioner shall determine the ~~operating deficit~~ total operating cost of any public transit system receiving or applying for assistance in accordance with generally accepted accounting principles; ~~provided that any financial assistance received from any agency of the federal government for the operation of a public transit system shall be treated as revenue for the purposes of determining the operating deficit.~~ To be eligible for financial assistance, an applicant or recipient shall provide to the commissioner all financial records and other information and shall permit any inspection reasonably necessary to determine total operating cost and correspondingly the amount of assistance which may be paid to the applicant or recipient. Where more than one county or municipality contributes assistance to the operation of a public transit system, the commissioner shall identify one as lead agency for the purpose of receiving moneys under this section. ~~The commissioner may adopt rules establishing performance standards for public transit systems for use in determining the amount of assistance which may be paid to an eligible recipient. Except as otherwise provided in this subdivision, payments shall not exceed two-thirds of the operating deficit of a public transit system.~~

The commissioner shall adopt rules establishing uniform performance stan-

dards for private operators of regular route transit systems in the transit taxing district, as defined in section 473.446, subdivision 2. *The rules are subject to the provisions in the administrative procedure act of sections 15.041 to 15.052. Payments to those private operators shall be based on the uniform performance standards and operating deficit and shall not exceed 100 percent of the operating deficit as determined by the commissioner. Payments shall be based on approved estimates of expenditures during the contract period and shall be subject to audit and adjustment after any payment has been made.*

Prior to distributing operating assistance to eligible recipients for any contract period, the commissioner shall place all recipients into one of the following classifications: large urbanized area service, urbanized area service, small urban area service, rural area service, and elderly and handicapped service. The commissioner shall distribute funds under this section so that the percentage of total operating cost paid by any recipient from local sources will not exceed the percentage for that recipient's classification. The percentages shall be: for large urbanized area service, 55 percent; for urbanized area service and small urban area service, 40 percent; for rural area service, 35 percent; and for elderly and handicapped service, 35 percent. The remainder of the total operating cost will be paid from state funds less any assistance received by the recipient from any federal source. For purposes of this subdivision "local sources" means all local sources of funds and includes all operating revenue, tax levies, and contributions from public funds, except that the commissioner may exclude from the total assistance contract revenues derived from operations the cost of which is excluded from the computation of total operating cost.

If a recipient informs the commissioner in writing after the establishment of these percentages but prior to the distribution of financial assistance for any year that paying its designated percentage of total operating cost from local sources will cause undue hardship, the commissioner may reduce the percentage to be paid from local sources by the recipient and increase the percentage to be paid from local sources for all other recipients in its classification so that the total state funds to be received by all the recipients in the classification will not be altered. If for any year the funds appropriated to the commissioner to carry out the purposes of this section are insufficient to allow the commissioner to pay the state share of total operating cost as provided in this paragraph, the commissioner shall reduce the state share in each classification to the extent necessary.

Sec. 8. Minnesota Statutes 1980, Section 174.24, is amended by adding a subdivision to read:

Subd. 5. [METHOD OF PAYMENT.] Payments under this section to recipients other than the metropolitan transit commission and private operators within the seven-county metropolitan area whose deficits are funded 100 percent by the state shall be made in the following manner:

50 percent of the total contract amount in the first month of operation;

40 percent of the total contract amount in the seventh month of operation;

9 percent of the total contract amount in the twelfth month of operation; and

1 percent of the total contract amount after the final audit.

The method of payment under this section to private operators within the

seven-county metropolitan area whose deficits are funded 100 percent by the state shall be determined by the commissioner."

Page 2, line 6, delete "maximum"

Page 2, line 7, delete "allowed" and insert "standard as adopted"

Page 2, line 7, delete "on its routes"

Page 2, line 8, delete the new language and strike "the applicant"

Page 2, line 9, delete "application" and insert "in its current transportation development program"

Page 2, line 20, delete "maximum" and delete "allowed"

Page 2, delete line 21

Page 2, line 22, delete "application" and insert "standard as adopted by the commission in its current transportation development program"

Page 2, after line 34, insert:

"Sec. 10. [REPEALER.]

Minnesota Statutes 1980, Sections 174.25; and 174.26 are repealed.

Sec. 11. [EFFECTIVE DATE.]

Sections 1, 3, 4, 8, 9, and 10 are effective the day following final enactment. Sections 2, 5, 6, and 7 are effective January 1, 1984."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "provisions"

Page 1, delete lines 3 and 4

Page 1, line 5, delete "program" and insert "purpose of certain programs relating to public transit assistance and transportation management; defining certain terms applicable to certain public transit assistance and transportation management programs; requiring the commissioner of transportation to define by rule total operating cost; providing for the administration of certain programs; providing for the distribution of assistance under the public transit participation program; changing eligibility requirements for replacement transit service"

Page 1, line 5, after "amending" insert "Minnesota Statutes 1980, Section 174.21; 174.22, by adding subdivisions; 174.23, by adding subdivisions; 174.24, Subdivisions 1, 2, and by adding a subdivision;"

Page 1, line 6, delete "Section" and insert "Sections 174.24, Subdivision 3; and"

Page 1, line 6, before the period insert "; repealing Minnesota Statutes 1980, Sections 174.25 and 174.26"

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

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

S.F. No. 1609: A bill for an act relating to highway traffic regulations; regulating the height of vehicles; establishing a height limitation for certain buses; amending Minnesota Statutes 1980, Section 169.81, Subdivision 1.

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

Page 1, line 10, delete "clause" and insert "paragraph"

Page 1, line 11, before "no" insert a comma

Page 1, line 14, delete everything after the period

Page 1, delete lines 15 and 16 and insert "Any carrier operating a double-deck bus exceeding 13 feet six inches shall obtain from the commissioner, with respect to highways under the commissioner's jurisdiction, and from local authorities, with respect to highways under their jurisdiction, an annual permit to operate the bus upon any highway under the jurisdiction of the party granting the permit. Annual permits shall be issued in accordance with applicable provisions of section 169.86. The fee for an annual permit issued by the commissioner is as provided in section 169.86, subdivision 5."

Sec. 2. Minnesota Statutes 1981 Supplement, Section 169.86, Subdivision 5, is amended to read:

Subd. 5. [FEES.] The commissioner, with respect to highways under his jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

(a) \$12 for each single trip permit.

(b) \$12 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) truck cranes;

(2) construction equipment, machinery, and supplies;

(3) mobile homes;

(4) farm equipment when the movement is not made according to the provisions of section 169.80, subdivision 1, clauses (a) to (f).

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

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

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

(8) double-deck buses."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing for an annual permit fee for certain over-height buses;"

Page 1, line 5, before the period, insert "; and Minnesota Statutes 1981 Supplement, Section 169.86, Subdivision 5"

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

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1031: A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury and economic loss resulting from releases of hazardous substances; imposing taxes, fees, and penalties; appropriating money; amending Minnesota Statutes 1980, Sections 116.03, Subdivision 3; 466.01, by adding a subdivision; and 466.04, Subdivision 1; Minnesota Statutes 1981 Supplement, Section 115A.06, Subdivision 13; proposing new law coded as Minnesota Statutes, Chapter 115B.

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

Page 1, line 19, delete "22" and insert "16"

Page 1, line 23, delete "22" and insert "16"

Page 2, line 27, delete "*substance*" and insert "*commercial chemical*"

Page 2, delete lines 29 to 33

Page 2, delete line 36

Page 3, delete lines 1 to 3

Reletter the clauses in sequence

Page 3, after line 5, insert:

"'Hazardous substance' does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas."

Page 3, line 7, after "(a)" insert "Any"

Page 3, line 8, delete "*those substances*" and insert "*any substance*"

Page 3, line 8, after "*as*" insert "*a*"

Page 3, line 9, delete "*wastes*" and insert "*waste*"

Page 4, line 1, before "*The*" insert "*Any release resulting from*"

Page 4, line 1, delete "*normal*" in both instances

Page 4, line 2, after "*agricultural*" insert "*or silvicultural*"

Page 4, line 3, before the period, insert "*or disposal by a farmer of emptied*

pesticide containers or residues from a pesticide as defined in section 18A.21, subdivision 25, which was used by the farmer if the containers are triple rinsed and the residues are disposed of on the farm in a manner consistent with instructions on the pesticide label"

Page 5, line 36, delete "9" and insert "10"

Page 7, after line 7, insert:

"Subd. 3. [TRANSPORTATION OF HOUSEHOLD REFUSE.] A person who accepts only household refuse for transport to a treatment or disposal facility is not liable under subdivision 1 for the release or threatened release of any hazardous substance unless he knew or reasonably should have known that the hazardous substance was present in the refuse. For the purpose of this subdivision, household refuse means garbage, trash, or septic tank sanitary wastes generated by single or multiple residences, hotels, motels, restaurants and other similar facilities."

Renumber the subdivisions in sequence

Page 16, after line 15, insert:

"'Pollutant or contaminant' does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas."

Page 18, line 19, after "PESTICIDES" insert "OR FERTILIZER OR SOIL OR PLANT AMENDMENTS"

Page 18, line 22, before the comma, insert "*or the release of fertilizers or soil or plant amendments*"

Page 19, line 19, delete "August 1, 1982" and insert "January 1, 1983"

Page 19, line 20, delete "adopt" and insert "establish"

Page 19, line 32, after the period, insert "*Before any list is established under this subdivision the agency shall publish the list in the state register and allow 30 days for comments on the list by the public.*"

Page 20, line 8, after "establishing" insert "and funding"

Page 20, line 9, delete everything after "fund"

Page 20, line 10, delete "19"

Page 20, line 24, delete "local units of government"

Page 21, line 28, delete "to local units of government"

Page 23, line 2, delete "19" and insert "22 to 41"

Page 23, line 27, delete everything after "section" and insert "*and section 2 apply to sections 17 to 21.*"

Page 23, delete lines 30 to 36

Page 24, delete lines 5 to 7

Renumber the subdivisions in sequence

Pages 24 and 25, delete section 18

Page 26, line 33, delete "19" and insert "sections 22 to 41"

Page 27, line 8, delete "or 19"

Page 27, line 12, delete "or 19"

Page 27, line 18, delete "or 19"

Page 29, line 5, delete "or 19"

Page 29, line 13, delete "or 19"

Page 29, line 33, delete "or 19"

Page 31, line 14, delete "19" and insert "18"

Page 31, line 24, delete "or 19"

Page 31, line 30, delete "or 19"

Page 31, line 34, delete "sections 18 and 19" and insert "section 18"

Page 32, lines 3 and 4, delete "sections 18 and 19" and insert "section 18"

Page 32, line 12, delete "administrative" and insert "permitting, monitoring, inspection and enforcement"

Page 32, line 13, delete "any portion of the"

Page 32, delete line 14

Page 32, line 15, delete "not be collected and"

Page 32, line 19, after the period, insert:

"The legislature may appropriate additional amounts which need not be raised by fees or may provide that the fees shall cover a proportion of the appropriation for the division in order to assure adequate funding for the regulatory and enforcement functions of the division."

Page 32, line 27, delete "quarterly" and insert "annually"

Page 33, line 3, after "agency" insert "outside of those counties"

Page 33, line 4, delete "and" and insert ". The agency shall not charge a fee in any metropolitan county which charges such a fee."

Page 33, line 7, after the period, insert "The surcharge imposed on the fees charged by the metropolitan counties shall be collected by the metropolitan counties in the manner in which the counties collect their generator fees."

Page 33, line 9, before the period, insert "by the last day of the month following the month in which they were collected"

Page 33, after line 16, insert:

"Sec. 22. [297C.01] [CITATION.]

Sections 22 to 41 may be cited as the Hazardous Waste Wholesale Product Tax Act.

Sec. 23. [297C.02] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] The definitions provided in this section and section 1 apply to sections 22 to 41.

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

of revenue.

Subd. 3. [FINISHED PRODUCT.] "Finished product" means any product which is intended to be or is sold to the ultimate consumer without further processing, other than processing after purchase by a retailer as defined in section 297A.01, subdivision 10.

Subd. 4. [GROSS RECEIPTS.] "Gross receipts" means the total amount received, in money or otherwise, for all taxable sales as measured by the sales price. A taxpayer may elect to report gross receipts on the cash basis as consideration is received for a sale or on the accrual basis as sales are made.

Subd. 5. [INTERMEDIATE PRODUCT.] "Intermediate product" means raw materials or any other product which becomes a part of or is used or consumed in any stage of the production of a finished product.

Subd. 6. [PERSON.] "Person" means any individual, firm, association, partnership, joint stock company, joint venture, corporation, trustee, agency, receiver or other entity doing business in this state.

Subd. 7. [PRODUCT.] "Product" means any item of tangible personal property which qualifies as goods under section 336.2-105(1).

Subd. 8. [PRODUCTION.] "Production" means manufacture, production, assembly, fabrication, distillation, reduction, separation, extraction, painting, printing, finishing or any other processing required to prepare a product for sale to another.

Subd. 9. [SALE; PURCHASE.] "Sale" or "purchase" includes but is not limited to the following transactions:

(a) Any transfer of title or possession, or both, whether absolutely or conditionally, or the leasing or granting of a license to use or consume, for a consideration in money or by exchange or barter; and

(b) Any production done for a consideration on behalf of any person who directly or indirectly furnishes the materials used in that production.

Subd. 10. [SALE AT WHOLESALE.] "Sale at wholesale" means a sale or purchase for the purpose of resale in the regular course of business. Property purchased for the purpose of leasing the property to another or holding the property for lease to another shall be considered property purchased for resale. No sale which qualifies as a sale at retail under section 297A.01, subdivision 4, shall be considered a sale at wholesale.

Subd. 11. [SALES PRICE.] "Sales price" means the total consideration, valued in money, for a sale, whether paid in money or otherwise, excluding any amount allowed as a credit for tangible personal property taken in trade for resale, without deducting the cost of the property sold, cost of materials used, labor or service costs, interest, discount allowed after the sale is consummated, the cost of transportation incurred prior to the time of sale, any amount for which credit is given to the purchaser by the seller, or any other expense, whatsoever. A deduction may be made for interest, financing, carrying charges and transportation occurring after the sale, if the charges are separately stated.

"Sales price" does not include cash discounts allowed and taken at the time of sale, amounts refunded either in cash or in credit for property returned by

purchasers or the amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed on the sale by the United States or the amount of any tax imposed by section 24 whether or not the tax is separately stated or charged to the buyer at the time of sale.

Subd. 12. [WHOLESALER.] 'Wholesaler' means any person who sells products at wholesale.

Sec. 24. [297C.03] [IMPOSITION OF TAX.]

Except as otherwise provided in sections 22 to 41, every person who sells in this state at wholesale any finished or intermediate product whose production by that person results in the generation in this state of a hazardous waste, shall pay a tax in an amount equal to one-half of one percent of the gross receipts from that sale. By December 15 of 1983 and subsequent years, the commissioner of revenue shall estimate the amount of revenue raised by the tax imposed pursuant to this section during the calendar year ending that month. If the estimated proceeds exceed \$8,000,000 the commissioner shall adjust the rate of the tax to be in effect for the subsequent calendar year so that it would, as nearly as practicable, provide revenues of \$8,000,000 for that subsequent year.

For the purposes of this section, a sale shall be deemed to occur in this state if the product is located in this state at the time of its identification to a contract of sale, regardless of the identity or physical location of the parties to the sale.

Sec. 25. [297C.04] [PRESUMPTION OF TAXABLE SALES; BURDEN OF PROOF.]

Subdivision 1. [PRESUMPTIONS.] For the purpose of properly administering the tax imposed by section 24 and to prevent evasion of the tax, the following presumptions shall apply:

(a) It shall be presumed that the tax imposed by section 24 applies to the sale at wholesale of all intermediate and finished products sold by any person who is required to disclose the generation of hazardous waste under the hazardous waste rules of the agency adopted pursuant to section 116.07, unless the products or any portion of them are exempt from tax as provided in section 26; and

(b) It shall be presumed that the tax imposed by section 24 applies to all the gross receipts from taxable sales of a person who is required to pay the tax imposed by section 24 until the contrary is established.

Subd. 2. [BURDEN OF PROOF.] The burden of proving that a sale is not a sale at wholesale or that the person or product involved in the sale is exempt from the tax imposed by section 24 is on the person making the claim.

Sec. 26. [297C.05] [EXEMPTIONS FROM PRODUCT TAX.]

Subdivision 1. [EXEMPT PERSONS.] Notwithstanding any provision of sections 22 to 41 to the contrary, the following persons are exempt from payment of the tax imposed by section 24:

(a) Any person who by reason of any provision of the Federal Superfund Act is not required to contribute to the fund created by section 16, but only to the extent that imposition of the tax upon that person is finally determined by a court of competent jurisdiction to violate the provisions of the Federal Super-

fund Act; and

(b) Any person who is taxed under the "in lieu" provisions of chapter 298, but only to the extent that payment of the tax imposed by section 24 would violate the "in lieu" provisions of chapter 298.

Subd. 2. [EXEMPT PRODUCTS.] Notwithstanding any provision of sections 22 to 41 to the contrary, the gross receipts from the sale at wholesale of the following products shall not be included in the calculation of the tax imposed by section 24:

(a) Any product whose production does not result in the generation of hazardous waste;

(b) Any product derived from the treatment of hazardous waste.

Sec. 27. [297C.06] [SALES PERMITS.]

Subdivision 1. [PERMIT REQUIREMENT.] Every person who is required to pay the tax imposed by section 24 shall obtain a permit from the commissioner as provided in this section. A separate permit is required for each place of business at which a taxable sale is made.

Subd. 2. [APPLICATION FOR PERMIT.] The person who is required to pay the tax shall file an application for a permit with the commissioner. The application shall be made upon a form prescribed by the commissioner and shall set forth the name under which the applicant intends to transact business, the location of his place or places of business, and any other information that the commissioner may require. The application shall be signed by the applicant if the applicant is a natural person; by a member or partner, if the applicant is an association or partnership; or by a person authorized to sign the application, if the applicant is a corporation or other entity.

Subd. 3. [APPLICATION FEES.] Each application for a permit shall be accompanied by a fee of \$5 for each permit requested in the application.

Subd. 4. [ISSUANCE OF PERMITS.] Upon the applicant's compliance with the provisions of sections 22 to 41, the commissioner shall issue to the applicant a separate permit for each place of business designated in the application. A permit shall be valid until revoked but shall not be assignable and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated in the permit. The permit shall be conspicuously displayed at the applicant's place of business.

Subd. 5. [REVOCATION OF PERMITS.] Whenever any person fails to comply with any provision of sections 22 to 41 or any rule promulgated thereunder, the commissioner, upon hearing, after giving the person 30 days' notice in writing specifying the time and place of hearing and the reason for the proposed revocation and requiring him to show cause why his permit or permits should not be revoked, may for reasonable cause revoke or suspend any one or more of the permits held by that person. The notice may be served personally or by mail in the manner prescribed for service of notice of a tax deficiency. The commissioner shall not issue a new permit after revocation except upon application accompanied by reasonable evidence of the intention of the applicant to comply with the requirements of sections 22 to 41 and the rules promulgated thereunder. The commissioner may condition the issuance of a new permit on the supplying of reasonable security to assure compliance

with sections 22 to 41 and the rules promulgated thereunder.

Subd. 6. [SALES WITHOUT PERMITS; PROHIBITIONS; PENALTIES.] A person who is required to pay the tax imposed by section 24 and who knowingly engages in the business of making taxable sales without first obtaining the permit required by this section, and each officer of any corporation which engages in business in violation of this subdivision, is guilty of a misdemeanor.

Sec. 28. [297C.07] [COLLECTION OF TAX.]

Subdivision 1. [MONTHLY COLLECTION.] The tax imposed by section 24 is due and payable to the commissioner monthly on or before the 25th day of the month next succeeding the month in which the taxable event occurred or succeeding any other reporting period that the commissioner may prescribe.

Subd. 2. [FILING OF RETURNS.] On or before the 25th day of each month in which taxes imposed by section 24 are payable, a return for the preceding reporting period shall be filed with the commissioner in the form prescribed by the commissioner, verified by a written declaration, signed by the person filing the return or his duly authorized agent, stating that it is made under the criminal penalties for wilfully making a false return, and in addition shall contain a confession of judgment for the amount of the tax shown due to the extent not timely paid. Any person making sales at two or more places of business may file a consolidated return subject to the rules prescribed by the commissioner.

Subd. 3. [RECORD KEEPING REQUIREMENTS.] Every person liable for any tax imposed by section 24 shall keep records, render statements and make returns, as required by the rules of the commissioner. Any return or statement shall include the information required by the rules and the forms prescribed by the commissioner. For the purpose of determining compliance with the provisions of this subdivision, the commissioner shall have power to examine, or cause to be examined, any books, papers, records, or memoranda relevant to making a determination of compliance, whether the books, papers, records, or memoranda are the property of or in the possession of the person liable for the tax or any other person or corporation. The commissioner shall have power to require the attendance of any person having knowledge or information relevant to the inquiry, to compel the production of books, papers, records, or memoranda by persons required to attend, to take testimony on matters relevant to the issues being decided, and to administer oaths or affirmations.

Sec. 29. [297C.08] [RULES.]

The commissioner shall promulgate temporary and permanent rules as necessary or useful for the proper implementation, administration, collection and enforcement of the tax imposed by section 24.

Sec. 30. [297C.09] [EXTENSIONS.]

The commissioner may extend the time for filing returns and paying the tax imposed by section 24, and for paying deficiencies and penalties, for not more than 60 days. He may require a tentative return at the time fixed for filing the regularly required return and payment of a tax at that time on the basis of the tentative return.

Where an extension of time for payment has been granted under this section,

interest shall be payable at the rate provided in section 33 from the date when the payment should have been made, if no extension had been granted, until the time when the tax is paid.

Sec. 31. [297C.10] [EXAMINATION OF RETURN; ADJUSTMENTS; NOTICES AND DEMANDS.]

Subdivision 1. The commissioner shall, as soon as practicable after a return is filed, examine the return and make any investigation or examination of the records and accounts of the person making the return that he deems necessary for determining its correctness. The tax computed on the basis of the examination shall be the tax to be paid. If the tax found to be due exceeds the amount of the tax reported as due on the taxpayers return, the excess shall be paid to the commissioner within 60 days after notice of the amount and demand for its payment is mailed to the person making the return. If the amount of the tax found due by the commissioner is less than that reported as due on the return, the excess shall be refunded to the person making the return in the manner provided by section 35 (except that no demand shall be necessary), if he has already paid the whole of the tax, or credited against any unpaid tax. No refundment shall be made except as provided in section 35 after the expiration of three years after the filing of the return.

Subd. 2. The notices and demands provided for by this section and section 33 shall contain a brief statement of the computation of the tax and shall be sent by mail to the person making the return at the address given in his return, if any, or to his last known address, or a brief written statement of the computation of the tax may be personally served upon the taxpayer. Demand for immediate payment of the taxes contained in the written statement shall be made by the person making personal service.

Sec. 32. [297C.11] [FAILURE TO FILE RETURN.]

If any person required by section 28 to file any return fails to do so within the time prescribed, or makes, wilfully or otherwise, an incorrect, false, or fraudulent return, he shall, upon written notice and demand, immediately file the return, or corrected return, and at the same time pay any tax due on the basis of the return. If the person fails to file any return or corrected return, the commissioner shall make a return, or corrected return, for him from the commissioner's own knowledge and from any information that he can obtain through testimony, or otherwise, and assess a tax on the basis thereof, which tax (less any payments theretofore made on account of the tax for the taxable period covered by the return) shall be immediately paid upon written notice and demand. Any return or assessment made by the commissioner shall be prima facie correct and valid, and the taxpayer shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto.

Sec. 33. [297C.12] [FAILURE TO PAY TAX; ACTIONS; PROTECTION AGAINST EVASION.]

Subdivision 1. If any portion of a tax imposed by section 24, including penalties, is not paid within 60 days after it is required to be paid, the commissioner shall bring against the person liable for payment of the tax an action at law, in the name of the state, for the recovery of the tax and interest and penalties due in respect thereof. The action shall be brought in the district court in the county where the residence or principal place of business within

this state of the person required to file the return, or, in the case of an estate or trust, of the place of its principal administration, is located and for this purpose the place named in the return, if any, shall be conclusively presumed to be the proper location. If no place is named in the return, the action may be commenced in Ramsey County.

Subd. 2. If the commissioner has reason to believe that the person required to file the return is about to remove himself or his property from this state with the purpose of evading the tax imposed by section 24, or that the collection of the tax will be jeopardized by delays incident to other methods of collection, he may immediately declare the person's reporting period at an end and assess a tax on the basis of his own knowledge or information available to him, demand its immediate payment; and, if payment is not immediately made, collect the tax by any method authorized by law. It shall not be a defense to any assessment made under this section that the tax period has not terminated, or that the time otherwise allowed by law for filing a return has not expired, or that the notices otherwise required by law for making an assessment have not been given, or that the time otherwise allowed by law for taking or prosecuting an appeal or for paying the tax has not expired.

Subd. 3. In addition to all other methods authorized for the collection of the tax, it may be collected in an ordinary action at law or in equity by the state against the person required to file a return.

Subd. 4. No suit shall lie to enjoin the assessment or collection of any taxes imposed by section 24, or the interest and penalties imposed thereby.

Subd. 5. The tax, as assessed by the commissioner, together with any penalties, shall be presumed to be valid and correctly determined and assessed, and the burden shall be upon the person required to file the return to establish the incorrectness or invalidity of the assessment.

Subd. 6. When any tax is due and payable as provided in section 24, the commissioner may issue his warrant to the sheriff of any county of the state commanding him to levy upon and sell the real and personal property of the person liable for the tax and to levy upon the rights to property of the person within the county and to return the warrant to the commissioner and pay to him the money collected by virtue of the levy by the time specified in the warrant, and within 60 days from the date of the warrant. The sheriff shall proceed under the warrant to levy upon and seize any property of the person and to levy upon the rights to property of the person within his county, except the homestead and household goods of the person and property of the person not liable to attachment, garnishment, or sale on any final process issued from any court under the provisions of section 550.37, and shall sell so much of the property as is required to satisfy the taxes, interest, and penalties, together with his costs; but any sale shall be governed by the laws applicable to sales of like property on execution issued against property upon a judgment of a court of record. The proceeds of any sale, less the sheriff's costs, shall be turned over to the commissioner, who shall retain enough to satisfy the tax, interest, penalties and costs, and pay over any balance to the taxpayer. Any action taken by the commissioner pursuant to this subdivision shall not constitute an election by the state to pursue a remedy to the exclusion of any other remedy providing for the collection of taxes imposed by section 24.

Subdivision 1. Except as otherwise provided in sections 22 to 41, the amount of taxes assessable with respect to any taxable period shall be assessed within three years after the return for that period is filed. Taxes shall be deemed to have been assessed within the meaning of this section whenever the commissioner prepares a notice of tax assessment and mails the notice to the person required to file the return at the post office address given in the return. The commissioner's record of mailing shall be presumptive evidence of the giving of notice.

Subd. 2. If the person required to file the return omits from the return a properly includible dollar amount which is in excess of 25 percent of the dollar amount reported in the return, the tax may be assessed, or a proceeding in court for the collection of the tax may be begun at any time within five years after the return is filed.

Subd. 3. For the purposes of this section and of section 35, a return filed before the last day prescribed by law for filing shall be considered as filed on the last day.

Subd. 4. In the case of a false or fraudulent return with intent to evade tax or of failure with the same intent to file a return, the tax may be assessed, or a proceeding in court for the collection of the tax may be begun at any time.

Subd. 5. Where the assessment of any tax is made within the period prescribed by this section, the tax may be collected by a proceeding in court, but only if begun:

(a) Not later than nine months after the expiration of the period for the assessment of the tax; or

(b) Not later than nine months after final disposition of any appeal from the order of assessment.

Subd. 6. If before the expiration of the time prescribed in subdivision 1 for the assessment of the tax, the commissioner and the taxpayer consent in writing to an extension of time for the assessment of the tax, the tax may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

Sec. 35. [297C.14] [REFUNDS.]

Subdivision 1. A person who has paid to the commissioner an amount of tax for any period in excess of the amount legally due for that period may file with the commissioner a claim for a refund of the excess. Except as provided in subdivision 3, no claim shall be entertained unless filed within two years after the tax is paid, or within three years from the filing of the return, whichever period is longer. The commissioner shall examine the claim and make and file written findings denying or allowing the claim in whole or in part and shall mail a notice of the finding to the person at the address stated in the claim. Any allowance shall include interest on the excess determined at a rate of 6 percent per annum from the date the excess is paid or collected until the date it is refunded or credited. If the claim is allowed in whole or in part, the commissioner shall credit the amount of the allowance against any taxes imposed under section 24 and due from the claimant and for the balance of the allow-

ance, if any, the commissioner shall issue his certificate for the refundment of the excess paid, and the commissioner of finance shall cause the refund to be paid out of the proceeds of the tax imposed by section 24, as other state moneys are expended. So much of the proceeds of the tax imposed by section 24 as may be necessary are hereby appropriated for that purpose.

Subd. 2. If the claim is denied in whole or in part, the claimant may commence an action against the commissioner to recover the amount claimed. The action may be brought in the district court in the county of the claimant's residence or principal place of business or if an estate or trust, of the principal place of its administration, or in the district court for Ramsey County. The action may be commenced after the expiration of six months after the claim is filed if the commissioner has not yet taken final action on the claim, and shall be commenced within 18 months after mailing of the notice of the order denying the claim.

Subd. 3. If the commissioner and the person required to file the return have within the periods prescribed in subdivision 1 consented in writing to any extension of time for the assessment of the tax under the provisions of section 34, subdivision 6, the period within which a claim for refund may be filed, or a refund may be made or allowed, if no claim is filed, shall be the period within which the commissioner and the taxpayer have consented to an extension for the assessment of the tax; provided, however, that the period within which a claim for refund may be filed shall not expire prior to two years after the tax is paid.

Sec. 36. [297C.15] [LIABILITY AGREEMENTS.]

Subdivision 1. The commissioner may enter into a signed agreement in writing with any person relating to the liability of that person, or of the person or estate for whom he acts, for any tax due under sections 22 to 41 for any taxable period ending prior to the date of the agreement.

Subd. 2. If the agreement is approved by the commissioner within the time stated in the agreement, the agreement shall be final and conclusive; and, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact, the matter agreed upon shall not be reopened nor the agreement modified, by any officer, employee, or agent of the state; and, in any suit, action, or proceeding, the agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance with the agreement shall be conclusive and shall not be annulled, modified, set aside or disregarded.

Sec. 37. [297C.16] [ADMINISTRATION OF LAW.]

The commissioner shall administer and enforce the assessment and collection of the tax imposed by section 24. He shall cause to be prepared blank forms for the returns required by section 24, and shall distribute the forms throughout this state and furnish them on application, but failure to receive or secure them shall not relieve any person from any obligation required of him under sections 22 to 41.

Sec. 38. [297C.17] [REVOCATION OF CORPORATE LICENSES TO DO BUSINESS IN STATE.]

Whenever any person required to pay the tax imposed by section 24 fails to comply with any of the provisions of sections 22 to 41 or any rule of the

commissioner promulgated thereunder, the commissioner, if the person is a corporation authorized to do business in this state, may for reasonable cause certify to the secretary of state a copy of an order finding that the corporation has failed to comply with specified statutes or rules. The secretary of state shall, upon receipt of the certified copy, revoke the license authorizing the corporation to do business in this state, and shall issue a new license only when the corporation obtains from the commissioner an order finding that the corporation has complied with its obligations under sections 22 to 41. No order authorized in this section shall be made until the person is given an opportunity to be heard and to show cause why the order should not be made, and he shall be given 30 days' notice of the time and place of hearing and the reason for the proposed order.

Sec. 39. [297C.18] [PENALTIES.]

Subdivision 1. If any tax imposed by section 24, or any portion of the tax, is not paid within the time specified for the payment, or an extension of that time, or within 30 days after final determination of an appeal to the tax court, a specific penalty equal to 10 percent of the amount remaining unpaid shall be added to the tax due.

Subd. 2. In case of any failure to make and file a return within the time prescribed by section 28 or an extension of that time, unless it is shown that the failure is not due to wilful neglect, there shall be added to the tax, in lieu of the 10 percent specific penalty provided in subdivision 1, 10 percent if the failure is for not more than 30 days, and an additional 5 percent for each additional 30 days or fraction thereof during which the failure continues, not exceeding 25 percent in the aggregate. If the penalty as computed does not exceed \$10, a minimum penalty of \$10 shall be assessed. The amount added to the tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the negligence, in which case the amount so added shall be collected in the same manner as the tax.

Subd. 3. If any person wilfully fails to file any return required by section 28 or make any payment required by section 24, or wilfully files a false or fraudulent return, or wilfully attempts in any manner to evade or defeat payment of the tax, a penalty shall also be imposed on him in an amount equal to 50 percent of any tax (less any amounts paid by him on the basis of the false or fraudulent return) due from him for the period covered by the return. The penalty imposed by this subdivision shall be collected as part of the tax, and shall be in addition to any other penalties, civil and criminal, provided by this section.

Subd. 4. In addition to the penalties prescribed by subdivisions 1 to 3, any person who wilfully fails to make a return or wilfully makes a false return or wilfully fails to pay taxes due to the state, with intent to evade any tax imposed by section 24, is guilty of a gross misdemeanor unless the amount of the tax involved exceeds \$100, in which event he is guilty of a felony. The term "person" as used in this subdivision includes any officer or employee of a corporation or a member or employee of a partnership who as an officer, member or employee is under a duty to perform the act in respect to which the violation occurs.

Subd. 5. All payments received shall be credited first to penalties, next to interest, and then to the tax due.

Subd. 6. The commissioner shall have power to abate penalties when in his opinion their enforcement would be unjust and inequitable. The exercise of this power shall be subject to the approval of the attorney general if the abatement exceeds \$500.

Subd. 7. The amount of tax not timely paid, together with any penalty provided by this section, shall bear interest at the rate specified in section 270.75 from the time such tax should have been paid until paid. Any interest and penalty shall be added to the tax and be collected as a part thereof.

Sec. 40. [297C.19] [PERSONAL DEBT; LIEN.]

Subdivision 1. The tax imposed by section 24, and interest and penalties imposed with respect thereto, shall become a personal debt of the person required to file a return from the time the liability for payment arises, irrespective of when the time for payment of the liability occurs. The debt shall, in the case of the executor or administrator of the estate of a decedent and in the case of any fiduciary, be that of the person in his official or fiduciary capacity only unless he voluntarily distributes the assets held in that capacity without reserving sufficient assets to pay the tax, interest, and penalties, in which event he shall be personally liable for any deficiency.

Subd. 2. The tax imposed by section 24, and interest and penalties imposed with respect thereto, shall become a lien upon all of the real property of the person required to file a return within this state except his homestead, from and after the filing by the commissioner of a notice of tax lien in the office of the county recorder of the county in which the real property is situated.

Sec. 41. [297C.20] [DEPOSIT OF REVENUES.]

After subtracting the commissioner's costs of administration, all revenues, including interest and penalties, derived from the tax imposed by section 24 shall be deposited by the commissioner in the state treasury and credited to the environmental response, compensation and compliance fund established by section 16."

Page 35, line 18, delete "APPROPRIATION" and insert "APPROPRIATIONS; APPROVED COMPLEMENT"

Page 35, line 19, before "FUND" insert "DEDICATED"

Page 35, line 19, delete "this section" and insert " subdivisions 2 and 3"

Page 35, line 24, delete "19" and insert "18"

Page 35, line 29, delete "19" and insert "18"

Page 35, after line 30, insert:

"Subd. 4. [GENERAL FUND.] The appropriations in subdivisions 5 and 6 are from the general fund. The commissioner of finance shall reimburse the general fund for these appropriations by transferring these amounts from the environmental response, compensation and compliance fund not later than June 30, 1983.

Subd. 5. [REVENUE DEPARTMENT.] The sum of \$..... is appropriated from the general fund to the department of revenue for development costs and other expenses to enforce the provisions of sections 18 to 21. The approved complement of the department is increased by positions.

Subd. 6. [POLLUTION CONTROL AGENCY.] The sum of \$..... is appropriated from the general fund to the pollution control agency to adopt rules and take other actions necessary to prepare the agency to implement its authority under sections 14, and 18 to 21. The approved complement of the agency is increased by positions."

Page 35, line 32, delete "21" and insert "20 and sections 22 to 41"

Page 35, line 33, delete "sections 18 and 19" and insert "section 18 and sections 22 to 41"

Page 35, line 34, delete "22" and insert "21"

Page 35, line 35, delete "23 and 24" and insert "42 and 43"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 15, delete "Chapter" and insert "Chapters" and after "115B" insert "and 297C"

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

Mr. Willet from the Committee on Finance, to which was re-referred

S.F. No. 1502: A bill for an act relating to education; providing for aids to education, aids to libraries; tax levies and distribution of tax revenues; granting certain duties and powers to school boards, school districts, the state board of education; requiring advisory committee for health and developmental screening programs; providing for a program to serve youth who leave school before graduation; appropriating money; amending Minnesota Statutes 1980, Sections 3.9279, Subdivisions 4, 6, 7, and by adding a subdivision; 120.73, Subdivision 1; 121.21, Subdivision 4a; 121.904, Subdivisions 2, 4, and 4a, as added; 123.32, Subdivision 1 and by adding a subdivision; 124.225, as amended; 124.32, Subdivisions 2, 7, and 10; 124.572, Subdivision 2; 124.574, Subdivision 3; 134.34, by adding a subdivision; 275.125, Subdivision 5, as amended, and by adding subdivisions; 275.48; Minnesota Statutes 1981 Supplement, Sections 120.17, Subdivision 6; 121.912, Subdivision 1; 123.702, Subdivision 1; 123.705; 123.937; 124.2122, Subdivisions 1, as amended, and 2, as amended; 124.2124, by adding a subdivision; 124.2125, Subdivision 2; 124.2126, Subdivision 3; 124.2129, by adding a subdivision; 124.223; 124.245, Subdivisions 1 and 1a; 124.246, Subdivision 2; 124.247, Subdivision 3; 124.26, Subdivision 1; 124.271, Subdivision 2; 124.273, Subdivisions 1 and 2; 124.32, Subdivisions 1, 1b, and 5; 124.38, Subdivision 7; 124.5621, Subdivision 12; 124.5624, Subdivisions 3 and 4; 124.5627, Subdivisions 3, 4, and 5; 124.573, Subdivisions 2 and 3a; 124.574, Subdivision 2; 125.611, Subdivision 5; 275.125, Subdivisions 1, 2d, 7a, and 11b; 354.66, Subdivision 6; Laws 1981, Chapter 358, Article II, Section 15, Subdivision 3; Third Special Session Chapter 2, Article II, Sections 1, 2, and 20; and Article IV, Section 3, Subdivisions 2, 3, 4, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 121; repealing Minnesota Statutes 1980, Sections 121.96; 128.05; Laws 1967, Chapters 251 and 253; Laws 1976, Chapter 20, Section 8; Laws 1981, Third Special Session Chapter 2, Article IV, Sections 2 and 7.

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

follows:

Pages 9 and 10, delete section 9

Page 10, line 20, delete "*Sections 3 and 9*" and insert "*Section 3*"

Renumber the sections of article I in sequence

Page 38, delete section 1

Page 42, line 25, delete "*1, 3, 4, 5, 6, and 7*" and insert "*2, 3, 4, 5 and 6*"

Renumber the sections of article V in sequence

Pages 43 and 44, delete sections 1 to 4

Page 46, delete section 7

Page 61, line 27, delete "*6*" and insert "*2*"

Pages 67 to 69, delete sections 36 and 37

Page 69, line 22, delete "*5, 6, 29, 33, 34 and 35*" and insert "*1, 2, 24, 28, 29 and 30*"

Renumber the sections of article VI in sequence

Amend the title as follows:

Page 1, line 6, delete "*requiring advisory committee*"

Page 1, delete lines 7 and 8

Page 1, line 9, delete "*school before graduation;*"

Page 1, line 10, delete "*3.9279,*"

Page 1, delete line 11

Page 1, line 12, delete "*121.21, Subdivision 4a;*"

Page 1, line 20, delete "*123.702,*"

Page 1, line 21, delete "*Subdivision 1;*"

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

Mr. Willet from the Committee on Finance, to which was re-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; changing certain procedures for timber sales from state and tax-forfeited lands; extending certain timber permits; making various changes in forestry laws; amending Minnesota Statutes 1980, Sections 16A.125, Subdivision 5; 89.001, and by adding subdivisions; 89.01, Subdivision 6; 89.021, Subdivision 1; 89.036; 89.37, Subdivisions 2, 3, 3a, and 4; 90.201; 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; Laws 1981, Chapter 305, Section 11; 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:

Page 8, line 9, delete "10" and insert "11"

Page 14, line 20, delete everything after the period

Page 14, delete lines 21 and 22 and insert *"The commissioner may credit a refund to any other permit held by the same permit holder if the permit is delinquent as provided in section 90.181, subdivision 2, and may credit a refund to any other permit to which the permit holder requests that it be credited."*

Page 14, line 28, delete *"held by that permit holder"* and insert *"as provided in this subdivision"*

Page 14, line 34, delete *"make a correction in the permit"* and insert *"adjust the volume and value of timber under the permit accordingly"*

Page 15, line 1, after *"may"* insert *"cancel the permit and"*

Page 29, line 19, delete "10" and insert "11"

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

Mr. Willet from the Committee on Finance, to which was referred

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

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

Delete everything after the enacting clause and insert:

"Section 1. [HOUSING CONSTRUCTION REAPPROPRIATION.]

The appropriation of \$200,000 from the general fund by Laws 1981, Chapter 306, Section 21, clause (c), is cancelled and reappropriated to the housing development fund created in Minnesota Statutes, Section 462A.20, to be used in connection with the financing of developments, all or a portion of the units of which are eligible for subsidy pursuant to Section 8 of the United States Housing Act of 1937, as amended to March 1, 1982. The appropriation may be used either (a) to make loans, with or without interest, pursuant to Minnesota Statutes, Section 462A.05, Subdivisions 1 and 3; or (b) to be paid into accounts of the agency for the purpose of making payments required by a resolution for the issuance of its notes or bonds, as permitted by Minnesota Statutes, Section 462A.10, Subdivision 4. The agency shall establish an account in the fund to record the receipt and disbursement of the amounts appropriated and any other amounts transferred to this account pursuant to Minnesota Statutes, Section 462A.20, Subdivision 3.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, delete *"appropriating"* and insert *"canceling and reappropriating"*

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

adopted.

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

H.F. No. 492 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
492	480				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 492 be amended as follows:

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

Amend the title as follows:

Page 1, line 6, before the period, delete "Chapter 299C" and insert "Chapter 375"

And when so amended H.F. No. 492 will be identical to S.F. No. 480, and further recommends that H.F. No. 492 be given its second reading and substituted for S.F. No. 480, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1726 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
1726	1741				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1726 be amended as follows:

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, delete line 5

Page 1, line 6, delete everything before the semicolon and insert "allowing teachers at a community college or state university to accrue seniority during a leave of absence"

And when so amended H.F. No. 1726 will be identical to S.F. No. 1741, and further recommends that H.F. No. 1726 be given its second reading and substituted for S.F. No. 1741, and that the Senate File be indefinitely postponed.

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

Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2123, 1541, 1818, 518, 1684, 1865, 1761, 1957, 1630, 1640, 1869, 2141, 1177, 1609, 1859 and 2174 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 492 and 1726 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Moe, D.M. moved that the name of Mr. Sikorski be added as a co-author to S.F. No. 1689. The motion prevailed.

Mr. Stern moved that the name of Mr. Sikorski be added as a co-author to S.F. No. 1694. The motion prevailed.

Mr. Pillsbury moved that the name of Mr. Petty be added as a co-author to S.F. No. 2049. The motion prevailed.

Mr. Knoll moved that the name of Mr. Sikorski be added as a co-author to S.F. No. 2095. The motion prevailed.

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

Senate Resolution No. 76: A Senate resolution proclaiming the week of March 14 to 20, 1982, to be Older Workers Week.

Referred to the Committee on Rules and Administration.

Messrs. Humphrey, Willet, Frank, Luther and Merriam introduced—

Senate Concurrent Resolution No. 12: A Senate concurrent resolution expressing the importance of clean air and urging the Minnesota Pollution Control Agency to maintain strong air quality standards that will fully provide the necessary protection for the State of Minnesota.

Referred to the Committee on Rules and Administration.

Mr. Langseth moved that S.F. No. 2177 be withdrawn from the Committee on Governmental Operations and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Johnson moved that S.F. No. 2123 be stricken from General Orders and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

SUSPENSION OF RULES

Mr. Knoll moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S. F. No. 2174 and that the rules of the Senate be so far suspended as to give S. F. No. 2174, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

S.F. No. 2174: A bill for an act relating to appropriations; canceling and

reappropriating money to the housing development fund for certain purposes.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S.F. No. 1964, No. 111 on the General Orders Calendar, a Special Order to be heard immediately.

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, Section 299D.03, Subdivision 2; repealing Minnesota Statutes 1980, Sections 299C.041; and 299D.03, Subdivision 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Berglin moved that House Concurrent Resolution No. 6 be now adopted, pursuant to the report from the Committee on Rules and Administration, adopted March 1, 1982.

House Concurrent Resolution No. 6: A House concurrent resolution requesting that suitable space be provided for a permanent memorial for Martin Luther King.

WHEREAS, January 15 marks the birth of Martin Luther King; and;

WHEREAS, his life was devoted to the elimination of segregation and prejudice against his people; and,

WHEREAS, he sought to fulfill his goals exclusively by nonviolent means; and,

WHEREAS, his life and career were ended by assassination; and,

WHEREAS, his life and work were typified by great personal sacrifice and devotion to the welfare of his fellowman; and,

WHEREAS, the actions and efforts of Martin Luther King have served as an inspiration to the citizens of the State of Minnesota; and,

WHEREAS, many citizens and community groups of the State of Minnesota wish to recognize the great achievements in human and civil rights that were accomplished, in great part, through the efforts of Martin Luther King; NOW, THEREFORE,

BE IT RESOLVED by the Minnesota House of Representatives, the Senate concurring, that the State of Minnesota recognizes the immense contributions of Martin Luther King in creating a high quality of life for all citizens of this country regardless of race, creed, or color.

BE IT FURTHER RESOLVED that it requests the Commissioner of Administration to accept gifts from the public for the purpose of creating a memorial to Martin Luther King. When sufficient funds are received, the Commissioner shall obtain the services of a sculptor to create a bust of Martin Luther King and shall obtain a suitable pedestal and marker for the bust. The Commissioner is requested to find appropriate space in the Capitol for the memorial and to maintain it perpetually. Upon the first public showing of the memorial, the Commissioner should invite interested Minnesotans and the

public. All expenses for the memorial must be paid from donations from the public.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives is directed to enroll this resolution, to be authenticated by his signature and those of the Speaker, the President of the Senate, and the Secretary of the Senate, and that it be presented to the Commissioner of Administration and to Coretta Scott King.

The motion prevailed. So the resolution was adopted.

CALENDAR

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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 69: A bill for an act relating to statutes; providing that selected statutes shall be subject to judicial modification as is common law; proposing new law coded in Minnesota Statutes 1980, Chapter 645.

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 34 and nays 30, as follows:

Those who voted in the affirmative were:

Bang	Davies	Luther	Peterson, D. L.	Solon
Belanger	Dicklich	Merriam	Peterson, R. W.	Spear
Berg	Engler	Moe, D. M.	Petty	Stern
Berglin	Hanson	Moe, R. D.	Rued	Stumpf
Bertram	Johnson	Nelson	Schmitz	Tennessen
Chmielewski	Lessard	Olhoft	Setzepfandt	Ulland
Dahl	Lindgren	Peterson, C. C.	Sieloff	

Those who voted in the negative were:

Benson	Frederick	Knutson	Pehler	Stokowski
Bernhagen	Frederickson	Kroening	Penny	Taylor
Brataas	Hughes	Kronebusch	Purfeerst	Vega
Davis	Humphrey	Langseth	Ramstad	Waldorf
Dieterich	Kamrath	Lantry	Renneke	Wegener
Frank	Knoll	Menning	Sikorski	Willet

So the bill passed and its title was agreed to.

S.F. No. 412: A bill for an act relating to commerce; providing that married couples filing petitions in bankruptcy select either state or federal exemptions; proposing new law coded in Minnesota Statutes, Chapter 550.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1481: A bill for an act relating to state government; providing a one time early retirement insurance benefit option for certain state employees; amending Minnesota Statutes 1981 Supplement, Section 43A.24, Subdivision 2.

With the unanimous consent of the Senate, Mr. Peterson, C.C. moved to amend S.F. No. 1481 as follows:

Page 2, line 31, before "or" delete the comma and insert a semicolon

Page 2, line 31, after "employee" delete the comma and insert "who is between 60 and 65 years of age on July 1, 1982"

Page 2, line 34, delete everything after "1981" and insert "or an employee who is between 55 and 65 years of age on July 1, 1982 and is covered by the Minnesota state retirement system correctional employee retirement plan or the highway patrol retirement fund"

Page 2, line 35, delete "chapter 352B"

Page 2, line 36, delete everything after "1981" and insert a period

Page 3, delete lines 1 and 2

Page 3, line 3, delete everything before "Eligibility"

The motion prevailed. So the amendment was adopted.

S.F. No. 1481 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

S.F. No. 1687: A bill for an act relating to Ramsey county; providing for the organization, powers and duties of the Saint Paul-Ramsey Medical Center commission; permitting the issuance of revenue bonds; amending Laws 1974, Chapter 435, Section 3.14, as amended.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1547: A bill for an act relating to retirement; miscellaneous amendments to the public employees retirement law; amending Minnesota Statutes 1980, Sections 353.01, Subdivisions 12 and 16; 353.35; and 353.657, Subdivision 2a; Minnesota Statutes 1981 Supplement, Sections 353.01, Subdivisions 2a and 2b; 353.27, Subdivision 4; 353.36, Subdivision 2; and 353.64, Subdivision 1; repealing Minnesota Statutes 1980, Sections 353.01, Subdivision 34; and 353.017, Subdivision 4; Minnesota Statutes 1981 Supplement, Section 353.023.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1591: A bill for an act relating to retirement; volunteer firefighters

relief associations; fire and police state aid programs; combining various reports for purposes of qualifying for fire state aid; modifying the presumptions used in determining qualification for fire or police state aid; clarifying the duration of disqualification from receipt of fire or police state aid in the event of noncompliance with financing guidelines; clarifying the procedure for crediting service by certain probationary volunteer firefighters; clarifying a limitation on the payment of service pensions to active volunteer firefighters; amending Minnesota Statutes 1980, Sections 69.021, Subdivision 4; 69.051, Subdivision 3; 69.771, Subdivision 3; and 424A.01, by adding a subdivision; Minnesota Statutes 1981 Supplement, Sections 69.011, Subdivision 2; 69.051, Subdivision 1; 69.77, Subdivision 1; and 424A.02, Subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1455: A bill for an act relating to retirement; including employees at the state ceremonial building in the unclassified employees plan; amending Minnesota Statutes 1981 Supplement, Section 352D.02, Subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 48 and nays 14, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Kronebusch	Olhoft	Setzepfandt
Belanger	Engler	Langseth	Peterson, C. C.	Sieloff
Benson	Frederick	Lantry	Peterson, D. L.	Spear
Berg	Frederickson	Lessard	Peterson, R. W.	Stokowski
Berglin	Hanson	Lindgren	Petty	Taylor
Bernhagen	Hughes	Menning	Purfeerst	Tennessee
Bertram	Humphrey	Merriam	Ramstad	Ulland
Brataas	Kamrath	Moe, D. M.	Renneke	Wegener
Chmielewski	Knoll	Moe, R. D.	Rued	
Davies	Knutson	Nelson	Schmitz	

Those who voted in the negative were:

Dahl	Frank	Luther	Sikorski	Waldorf
Davis	Johnson	Pehler	Stumpf	Willet
Dicklich	Kroening	Penny	Vega	

So the bill passed and its title was agreed to.

S.F. No. 1398: A bill for an act relating to motor vehicles; providing for special license plates for certain motor vehicles owned and operated by members of certain fire departments; amending Minnesota Statutes 1980, Section 168.12, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1856: A bill for an act relating to state government; improving the state's personnel management functions; amending Minnesota Statutes 1980, Sections 6.582; 11A.07, Subdivision 4; 12.04, Subdivision 1; 15.0575, Subdivision 3; 15.059, Subdivision 3; 15.43, Subdivision 1; 60B.09, Subdivision 2; 84.028, Subdivision 3; 84.081, Subdivision 1; 85A.03, Subdivision 2; 86.51; 124.645, Subdivision 3; 128A.02, Subdivision 3; 136A.55, Subdivision 4; 144A.52, Subdivision 2; 168.325, Subdivision 1; 171.015, Subdivision 1; 216A.04, Subdivision 3; 241.64, Subdivision 3; 241.65; 246.017, Subdivision 2; 299E.01, Subdivision 1; 299F.01, Subdivision 2; and 352D.02, by adding a subdivision; Minnesota Statutes 1981 Supplement, Sections 3.855, Subdivision 3; 43A.02, Subdivision 28; 43A.04, Subdivisions 3, 4, and by adding a subdivision; 43A.05, Subdivision 4; 43A.08, Subdivisions 1, 3, and by adding subdivisions; 43A.11, Subdivisions 3, 4, 7 and 8; 43A.13, Subdivisions 1, 4 and 5; 43A.15, Subdivisions 6 and 10; 43A.17, Subdivision 4; 43A.18, Subdivisions 3 and 4; 43A.19, Subdivision 1; 43A.27, Subdivision 3; 43A.33, Subdivisions 1, 3 and 4; 43A.37, Subdivision 1; 43A.38; 43A.39; 43A.41, Subdivision 4; 43A.42; 43A.44, Subdivision 2; 124.41, Subdivision 3; 254A.03, Subdivision 1; 352D.02, Subdivision 1; and 462A.04, Subdivision 8; Laws 1971, Extra Session, Chapter 3, Section 19, Subdivision 5; Laws 1980, Chapter 564, Article XII, Section 1, Subdivision 6; Laws 1981, Chapter 210, Section 55; repealing Minnesota Statutes 1980, Sections 12.05; 124.615, Subdivision 3; 190.081; and 190.095; and Minnesota Statutes 1981 Supplement, Section 43A.08, Subdivision 2.

With the unanimous consent of the Senate, Mr. Spear moved to amend S.F. No. 1856 as follows:

Page 29, line 11, strike everything after the period

Page 29, strike line 12

Pages 32 to 33, delete section 44

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 8, delete "86.51;"

The motion prevailed. So the amendment was adopted.

S.F. No. 1856 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 47 and nays 17, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Lessard	Peterson, R. W.	Stokowski
Berglin	Hanson	Luther	Petty	Stumpf
Bertram	Hughes	Menning	Ramstad	Taylor
Chmielewski	Humphrey	Merriam	Schmitz	Tennessen
Dahl	Johnson	Moe, D. M.	Setzepfandt	Waldorf
Davies	Knoll	Moe, R. D.	Sieloff	Wegener
Davis	Kroening	Nelson	Sikorski	Willet
Dicklich	Kronebusch	Pehler	Solon	
Dieterich	Langseth	Penny	Spear	
Frank	Lantry	Peterson, C. C.	Stern	

Those who voted in the negative were:

Bang	Brataas	Knutson	Purfeerst	Vega
Benson	Engler	Lindgren	Renneke	
Berg	Frederick	Olhoft	Rued	
Bernhagen	Kamrath	Peterson, D. L.	Ulland	

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

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

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

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:

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

So the bill passed and its title was agreed to.

S.F. No. 1691: A bill for an act relating to housing and redevelopment authorities; clarifying the need for a conflict of interest disclosure statement; amending the method of determining a quorum when a conflict of interest exists; providing penalties; amending Minnesota Statutes 1981 Supplement, Section 462.432, Subdivisions 1 and 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bernhagen	Johnson	Penny	Peterson, C. C.	Purfeerst
Dicklich				

So the bill passed and its title was agreed to.

S.F. No. 1673: A bill for an act relating to health; requiring reports of cases of Reyes syndrome; proposing new law coded in Minnesota Statutes, Chapter 144.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Lindgren voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1702: A bill for an act relating to corrections; authorizing the appointment of internal security investigators for adult correctional facilities in the unclassified civil service; clarifying the "good time" and solitary confinement provisions relating to county jails; amending Minnesota Statutes 1980, Sections 241.01, Subdivision 3a; 641.09; and 643.29, Subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1641: A bill for an act relating to family law; defining a species of marital co-ownership of property and providing for its division in dissolution and annulment actions; amending Minnesota Statutes 1980, Section 518.54, Subdivision 5; and Minnesota Statutes 1981 Supplement, Section 518.58.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1679: A bill for an act relating to the military; providing for the administration of oaths and acknowledgments by a member of the armed forces of the United States; amending Minnesota Statutes 1980, Sections 192.205, by adding a subdivision; and 358.32.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1727: A bill for an act relating to retirement; second class city police relief associations; eliminating a dollar amount limitation on the payment of salaries to relief association officers; amending Minnesota Statutes 1981 Supplement, Section 423.808.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1749: A bill for an act relating to local improvements; providing the method for action on certain improvements by certain towns; amending Minnesota Statutes 1980, Section 429.011, Subdivision 2b.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1744: A bill for an act relating to taxation; income tax; property tax refund; providing an action to enjoin certain tax return preparers from engaging in certain conduct or from preparing returns; imposing penalties on a preparer for wilfully understating an income tax liability or wilfully overstating a property tax refund claim; proposing new law coded in Minnesota Statutes, Chapters 290 and 290A.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

CONSENT CALENDAR

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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

S.F. Nos. 1613, 1812, 1713, 1566 and 1602, which the committee recommends to pass.

S.F. No. 1804, which the committee recommends to pass, subject to the following motions:

Mr. Langseth moved to amend S.F. No. 1804 as follows:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1981 Supplement, Section 298.75, Subdivision 1, is amended to read:

Subdivision 1. A county may impose upon every person, firm, corporation or association, hereafter referred to as "operator," engaged in the business of removing ~~gravel aggregate material~~ for sale from ~~gravel~~ pits or deposits, a production tax in an amount not to exceed ten cents per cubic yard of ~~gravel aggregate material~~ removed. For purposes of this section, ~~gravel shall include sand and limestone~~ "aggregate material" means non-metallic natural mineral aggregate including, but not limited to sand, gravel, crushed rock, crushed limestone and crushed granite.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 298.75, Subdivision 2, is amended to read:

Subd. 2. By the 14th day following the last day of each calendar quarter in each county in which a tax is imposed pursuant to this section or any special law, every operator shall make and file with the county auditor of the county in which the ~~gravel aggregate material~~ is removed, a correct report under oath, in such form and containing such information as the auditor shall require relative to the quantity of ~~gravel aggregate material~~ removed during the preceding calendar quarter. The report shall be accompanied by a remittance of the amount of tax due.

Sec. 3. Minnesota Statutes 1980, Section 298.75, Subdivision 5, is amended to read:

Subd. 5. It is a misdemeanor for any operator to remove ~~gravel~~ aggregate material from a pit or deposit unless all taxes due under this section have been paid or objections thereto have been filed pursuant to subdivision 3.

Sec. 4. Minnesota Statutes 1980, Section 298.75, Subdivision 6, is amended to read:

Subd. 6. All moneys collected as taxes under this section shall be deposited in the county treasury and credited as follows, for expenditure by the county board:

(a) Sixty percent to the county road and bridge fund for expenditure for the maintenance, construction and reconstruction of roads traveled by vehicles hauling ~~gravel~~ aggregate material;

(b) Thirty percent to the town road and bridge fund, for expenditure for maintenance, construction and reconstruction of roads traveled by vehicles hauling ~~gravel~~ aggregate material, in a manner determined by the county; and

(c) Ten percent to a special reserve fund which is hereby established, for expenditure for the restoration of abandoned ~~gravel~~ pits or deposits upon lands to which the county holds title or upon tax forfeited lands within the county."

Page 1, line 18, delete "impose a tax pursuant to" and insert "be governed by the provisions of"

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

Page 2, delete line 9

Page 2, line 10, delete "2" and insert "6"

Page 2, after line 12, insert:

"Sections 1 to 5 are effective the day following final enactment."

Page 2, line 13, delete "2" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "specifying the extent of the tax on aggregate materials;"

Page 1, line 4, delete "a gravel" and insert "an aggregate material"

Page 1, line 6, after "amending" insert "Minnesota Statutes 1980, Section 298.75, Subdivisions 5 and 6;"

Page 1, line 7, delete "Section" and insert "Sections 298.75, Subdivisions 1 and 2;"

Mr. Renneke moved to amend the Langseth amendment to S.F. No. 1804 as follows:

Page 1, line 14, after the period, insert "Aggregate material shall not include dimension stone and dimension granite."

The motion prevailed. So the amendment to the Langseth amendment was adopted.

Mr. Schmitz moved to amend the Langseth amendment to S.F. No. 1804 as

follows:

Page 1, line 13, after "rock," add "clay, black dirt,"

The motion prevailed. So the amendment to the Langseth amendment was adopted.

Mr. Pehler moved to amend the Langseth amendment to S.F. No. 1804 as follows:

Page 1, line 14, after the language inserted by the Renneke amendment, insert "*Dimension stone or dimension granite shall not include stone or granite of a size to be used for railroad ballast.*"

The motion prevailed. So the amendment to the Langseth amendment was adopted.

The question recurred on the Langseth amendment, as amended.

The motion prevailed. So the amendment, as amended, was adopted.

S.F. No. 1635, which the committee recommends to pass with the following amendment offered by Mr. Taylor:

Amend the title as follows:

Page 1, line 2, delete "eliminating a requirement that"

Page 1, delete line 3

Page 1, line 4, delete "auditor adjustments" and insert "modifying provisions governing school districts financial statements"

The motion prevailed. So the amendment was adopted.

S.F. No. 1698, which the committee recommends to pass with the following amendment offered by Mr. Lindgren:

Page 2, after line 29, insert:

"(c) *The proceeds of the tax may also be used for:*

(i) *the purchase of textbooks, athletic uniforms, and custodial uniforms;*

(ii) *non-consumable instructional supplies whose cost per item does not exceed \$25 per unit;*

(iii) *non-consumable instructional equipment with a useful life of at least five years.*"

Page 2, line 30, strike "(c)" and insert "(d)"

Page 3, line 8, strike "(d)" and insert "(e)"

Page 3, line 10, strike "(e)" and insert "(f)"

Page 3, line 12, strike "(f)" and insert "(g)"

Page 3, line 18, strike "(g)" and insert "(h)"

Amend the title as follows:

Page 1, line 8, after "facilities;" insert "authorizing the use of capital expenditure funds;"

The motion prevailed. So the amendment was adopted.

S.F. No. 1715, which the committee recommends to pass with the following amendments offered by Mr. Petty:

Mr. Petty moved to amend S. F. No. 1715 as follows:

Page 2, line 2, after the period, insert *"Any person who, on the day prior to the effective date of subdivisions 9 to 17, is the incumbent of a position in the classified service which pursuant to subdivisions 9 to 17 is placed in the unclassified service may elect to continue to serve in the classified service by assuming a position in the classified service which he previously held. The civil service commission shall, within 30 days of the date on which the position is placed in the unclassified service pursuant to subdivisions 9 to 17, notify the incumbent of the position of his or her rights to assume a previously held position in the classified service. Any person who elects to remain in the classified service shall notify the commission in writing of this election within 60 days after the commission's notice is sent. A person who fails to file this notice shall be deemed to have waived any rights to remain in the classified service."*

Amend the title as follows:

Page 1, line 2, after the semicolon insert "providing duties of the civil service commission;"

The motion prevailed. So the amendment was adopted.

Mr. Petty then moved to amend S.F. No. 1715 as follows:

Page 1, line 25, delete "18" and insert "17"

Page 2, delete lines 33 to 35

Renumber the subdivisions in sequence

Page 5, line 3, delete "12" and insert "18"

Page 7, line 19, delete "1" and insert "3"

Page 7, line 19, delete "2" and insert "4"

The motion prevailed. So the amendment was adopted.

S.F. No. 1821, which the committee recommends to pass, after the following motion:

Mr. Sieloff moved to amend S.F. No. 1821 as follows:

Page 2, line 35, reinstate the stricken language

Page 2, line 36, reinstate the stricken language before "In"

Page 2, line 36, after "County" insert ", Hennepin County,"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 6 and nays 28, as follows:

Those who voted in the affirmative were:

Berg
Kronebusch

Ramstad

Setzepfandt

Sieloff

Ulland

Those who voted in the negative were:

Benson	Dicklich	Lantry	Moe, R. D.	Spear
Berglin	Dieterich	Lessard	Pehler	Vega
Bernhagen	Frank	Luther	Penny	Waldorf
Bertram	Kamrath	Menning	Peterson, R. W.	Willet
Dahl	Kroening	Merriam	Renneke	
Davies	Langseth	Moe, D. M.	Rued	

The motion did not prevail. So the amendment was not adopted.

S.F. No. 1910, which the committee recommends to pass with the following amendment offered by Ms. Berglin:

Page 3, line 13, delete "*eligible individual*" and insert "*medical assistance recipient*"

Page 3, line 17, after the period, insert "*The screening team shall provide documentation that the most cost effective alternatives available were offered to this individual or the individual's legal representative.*"

Page 4, line 10, before the period, insert "*and shall provide documentation in each individual's plan of care that the most cost effective alternatives available have been offered to the individual*"

Page 4, line 31, delete "*75 percent of*"

Page 4, line 32, delete "*regional per diem*" and after "*payment*" insert "*, as determined by the commissioner,*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1766, which the committee recommends to pass with the following amendment offered by Mr. Pehler:

Page 29, lines 28 to 31, reinstate the stricken language

Page 29, lines 28 and 31, delete the new language

Page 55, line 32, after the comma, insert "*or*"

Page 56, line 11, after the comma, insert "*or*"

Page 89, line 32, delete "*disributed*" and insert "*distributed*"

The motion prevailed. So the amendment was adopted.

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

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

REPORTS OF COMMITTEES

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

S.F. No. 1891: A bill for an act relating to real property; providing for relief in certain cases from inequitable foreclosure of mortgages, termination of contracts for the conveyance of real estate, and execution sales of real property during an emergency declared by the governor; authorizing the governor to declare by proclamation a public economic emergency under certain conditions, limiting its duration, and providing nullifying powers in the legislature;

postponing certain sales and extending the period of redemption of real property during an emergency; providing for possession during the extended period; and limiting the right to maintain actions for deficiency judgments; proposing new law coded in Minnesota Statutes, Chapter 4.

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

Delete everything after the enacting clause and insert:

“Section 1. [582A.01] [LEGISLATIVE FINDINGS.]

The legislature finds that the continuing and unprecedented inflationary trends have eroded the economy; that the cost of production in farming often exceeds the price received for farm commodities; that the continuing increase in the cost of consumer goods has curtailed the ability to purchase these goods; that the reduction in purchasing power of consumers has resulted in unemployment; and that by reason of these conditions and the high rates of interest on mortgage loans and contracts for deed, many citizens of this state will be unable for extended periods of time to meet in full all payments of taxes, interest and principal on mortgages, and contract for deed payments on their properties and are, therefore, threatened with loss of their real property through mortgage foreclosure, contract for deed termination, and judicial sales. The legislature further finds that these conditions may result in an emergency of a nature that justifies and validates legislation for the extension of the time of redemption from mortgage foreclosure, execution sales, contract cancellations, and other relief of a similar character to be effective only in the event that the governor finds that the conditions, in fact, have resulted in an emergency and issues a proclamation to that effect.

Sec. 2. [582A.02] [EMERGENCY PROCLAMATION.]

If the governor, after consultation with appropriate departments and agencies, finds that the number of mortgage foreclosures, judicial sales, and terminations of contracts for deed on real property used for farming are significantly increasing, he may by proclamation declare that a public economic emergency exists in the state. Upon proclamation, sections 3 to 12 are in effect.

The emergency proclaimed shall remain in effect only from the date of the proclamation to April 1, 1983. The legislature, by law, may declare the proclamation a nullity and that the proclamation and sections 3 to 12 are of no effect. The governor shall not declare an emergency under the provisions of this section after nullification of a prior proclamation by the legislature.

Sec. 3. [582A.03] [APPLICATION.]

Subdivision 1. [GENERAL EXCLUSION.] The provisions of sections 1 to 12 do not apply to mortgages or contracts for deed made after January 1, 1982, nor to mortgages made prior to the date of the governor's proclamation, which are renewed or extended after the effective date of sections 1 and 2. No court shall allow a resale, stay, postponement, or extension of time that would cause any right to be lost or adversely affected by any statute of limitation.

Subd. 2. [EXCLUSION; GOVERNMENT BONDS.] The provisions of this act do not apply to any mortgage held by or pledged to secure payment of notes or bonds issued by the Minnesota housing finance agency or by a city pursuant to a municipal housing program under chapter 462C.

Subd. 3. [PROPERTY COVERED; REQUIREMENTS.] The provisions of sections 1 to 12 apply only to judgments against mortgages secured by and contracts for deed conveying real property used materially and not just incidentally for the purposes of farming. Sections 1 to 12 do not apply to any mortgage on or security interest in tangible or intangible personal property. Sections 1 to 12 do not apply to any contract for deed on which less than 30 percent of the total purchase price has been paid nor to any contract for deed conveying, mortgage on, or judgment against real estate which is not used, in whole or in part, as the principal residence of the owner, judgment debtor, or contract vendee or his family on a substantially continuous basis since the execution of the contract for deed or to the making or assumption of the mortgage. The court shall be liberal in determining whether property conveyed by contract for deed is used as a principal residence on a substantially continuous basis.

Sec. 4. [582A.04] [MORTGAGOR MAY PETITION DISTRICT COURT FOR RELIEF.]

In any proceedings commenced prior to a proclamation made pursuant to section 2 for the foreclosure of a mortgage on real estate by advertisement, in which a sale of the property has not been had, or in any proceedings commenced after a proclamation, the mortgagor, or the owner in possession of the mortgaged premises, or anyone claiming under the mortgage, or anyone liable for the mortgage debt, at any time after the issuance of the notice of the foreclosure proceedings, may petition the district court of the county wherein the foreclosure proceedings are pending, serving a summons and verified complaint requesting that the sale in foreclosure by advertisement be postponed and that the foreclosure, if any, shall proceed by action. If it appears to the court that the granting of the relief requested would be equitable and just, the court may postpone the foreclosure proceedings by advertisement by ex parte order which shall be served with the summons and complaint upon the party foreclosing or his attorney. At the time of hearing on the ex parte order, the court may then further postpone the sale, and the parties seeking to foreclose the mortgage shall proceed, if at all, to foreclose the mortgage by action. As a condition precedent to the postponement of the foreclosure sale by advertisement, the party serving the verified complaint shall file it and pay to the clerk for the person foreclosing the mortgage the actual costs incurred, not including attorney's fees, in the foreclosure proceeding prior to postponement. The filing of the verified complaint shall be deemed a waiver of publication of notice of postponement of the foreclosure sale and the sale at the time which may be fixed by the court shall be deemed to be a sale postponed in lieu of the time of sale specified in the published notice of mortgage foreclosure sale.

Sec. 5. [582A.05] [COURT MAY ORDER RESALE.]

When any mortgage has been foreclosed by action, the court shall, upon receipt of the report of sale, cause notice of a hearing thereon to be served on the parties to the action who have appeared, and fix the time and place of hearing on the report. Before granting an order confirming the sale, the court shall order a resale if it appears that the sale price is unreasonably and unfairly inadequate. If the sale is confirmed, the sheriff, or his deputy, shall forthwith execute and deliver the proper certificate of sale which shall be recorded within 20 days after the confirmation. Upon hearing on the motion for an order confirming the sale in the foreclosure of mortgages by action, if the evidence is

insufficient to establish a fair and reasonable market or rental value of the property, the court may receive evidence, including evidence tending to establish the actual value of the property, for the purpose or purposes for which the property is or can be used. The court shall also receive evidence tending to show to what extent, if any, the property has decreased in market value by reason of the economic conditions existing at the time of or prior to the sale.

Sec. 6. [582A.06] [COMPROMISES.]

If the parties to a foreclosure action agree in writing to a compromise settlement thereof, or of composition of the mortgage indebtedness, or both, the court shall have jurisdiction and may by its order confirm and approve the settlement or composition, or both, as the case might be.

Sec. 7. [582A.07] [JURISDICTION OF COURT.]

The court shall have jurisdiction to postpone the termination of a contract for the conveyance of real estate; to postpone the enforcement of judgment by levy, execution and sale or to order resale; and to postpone foreclosure of a mortgage secured by real estate. Upon the governor's proclamation, the inability of the mortgagor, judgment debtor, or contract purchaser to make the payments under a contract for the conveyance of real estate, mortgage agreement, or judgment shall be a valid defense to levy, execution, sale, seizure, repossession, termination, and foreclosure during the effective period of the governor's proclamation.

Sec. 8. [582A.08] [PERIOD OF REDEMPTION AND REINSTATEMENT MAY BE EXTENDED.]

(i) If any mortgage on real property has been foreclosed and the period of redemption has not expired; (ii) if a sale is made during the effective period of the governor's proclamation; (iii) if a sale of any real property is made under any judgment or execution when the period of redemption has not expired or when the sale under clauses (i) and (ii) is made during the effective period of the governor's proclamation; or (iv) if a receipt of notice of termination of a contract for deed, the period of redemption or the period during which the contract for deed may be reinstated may be extended for such additional time as the court determines to be just and equitable but in no event beyond the effective period of the governor's proclamation; provided that the contract vendee, in the case of a contract for deed termination, the mortgagor or the owner in possession of the property, in the case of mortgage foreclosure proceedings, or the judgment debtor, in case of levy, execution, or sale under judgment shall prior to the expiration of the period of redemption in the case of a mortgage, the expiration of the period during which the contract for deed can be reinstated, or to sale under judgment, petition the district court on not less than ten days' written notice to the contract vendor, mortgagee, or judgment creditor, or his attorney for an order postponing levy, execution, seizure, sale, termination, or forfeiture, and determining the reasonable value of the income on the property, or, if the property has no income, then the reasonable rental value of the property subject to the contract for deed, mortgage, or judgment, and directing and requiring the contract vendee, mortgagor, or judgment debtor to pay all or a reasonable part of the income or rental value for the payment of taxes, insurance, interest, principal or judgment indebtedness at the times and in the manner determined by the court. The court shall hear the petition and after the hearing shall make and file its order directing the pay-

ment by the contract vendee, mortgagor, or judgment debtor of an amount at the times and in the manner that the court determines just and equitable. Upon service of the petition, the running of the period of redemption, reinstatement of contract for deed shall be tolled and further proceedings under levy and execution shall be stayed until the court makes its order upon the petition. If the contract vendee, mortgagor, or judgment debtor defaults in the payments ordered, or commits waste, his right to redeem from the sale, cure the default on the contract for deed, or postpone seizure and sale shall terminate 30 days after the default. Thereafter holders of subsequent liens may redeem in the order and manner provided by law beginning 30 days after the filing of notice of the default with the clerk of district court, the right to possession shall cease and the contract vendor or party acquiring title to the real estate shall be entitled to immediate possession of the premises. If default is claimed because of waste, the 30 day period shall not begin to run until the filing of an order of the court finding the waste. No action shall be maintained for a deficiency judgment until the period of redemption as allowed by section 580.23, or as extended under the provisions of sections 3 to 12, has expired.

Sec. 9. [582A.09] [COURT MAY REVISE AND ALTER TERMS.]

Upon the application of either party prior to the expiration of the extended period of redemption, reinstatement of contract for deed, or payment on judgment as provided in sections 1 to 12 and upon the presentation of evidence that the terms fixed by the court are no longer just and reasonable, the court may revise and alter the terms, in the manner as the changed circumstances and conditions require.

Sec. 10. [582A.10] [TRIAL TO BE HELD WITHIN 30 DAYS.]

The trial of any action, hearing, or proceeding provided for in sections 1 to 12, shall be held within 30 days after the filing of the petition. The order therein shall be made and filed within five days after the trial. Review by the supreme court may be had by certiorari, if application for the writ is made within 15 days after notice of the order and the writ shall be returnable within 30 days after the filing of the order.

Sec. 11. [582A.11] [LIMITATIONS.]

No postponement or extension shall be ordered under conditions which would substantially diminish or impair the value of the contract or obligation of the person against whom the relief is sought, without reasonable allowance to justify the exercise of the police power authorized in sections 1 to 12.

Sec. 12. [582A.12] [INCONSISTENT LAWS SUSPENDED.]

Every law, to the extent it is inconsistent with sections 1 to 12, is suspended during the effective period of the governor's proclamation.

Sec. 13. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment. Sections 3 to 12 are effective on the date of the governor's proclamation declaring a public economic emergency as provided in section 2."

Delete the title and insert:

"A bill for an act relating to real property; providing for relief in certain cases from inequitable foreclosure of mortgages, termination of contracts for

the conveyance of real estate, and execution sales of real property during an emergency declared by the governor; authorizing the governor to declare by proclamation a public economic emergency under certain conditions, limiting its duration, and providing nullifying powers in the legislature; postponing certain sales and extending the period of redemption of real property during an emergency; providing for possession during the extended period; and limiting the right to maintain actions for deficiency judgments; proposing new law coded as Minnesota Statutes, Chapter 582A."

And when so amended the bill be re-referred to the Committee on Commerce without recommendation.

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

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

MOTIONS AND RESOLUTIONS

Mr. Bang moved that H.F. No. 1611 be withdrawn from the Committee on Employment and re-referred to the Committee on Judiciary. The motion prevailed.

CONFIRMATION

Mr. Olhoft moved that the report from the Committee on General Legislation and Administrative Rules, reported February 24, 1982, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Olhoft moved that in accordance with the report from the Committee on General Legislation and Administrative Rules, reported February 24, 1982, the Senate, having given its advice, do now consent to and confirm the appointments of:

STATE ZOOLOGICAL BOARD

Stephen D. Doyle, 8990B Neill Lake Road, Eden Prairie, Hennepin County, effective May 27, 1981, for a term expiring the first Monday in January, 1982; and effective February 3, 1982, for a term expiring the first Monday in January, 1986.

Toni Lin Hengesteg, 3385 Chandler, Shoreview, Ramsey County, effective May 27, 1981, for a term expiring the first Monday in January, 1982; and effective February 3, 1982, for a term expiring the first Monday in January, 1986.

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

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

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Knutson moved that the name of Mrs. Lantry be added as chief author and his name be shown as a co-author to S.F. No. 1633. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Setzepfandt introduced—

S.F. No. 2180: A bill for an act relating to taxation; authorizing the commissioner of revenue to adopt certain rules; limiting recording of certain real estate transfers; amending Minnesota Statutes 1980, Section 272.115, by adding a subdivision; repealing Minnesota Statutes 1980, Section 287.241, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Purfeerst and Solon introduced—

S.F. No. 2181: A bill for an act relating to corrections; providing for chiropractic services to persons confined in correctional institutions; amending Minnesota Statutes 1981 Supplement, Section 241.021, Subdivision 4.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Dahl introduced—

S.F. No. 2182: A bill for an act relating to Independent School District No. 624; authorizing a tax levy for community recreation programs.

Referred to the Committee on Education.

Mr. Taylor introduced—

S.F. No. 2183: A bill for an act relating to local government; authorizing the city of Mankato and the city of North Mankato to impose a tax on the gross receipts from the furnishing of certain lodging.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Davis introduced—

S.F. No. 2184: A bill for an act relating to education; authorizing school districts aid and levy to reduce class sizes; amending Minnesota Statutes 1980, Section 275.125, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 124.

Referred to the Committee on Education.

Mr. Langseth introduced—

S.F. No. 2185: A bill for an act relating to game and fish; prohibiting the use of gill nets in taking fish; providing a penalty; proposing new law coded in Minnesota Statutes, Chapter 101.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Langseth introduced—

S.F. No. 2186: A bill for an act relating to game and fish; authorizing the designation of lakes for northern pike propagation and management; proposing new law coded in Minnesota Statutes, Chapter 101.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Lindgren introduced—

S.F. No. 2187: A bill for an act relating to public welfare; designating the commissioner of public welfare as the state authority for federal mental health, alcohol and drug abuse block grants; prescribing a formula for distribution of federal funds to counties and defining duties of counties in the use of the funds; amending Minnesota Statutes 1980, Sections 245.70; and 245.71; proposing new law coded in Minnesota Statutes, Chapter 245.

Referred to the Committee on Health, Welfare and Corrections.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon Tuesday, March 2, 1982. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate