

## SEVENTY-NINTH DAY

St. Paul, Minnesota, Tuesday, March 2, 1982

The Senate met at 12:00 noon 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. M.E. Sandness.

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

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

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. Humphrey, Keefe and Knoll 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. 1521, 1695, 233 and 1514.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 1, 1982

Mr. President:

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

S.F. No. 272: A bill for an act relating to children; prohibiting neglect and abuse of children; amending Minnesota Statutes 1980, Sections 626.556, Subdivision 2, and by adding a subdivision; and 626.557, Subdivision 19.

Senate File No. 272 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 1, 1982

### CONCURRENCE AND REPASSAGE

Mr. Spear moved that the Senate concur in the amendments by the House to S.F. No. 272 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 272: A bill for an act relating to public welfare; requiring certain facilities to safeguard the well-being of persons in their care; specifying persons mandated to report; providing penalties; amending Minnesota Statutes 1980, Sections 626.556, by adding a subdivision; 626.557, Subdivisions 2 and 19; Minnesota Statutes 1981 Supplement, Section 626.556, Subdivision 2.

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

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

The roll was called, and there were yeas 50 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Olhoft	Sikorski
Bang	Dieterich	Lantry	Pehler	Solon
Belanger	Engler	Lessard	Penny	Spear
Benson	Frank	Lindgren	Peterson, C. C.	Stern
Berg	Frederick	Luther	Peterson, R. W.	Stokowski
Bertram	Frederickson	Menning	Petty	Stumpf
Chmielewski	Hanson	Merriam	Renneke	Tennessee
Dahl	Johnson	Moe, D. M.	Rued	Ulland
Davies	Kamrath	Moe, R. D.	Schmitz	Vega
Davis	Kronebusch	Nelson	Setzepfandt	Willet

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

### MESSAGES FROM THE HOUSE - CONTINUED

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1139, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1139 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 1, 1982

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 1139

A bill for an act relating to courts; providing for certain reorganization in the court system in the state; providing that the second and fourth judicial district courts shall also be probate courts; creating certain judicial positions to be filled by election; raising the jurisdictional limit in county and county municipal court; providing the county and county municipal court with gross misdemeanor jurisdiction; abolishing the office of referee; providing for continuance of certain referee positions for a limited time; providing for continuance of certain judicial officer positions for a limited time; authorizing the judges of the courts within each judicial district to elect to form one unified court; creating an appellate division of the district court; appropriating money; amending Minnesota Statutes 1980, Sections 2.722, Subdivision 1, and by adding a subdivision; 260.031, Subdivision 1; 484.01; 484.70, Subdivision 1, and by adding subdivisions; 487.08, Subdivisions 2 and 3; 487.15; 487.16; 487.18; 488A.01, Subdivisions 4, 6 and 8; 488A.18, Subdivisions 4, 7, 9 and 13; 488A.27, Subdivision 11; 525.10; proposing new law coded in Minnesota Statutes, Chapter 484; proposing new law coded as Minnesota Statutes, Chapter 484A; repealing Minnesota Statutes 1980, Sections 484.67; 484.70, Subdivisions 2, 3, 4 and 5; 487.08, Subdivision 4; 487.09; 525.04; and Laws 1978, Chapter 750, Section 6.

March 1, 1982.

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

The Honorable Jack Davies  
President of the Senate

We, the undersigned conferees for H.F. No. 1139, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 1139 be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1980, Section 2.722, Subdivision 1, is amended to read:

Subdivision 1. [DESCRIPTION.] Effective July 1, 1959, the state is divided into ten judicial districts composed of the following named counties, respectively, in each of which districts two or more judges shall be chosen as hereinafter specified:

1. Goodhue, Dakota, Carver, LeSueur, McLeod, Scott, and Sibley; ~~five~~ *seven* judges; and four permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, and Glencoe and one other shall be maintained at the place designated by the chief judge of the district;

2. Ramsey; ~~42~~ *13* judges;

3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower, and Fillmore; six judges; and permanent chambers shall be maintained in Faribault, Albert Lea, Austin, Rochester, and Winona;

4. Hennepin; ~~49~~ *24* judges;

5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jack-

son; five judges; and permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and Mankato;

6. Carlton, St. Louis, Lake, and Cook; six judges;

7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and Wadena; four judges; and permanent chambers shall be maintained in Moorhead, Fergus Falls, Little Falls, and St. Cloud;

8. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big Stone, Grant, Pope, Stevens, Traverse, and Wilkin; three judges; and permanent chambers shall be maintained in Morris, Montevideo, and Willmar;

9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnomen, Pennington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and Koochiching; six judges; and permanent chambers shall be maintained in Crookston, Thief River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls;

10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; ~~six~~ *ten* judges; and permanent chambers shall be maintained in Anoka, Stillwater, and ~~such~~ other places ~~as may~~ be designated by the chief judge of the district.

Sec. 2. Minnesota Statutes 1980, Section 2.722, is amended by adding a subdivision to read:

*Subd. 3. [HENNEPIN AND RAMSEY PROBATE JUDGES; COURTS.] The probate judges of Ramsey and Hennepin probate courts in office on August 1, 1982, shall be district court judges of the second and fourth judicial districts, respectively, and shall continue in office for the balance of the term for which they were elected and shall be eligible for reelection. The offices of probate court of Ramsey and Hennepin counties, and all of their jurisdiction, records, powers, duties, functions, and personnel, are hereby transferred to the district courts of the second and fourth judicial districts respectively and made divisions of them. The chief judge of the fourth judicial district shall at all times assign at least two judges to the probate court duties.*

Sec. 3. [484.011] [JURISDICTION IN SECOND AND FOURTH JUDICIAL DISTRICTS.]

*In the second and fourth judicial districts the district court shall also be a probate court.*

Sec. 4. Minnesota Statutes 1980, Section 487.03, is amended by adding a subdivision to read:

*Subd. 6. [JUDGE POSITIONS; CREATION; ABOLITION.] Upon the occurrence of the first vacancy in the office of county court judge in each of the counties of Carver and Scott, the vacant judgeship is abolished. When each judgeship is abolished, an additional office of judge of district court is created in the first judicial district. The governor shall appoint a qualified person to fill each office until a successor is elected and qualified. The successor shall be elected for a six year term at the next general election occurring more than one year after the appointment.*

Sec. 5. Minnesota Statutes 1980, Section 487.15, is amended to read:

## 487.15 [CIVIL JURISDICTION.]

The county court may hear, try, and determine actions at law in which the amount in controversy does not exceed ~~the sum of \$5,000~~ \$15,000, exclusive of interest and costs, except for causes involving title to real estate.

Sec. 6. Minnesota Statutes 1980, Section 487.16, is amended to read:

## 487.16 [MINOR CIVIL AND CRIMINAL JURISDICTION.]

The county court shall also have jurisdiction in all civil and criminal cases residing, on the effective date of Laws 1971, Chapter 951 and Laws 1973, Chapter 679, in municipal courts other than municipal courts in Hennepin and Ramsey Counties, ~~except that notwithstanding any law to the contrary, no county court shall have gross misdemeanor jurisdiction.~~ *The county court shall have gross misdemeanor jurisdiction.*

Sec. 7. Minnesota Statutes 1980, Section 487.18, is amended to read:

## 487.18 [CRIMINAL JURISDICTION.]

(a) The county court has jurisdiction to hear, try and determine any charge of violation of

(+) a criminal law of this state constituting a misdemeanor *or gross misdemeanor* committed within the county court district; *and of*

(-) any ordinance, charter provision, rule or regulation of any subdivision of government in the county court district.

(b) The county court has jurisdiction to conduct preliminary hearings and to exercise all judicial powers incident to preliminary hearing proceedings on the charge of violation of any criminal law committed within the county court district.

(c) The county court has jurisdiction to hear, try and determine any matter constituting a petty misdemeanor.

## Sec. 8. [487.191] [MERGER WITH DISTRICT COURTS.]

*One year following certification to the secretary of state of intention to reorganize the trial courts by a majority of the district judges and a majority of the county or county municipal judges of a judicial district, there shall be one general trial court of the judicial district to be known as the district court, which shall also be a probate court.*

*Upon the effective date of a judicial district reorganization, the district court, except in the second and fourth districts, shall also exercise the powers, duties, and jurisdiction conferred upon courts by chapters 260, 484, 487, 491, 492, 493, and 525.*

*Upon the effective date of a judicial district reorganization of the second or fourth districts, the district court shall also exercise the powers conferred upon courts by chapters 488A, 492, and 493.*

*Notwithstanding any other law, the county or county municipal judges of the district in office on the effective date of a reorganization shall be district judges and shall continue in office for the balance of the term for which they were elected or appointed and shall be entitled to run for reelection as incumbent judges of the district court.*

Sec. 9. Minnesota Statutes 1980, Section 487.30, Subdivision 1, is amended to read:

Subdivision 1. The conciliation court shall hear and determine civil claims if the amount of money or property which is the subject matter of the claim does not exceed ~~\$1,000~~ \$1,250 for the determination thereof without jury trial and by a simple and informal procedure. The rules of the supreme court shall provide for a right of appeal from the decision of the conciliation court to the county court for a trial on the merits. The territorial jurisdiction of a conciliation court shall be coextensive with the county in which the court is established.

Sec. 10. Minnesota Statutes 1980, Section 488A.01, Subdivision 4, is amended to read:

Subd. 4. [CIVIL JURISDICTION.] Excepting causes involving title to real estate, the court has jurisdiction to hear, try and determine civil actions at law in which the amount in controversy does not exceed the sum of \$6,000 \$15,000, exclusive of interest and costs.

Sec. 11. Minnesota Statutes 1980, Section 488A.01, Subdivision 6, is amended to read:

Subd. 6. [CRIMINAL JURISDICTION.] (a) The court has jurisdiction to hear, try and determine any charge of violation of:

(1) A criminal law of this state constituting a misdemeanor or gross misdemeanor committed within the county of Hennepin including all of the city of St. Anthony.

(2) Any ordinance, charter provision, rule or regulation of any subdivision of government in the county of Hennepin, including all of the city of St. Anthony or

(3) Any ordinance, charter provision, rule or regulation of the Minneapolis-St. Paul Metropolitan Airports Commission.

(b) The court has jurisdiction to conduct preliminary hearings and to exercise all judicial powers incident to preliminary hearing proceedings, on any charge of violation of any criminal law of this state committed within the county of Hennepin.

Sec. 12. Minnesota Statutes 1980, Section 488A.01, Subdivision 8, is amended to read:

Subd. 8. [TERRITORIAL JURISDICTION.] The summons in civil and forcible entry and unlawful detainer actions may be served only within the county of Hennepin except that such summons may be served in Ramsey county on state officials for non-resident individuals and corporations under statutes providing for such service. Garnishment summons, subpoenas and All other civil and criminal process and orders may be served and enforced anywhere within the state of Minnesota.

Sec. 13. Minnesota Statutes 1980, Section 488A.12, Subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil

actions at law where the amount in controversy does not exceed the sum of ~~\$1000~~ \$1,250. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.

(b) Notwithstanding the provisions of clause (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Hennepin county, and the summons in the action may be served anywhere within the state of Minnesota.

Sec. 14. Minnesota Statutes 1980, Section 488A.14, Subdivision 6, is amended to read:

Subd. 6. [REPLEVIN.] If the controversy concerns the ownership or possession, or both, of personal property the value of which does not exceed the sum of ~~\$4000~~ \$1,250, the judge in his discretion, may direct an officer of the court to take possession of the property immediately and hold it subject to the further order of the court, without the giving of any bond whatever.

Sec. 15. Minnesota Statutes 1980, Section 488A.18, Subdivision 4, is amended to read:

Subd. 4. [CIVIL JURISDICTION.] (a) Excepting cases involving title to real estate, the court has jurisdiction to hear, try and determine civil actions at law in which the amount in controversy does not exceed the sum of ~~\$6,000~~ \$15,000, exclusive of interest and costs. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) The court also has jurisdiction, within the limitations provided in this subdivision, to hear, try and determine civil actions commenced by a plaintiff, resident of Ramsey county, where the action arose out of alleged negligent operation of a motor vehicle in Ramsey county, notwithstanding that the defendant or defendants are not residents of the county. Notwithstanding any law or rule of civil procedure to the contrary, the summons in ~~any such the~~ action may be served anywhere within the state of Minnesota.

(c) Notwithstanding the provisions of clause (a) or any rule of court to the contrary, the municipal court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere within the state of Minnesota.

Sec. 16. Minnesota Statutes 1980, Section 488A.18, Subdivision 7, is amended to read:

Subd. 7. [CRIMINAL JURISDICTION.] (a) The court has jurisdiction to hear, try and determine any charge of violation within Ramsey county of:

(1) A criminal law of this state constituting a misdemeanor or gross misdemeanor and any offense of this state which constitutes a petty misdemeanor,

(2) Any ordinance, charter provision, rule or regulation of any subdivision of government in the county of Ramsey, or

(3) Any ordinance, charter provision, rule or regulation of the Minneapolis-Saint Paul Metropolitan Airports Commission,

(4) Any ordinance, rule or regulation of the regents of the University of

Minnesota.

(b) ~~The court has jurisdiction to conduct preliminary hearings and to exercise all judicial powers incident to preliminary hearing proceedings, on any charge of violation of any criminal law of this state committed within Ramsey county.~~

(c) ~~Jurisdiction under clauses (1) and (2) of paragraph (a) of this subdivision is exclusive for any violation committed within the county of Ramsey; jurisdiction under paragraph (b) of this subdivision is exclusive for any violation committed inside the city of Saint Paul or inside that part of the village of Saint Anthony lying inside Ramsey county.~~

Sec. 17. Minnesota Statutes 1980, Section 488A.18, Subdivision 9, is amended to read:

Subd. 9. [TERRITORIAL JURISDICTION.] ~~The summons in civil and forcible entry and unlawful detainer actions may be served only within the county of Ramsey. Garnishment summons, subpoenas and All other civil and criminal process and orders may be served and enforced anywhere within the state of Minnesota.~~

Sec. 18. Minnesota Statutes 1980, Section 488A.18, Subdivision 13, is amended to read:

Subd. 13. [TRIAL OF CRIMINAL ACTIONS.] All charges of misdemeanors, *gross misdemeanors*, petty misdemeanors and ordinance violations shall be tried in the municipality where the alleged violation occurred; ~~however,~~ If there is no court located in ~~such the~~ municipality, then the trial of ~~such the~~ charges shall take place at the nearest place of holding court. In addition to ~~such any~~ daytime arraignments as the court may establish, traffic and criminal arraignments shall be held at least once each week in the evening after 7:00 p.m. if so requested by the governing body of a city in which a court is situated as provided by Laws 1973, Chapter 708 by a resolution filed with the administrator of court.

Sec. 19. Minnesota Statutes 1980, Section 488A.29, Subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of ~~\$1000~~ \$1,250. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) Notwithstanding the provisions of clause (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere in the state of Minnesota.

Sec. 20. Minnesota Statutes 1980, Section 488A.31, Subdivision 6, is amended to read:

Subd. 6. [REPLEVIN.] If the controversy concerns the ownership or possession, or both, of personal property the value of which does not exceed the sum of ~~\$1000~~ \$1,250, the judge, in his discretion, may direct an officer of the

court to take possession of the property immediately and hold it subject to the further order of the court, without the giving of any bond whatever.

Sec. 21. Minnesota Statutes 1980, Section 491.03, Subdivision 4, is amended to read:

Subd. 4. In case the controversy is as to the ownership or possession, or as to both the ownership and possession, of personal property where the value of same does not exceed the sum of ~~\$1,000~~ \$1,250 and the action is commenced by the plaintiff filing, as herein provided, with the clerk a sworn statement as to his ownership, or right of possession, or both, of such property, the court in its discretion may, by order, direct the officer of the court to take possession of such property immediately, and to hold same subject to the further order of the court, without the giving of any bond.

Sec. 22. Minnesota Statutes 1980, Section 491.04, Subdivision 1, is amended to read:

Subdivision 1. In case the parties brought before the conciliation court, in the manner provided in this chapter, do not agree upon the judgment to be entered, then, in case the amount in controversy, whether the claim of the plaintiff or a counter-claim on the part of the defendant, exceeds the sum of ~~\$1,000~~ \$1,250, and the judge is satisfied the counter-claim is in good faith, the case shall be forthwith dismissed and dropped from the docket, without prejudice, but if the amount involved in controversy be ~~\$1,000~~ \$1,250 or less, or if the judge is of the opinion that the counter-claim, if any, therein in excess of ~~\$1,000~~ \$1,250 is not in good faith, he shall retain jurisdiction and proceed summarily to hear and determine the cause and to enter judgment on his docket. The conclusion of the judge as to the good faith of any counter-claim shall be final and conclusive on all parties for the purposes of the jurisdiction of the court. In case such judgment is not removed, by demand of either party, to the municipal court within ten days after the entry thereof, as provided in this chapter, and the judgment remains unsatisfied, the judgment, on order of the judge shall be docketed in the municipal court by the clerk and shall thereupon be, and be enforced as, the judgment of the municipal court, or the judge may retain jurisdiction for the collection and satisfaction of the judgment by payment to him, but no execution shall issue from the conciliation court.

Sec. 23. [CLERK OF PROBATE COURT, SECOND JUDICIAL DISTRICT.]

*Notwithstanding section 525.09 the judicial district administrator in the second judicial district may appoint a clerk of the probate court for the district subject to the approval of the chief judge and assistant chief judge who shall serve at the pleasure of the judges of the district, who shall be supervised by the judicial district administrator, and whose salary shall be fixed by the Ramsey county board of commissioners.*

Sec. 24. [APPROPRIATION.]

*The sum of \$396,300 is appropriated from the general fund to the state courts for the salaries and fringe benefits of the additional judges appointed pursuant to section 1, to be available for the fiscal year ending June 30 in the years indicated.*

1982	1983
\$41,100	\$355,200

## Sec. 25. [EFFECTIVE DATE.]

*Sections 4 and 24 are effective the day following final enactment. Section 1 is effective the day following final enactment, except that the two new judge positions created in the first district, two of the new judge positions created in the fourth district, and three of the new judge positions created in the tenth district shall be filled by appointments made on or after January 15, 1983. Sections 6, 7, 11, 16, and 18 are effective January 1, 1983.*

Delete the title and insert:

“A bill for an act relating to courts; providing for certain reorganization of the court system in the state; providing that the second and fourth judicial district courts shall also be probate courts; changing the jurisdiction of county courts, county municipal courts, and conciliation courts in Hennepin and Ramsey Counties; changing the jurisdiction of county conciliation courts; creating certain judicial positions; abolishing certain judicial positions by attrition; appropriating money; amending Minnesota Statutes 1980, Sections 2.722, Subdivision 1, and by adding a subdivision; 487.03, by adding a subdivision; 487.15; 487.16; 487.18; 487.30, Subdivision 1; 488A.01, Subdivisions 4, 6, and 8; 488A.12, Subdivision 3; 488A.14, Subdivision 6; 488A.18, Subdivisions 4, 7, 9, and 13; 488A.29, Subdivision 3; 488A.31, Subdivision 6; 491.03, Subdivision 4; 491.04, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapters 484 and 487.”

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Tad Jude, Michael R. Sieben, Fred C. Norton, Mary M. Forsythe, Charles C. Halberg

Senate Conferees: (Signed) Robert J. Tennessen, Jack Davies, Gerry Sikorski, Randolph W. Peterson, Darrel L. Peterson

Mr. Tennessen moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1139 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1139 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and its

title was agreed to.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 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.

Senate File No. 1964 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 1, 1982

Mr. Moe, R.D. moved that S.F. No. 1964 be laid on the table. The motion prevailed.

Mr. President:

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

S.F. No. 378: A bill for an act relating to marriage dissolution; clarifying factors to consider in awarding maintenance; amending Minnesota Statutes 1980, Section 518.552.

Senate File No. 378 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 1, 1982

Mr. Moe, R.D. moved that S.F. No. 378 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1336, 1455, 1622, 1831, 1576 and 1555.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 1, 1982

### FIRST READING OF HOUSE BILLS

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

H.F. No. 1336: A bill for an act relating to retirement; highway patrol benefits and refunds; providing annual benefit increases to pre-1973 retirees

and surviving spouses; appropriating funds; amending Minnesota Statutes 1980, Section 352B.11, Subdivision 1; and Minnesota Statutes 1981 Supplement, Sections 352B.02, Subdivision 1; 352B.08, Subdivision 2; and 352B.11, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 352B.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1052, now on General Orders.

H.F. No. 1455: A bill for an act relating to real estate brokers and salespersons; providing for the automatic transfer of a salesperson's license under certain circumstances; amending Minnesota Statutes 1980, Section 82.20, Subdivision 9.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1411.

H.F. No. 1622: A bill for an act relating to state lands; providing for the transfer of ownership to meet donors' intent.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1535, now on General Orders.

H.F. No. 1831: A bill for an act relating to human rights; including sexual harassment as a form of unfair discriminatory practices for certain purposes; amending Minnesota Statutes 1980, Section 363.01, Subdivision 10, and by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1834.

H.F. No. 1576: A bill for an act relating to commerce; regulated loans; applying the statutory provisions relating to conventional loan defaults to regulated loans; clarifying the method for the computation of interest; allowing the combination of loans of different maturities and interest rates; prohibiting attorney's fees except in connection with mortgage foreclosures; placing certain restrictions on the procurement of insurance in connection with a loan; providing miscellaneous technical and clarifying amendments; and eliminating a duplicative provision; amending Minnesota Statutes 1980, Section 53.04, Subdivision 5; and Minnesota Statutes 1981 Supplement, Sections 53.01; 53.04, Subdivision 3a; 56.12; 56.131, Subdivisions 1, 3, and 5; 56.155; 334.02; and 334.03; proposing new law coded in Minnesota Statutes, Chapter 56.

Referred to the Committee on Commerce.

H.F. No. 1555: A bill for an act relating to education; providing for aids to education, tax levies, and the distribution of tax revenues; governing the recognition of school district property tax revenues and the computation of levies; granting certain powers and duties to school districts, the state board of education, and others; altering the method of distribution of transportation aid; altering aids for summer school; repealing certain administrative rules; reducing certain appropriations; appropriating money; amending Minnesota Statutes 1980, Sections 120.17, Subdivision 4a; 121.11, Subdivision 12; 121.908, Subdivision 3; 121.912, Subdivisions 2 and 3; 122.90, Subdivision 1; 123.37, Subdivision 1b; 123.741, Subdivision 1; 123.78, Subdivision 1; 124.19, Subdivision 1, and by adding a subdivision; 124.213, Subdivision 2; 124.32,

Subdivisions 7 and 10; 126.262, Subdivision 1; 126.264, Subdivision 3; 126.265; 126.267; 134.34, by adding a subdivision; 275.125, Subdivision 1a, as added; 275.125, Subdivisions 2a, 2d, 2e, 5, as amended, 6b, 6c, 7a, 7c, 9, 19, 20, and by adding subdivisions; 275.48; 298.28, Subdivision 1; 475.61, Subdivision 4; Minnesota Statutes 1981 Supplement, Sections 120.17, Subdivisions 5a and 6; 121.904, Subdivisions 4 and 7; 122.531, Subdivision 6; 122.542, Subdivisions 3 and 4; 123.35, by adding a subdivision; 123.702, Subdivisions 1 and 1a; 123.705; 124.01, Subdivision 1; 124.17, Subdivision 2; 124.2121, Subdivisions 2, 4, and 5, as amended; 124.2122, Subdivisions 1, and 2, as amended; 124.2123, Subdivisions 1, 3, and by adding a subdivision; 124.2124, Subdivisions 1, as amended, and 3; 124.2125, Subdivision 1, as amended; 124.2126, Subdivision 3; 124.2128, Subdivisions 1 and 5; 124.2129, Subdivision 3, and by adding a subdivision; 124.213, Subdivision 2; 124.223; 124.225, as amended; 124.245, Subdivisions 1 and 1a; 124.251; 124.271, Subdivision 2a; 124.32, Subdivisions 1, 1a, and 5; 124.38, Subdivision 7; 124.5624, Subdivisions 3 and 4; 124.5627, Subdivisions 3, 4, and 5; 125.611, Subdivision 5; 136A.81, Subdivision 1; 275.125, Subdivisions 8 and 11b; Laws 1981, Chapter 358, Article II, Section 15, Subdivision 3; Article VII, Section 29, as amended; Third Special Session Chapter 2, Article II, Sections 1, 2, 15, and 20; Article IV, Sections 3, Subdivisions 2 and 3; 5, Subdivision 3, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapters 120 and 124; repealing Minnesota Statutes 1980, Sections 121.904, Subdivisions 4a and 4b, as added; 121.96; 123.37, Subdivisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14; 128.05; Laws 1967, Chapters 251 and 253; and Laws 1976, Chapter 20, Section 8.

Referred to the Committee on Taxes and Tax Laws.

## REPORTS OF COMMITTEES

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

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

S.F. No. 1628: A bill for an act relating to retirement; validating a certain post retirement adjustment granted by the Virginia firefighters relief association.

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

Page 1, delete section 2 and insert:

“Sec. 2. [EVELETH POLICE AND FIREFIGHTERS; BENEFIT INCREASE.]

*Notwithstanding any general or special law to the contrary, in addition to any other benefits payable, retirement benefits payable to retired police officers and firefighters and the surviving spouses thereof by the Eveleth police and fire trust fund may be increased by \$35 per month. Increases may be made retroactive to January 1, 1982.*

Sec. 3. [VIRGINIA POLICE RELIEF ASSOCIATION; DEFINITIONS.]

*Subdivision 1. [TERMS DEFINED.] Notwithstanding Minnesota Statutes,*

Sections 423.37 to 423.392, the following definitions apply to the Virginia police relief association.

Subd. 2. [ADMINISTRATOR.] "Administrator" means the person who is elected by the participants to manage the affairs of the special fund, who serves as an ex officio trustee of the special fund, and who performs the duties of the secretary and the treasurer for the purposes of Minnesota Statutes, Sections 423.37 to 423.392.

Subd. 3. [BOARD OF DIRECTORS.] "Board of directors" means the members elected to manage the property, affairs and business of the general fund of the association.

Subd. 4. [BOARD OF TRUSTEES.] "Board of trustees" means the participants elected by participants of the association to manage the property, affairs and business of the special fund of the association.

Subd. 5. [CHILD OR CHILDREN.] "Child or children" means the issue of a member born of lawful wedlock or legally adopted by the member during the member's lifetime.

Subd. 6. [INTEGRATION OF BENEFITS.] "Integration of benefits" means the reduction or offset to the amount of disability pension paid, following the exhaustion of sick leave, by benefits received under the workers' compensation law or received under any disability program provided by the city of Virginia.

Subd. 7. [MEMBER.] "Member" means any person employed as a police officer by the city of Virginia.

Subd. 8. [PARTICIPANT.] "Participant" means a member who was employed on or before June 15, 1980, and who does not contribute to the public employees police and fire fund.

Subd. 9. [PREVAILING PAY.] "Prevailing pay" means the monthly basic salary and the maximum holiday pay, multiplied by the maximum percentage of longevity. Monthly basic salary, maximum holiday pay, and the percentage of longevity are determined in accordance with the unit employment contract of the police department in effect from time to time.

Subd. 10. [SURVIVING SPOUSE.] "Surviving spouse" means the legal spouse of a member at any time prior to termination as a police officer due to retirement or disability, and who was the legal spouse of the member at the time of the member's death.

#### Sec. 4. [GOVERNANCE OF SEPARATE GENERAL AND SPECIAL FUNDS OF VIRGINIA POLICE RELIEF ASSOCIATION.]

The members of the Virginia police relief association are authorized to maintain a separate general fund to be governed by a board of directors for the benefit of all members and a separate special fund to be governed by a board of trustees and administered by an administrator for the benefit of participants and their survivors.

#### Sec. 5. [VIRGINIA POLICE; BENEFIT CHANGES FOR PARTICIPANTS.]

If the bylaws so authorize, the following changes shall be effective:

(a) *The service pension payable to persons who retired from the police department on or before January 12, 1966, shall be supplemented by \$50 per month.*

(b) *For any participant who terminated employment after 20 or more years of service, the amount of the monthly service pension payable after the participant has attained the age of at least 50 years shall be equal to one-half of the prevailing pay of a police officer of the rank and position held by the participant for a period of at least six months prior to termination of service, or to the rank and position most analogous thereto, payable by the police department in each month during which the retired participant receives a service pension.*

(c) *The amount of a monthly disability pension shall be equal to one-half of the prevailing pay of a police officer of the rank and position held by the participant for a period of at least six months prior to his or her disability or the rank and position most analogous thereto, payable by the police department in each month during the period of the participant's disability, subject to any integration of benefits.*

(d) *The benefit paid to the surviving spouse of a participant who died on or before January 11, 1967, shall be increased by \$25 per month, until the surviving spouse's death or remarriage.*

(e) *The benefit paid to a surviving child shall be increased to \$50 per child per month, subject to any limitation placed on the total amount of survivor's benefits.*

**Sec. 6. [VIRGINIA POLICE; VALIDATION OF ADOPTION OF PENSION PROVISIONS; VALIDATION OF PAST PAYMENTS.]**

*Notwithstanding the failure of the Virginia police relief association to comply fully with the requirements of Laws 1947, Chapter 625, the election of the Virginia police relief association to come under the provisions of Minnesota Statutes, Sections 423.37 to 423.392, is hereby validated. Any payments made pursuant to the provisions of sections 423.37 to 423.392 are hereby validated.*

**Sec. 7. [CLARIFICATION OF INTERPRETATION ON AUTHORITY TO APPROVE ALTERNATIVE BENEFIT INCREASE.]**

*No provision of Minnesota Statutes, Section 645.021, or Laws 1980, Chapter 607, Article XV, Sections 7 or 25, shall be construed as authorizing any municipality which approved an alternative benefit increase for a local police or salaried firefighters relief association located in the municipality and which complied with Minnesota Statutes, Section 645.021, Subdivision 3, from amending, modifying or revoking that approval or substituting a different alternative benefit increase for the alternative benefit increase which was previously approved.*

**Sec. 8. [VIRGINIA POLICE; REPEALER.]**

*Laws 1935, Chapters 92 and 259; Laws 1937, Chapter 197; and Laws 1949, Chapter 235, are repealed.*

**Sec. 9. [EFFECTIVE DATE.]**

*The provisions of sections 1, 6, 7 and 8 are effective the day following final enactment. The provisions of section 2 are effective upon approval by the city*

*council of Eveleth and upon compliance with Minnesota Statutes, Section 645.021. The provisions of sections 3, 4 and 5 are effective upon approval by the city council of Virginia and upon compliance with Minnesota Statutes, Section 645.021."*

Amend the title as follows:

Page 1, line 4, before the period, insert " ; authorizing increases in benefits payable by the Eveleth police and fire trust fund; Virginia police relief association; 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; validating past payments; clarifying the authority to approve alternative benefit increases; repealing Laws 1935; Chapters 92 and 259; Laws 1937, Chapter 197; and Laws 1949, Chapter. 235"

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

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

S.F. No. 1723: A bill for an act relating to retirement; state retirement system; imposing liability for certain omitted employee contributions on the employing department; amending Minnesota Statutes 1980, Section 352.04, Subdivision 8.

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

Page 1, line 13, strike "such" and insert "*those*"

Page 1, line 14, strike ", and" and insert a period

Page 1, strike lines 15 and 16

Page 1, line 17, strike everything before "(b)"

Page 1, line 20, delete everything after "section" and insert "*the department, and not the employee, shall pay the employee and employer contributions and an amount equivalent to six percent of the total amount due in lieu of interest.*"

Page 1, delete line 21

Page 1, line 22, delete everything before "(c)" and after "If" insert "*any department fails to take deductions past due for a period of 60 days or less and*"

Page 1, line 24, strike "his" and insert "the" and after "salary" insert "*of the employee,*"

Page 1, line 25, strike "plus an" and insert a period

Page 2, strike line 1

Page 2, line 2, strike "employer contributions" and insert "*If any department fails to take deductions past due for a period in excess of 60 days and the employee is no longer in state service, the omitted contributions shall be recovered pursuant to clause (b)*"

Page 2, line 3, strike "not taken" and insert "*past due for a period of 60 days or less leaves state service prior to the payment of the omitted deductions and subsequently*"

Page 2, line 4, after "service" insert a comma

Page 2, line 6, strike "he" and insert "*the employee*"

Page 2, after line 7, insert:

"Sec. 2. [352C.0911] [BENEFIT ADJUSTMENTS.]

*Retirement allowances payable to retired constitutional officers pursuant to section 352C.031 and surviving spouse benefits payable pursuant to section 352C.04, shall be adjusted in the same manner, at the same times and in the same amounts as are benefits payable from the Minnesota post retirement investment fund to retirees of a participating public pension fund."*

Page 2, line 10, after "deductions" insert "*of employees of the board of regents of the university of Minnesota*"

Page 2, line 11, delete "*past due*" and delete "a" and insert "*the*" and delete "*in*"

Page 2, line 12, delete "*excess of 60 days and*" and insert "*from June 1, 1977, to September 30, 1981,*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after "retirement;" insert "Minnesota"

Page 1, line 4, delete "department" and insert "unit" and after the semicolon, insert "elective state officers retirement plan; providing benefit adjustments for retired constitutional officers and surviving spouses;"

Page 1, line 5, after "8" insert "; proposing new law coded in Minnesota Statutes, Chapter 352C"

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

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

S.F. No. 881: A bill for an act relating to retirement; authorizing special coverage for members of the Minnesota state retirement system prohibited from performing specified duties after age 60; proposing new law coded in Minnesota Statutes, Chapter 352.

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 352.85, Subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY; RETIREMENT ANNUITY.] *An employee of Any person who is employed by the department of military affairs who is covered by the general employee retirement plan of the Minnesota state re-*

retirement system as provided in section 352.01, subdivision 23, who is ordered to active duty pursuant to section 190.08, subdivision 3, who elects this special retirement coverage pursuant to subdivision 4, and who is required to retire from federal military status at the age of 60 years by applicable federal laws or regulations and who terminates employment as a state employee upon attaining that age shall be entitled, upon application, to a retirement annuity commencing at the age of 60 computed in accordance with section 352.115, subdivisions 2 and 3, without any reduction for early retirement pursuant to section 352.116, subdivision 1.

Sec. 2. Minnesota Statutes 1980, Section 352.85, Subdivision 3, is amended to read:

Subd. 3. [ADDITIONAL CONTRIBUTIONS.] The special retirement annuities and disability benefits authorized by this section shall be financed by an employee contribution from the covered department of military affairs employee of one 1.6 percent and an employer contribution from the department of military affairs of one 1.6 percent, which contributions shall be in addition to the contributions required by section 352.04, subdivisions 2 and 3, and shall be made in the manner provided for in section 352.04, subdivisions 4, 5 and 6."

Page 1, line 11, delete "An" and insert "Any person who is employed by"

Page 1, line 12, delete "employee of" and delete "job" and insert "civil service employment"

Page 1, line 13, delete "a member" and insert "covered by"

Page 1, line 14, delete "of" and after "the" insert "general employee retirement plan of the" and delete "and" and insert "pursuant to section 352.01, subdivision 23, who elects this special retirement coverage pursuant to subdivision 3,"

Page 1, line 15, after "of" insert "aircraft"

Page 1, line 16, after "by" insert "a"

Page 1, line 17, after "administration" insert "as adopted by the commissioner of transportation and who terminates employment as a state employee upon attaining that age"

Page 1, line 17, after "entitled" insert a comma

Page 1, line 18, delete "commencing at the age of 60"

Page 1, line 19, after "without" insert "any"

Page 1, line 20, after "reduction" insert "for early retirement"

Page 1, line 22, delete "annuities" and insert "annuity"

Page 1, line 23, after "contribution" insert "from the covered aircraft pilot or chief pilot" and delete "one" and insert "1.6"

Page 1, line 24, after "contribution" insert "from the department of transportation" and delete "one" and insert "1.6"

Page 2, line 5, delete "1981" and insert "1982,"

Page 2, line 6, delete "1981" and insert "1982," and delete "30" and insert "90"

Page 2, line 10, after "covered" insert "by this special plan"

Page 2, after line 11, insert:

*"Subd. 4. [ACTUARIAL VALUATION EXHIBIT.] In each valuation of the Minnesota state retirement system prepared pursuant to section 356.215, an exhibit pertaining to this special retirement program shall be included which shall contain for the special program those actuarial valuation content items specified in section 356.215, subdivision 4, which the executive director deems are necessary to adequately disclose the actuarial condition of the special program."*

Page 2, line 13, delete "This act" and insert "Section 3" and delete "July 1, 1981" and insert "June 30, 1982. Section 1 is effective retroactively to July 1, 1980. Section 2 is effective on the first day of the full pay period next following the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "clarifying various aspects of the special retirement program for certain employees of the department of military affairs; amending Minnesota Statutes 1980, Section 352.85, Subdivisions 1 and 3;"

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

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

S.F. No. 1709: A bill for an act relating to retirement; teachers retirement association; extending the time limit for the purchase of service credit for military service leaves of absence for certain veterans; amending Minnesota Statutes 1981 Supplement, Section 354.53, Subdivisions 1 and 3.

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

Delete everything after the enacting clause and insert:

"Section 1. [AUTHORIZATION TO PURCHASE MILITARY SERVICE CREDIT.]

*Notwithstanding any law to the contrary, any member of the teachers retirement association who was given a leave of absence to enter military service and who returned to teaching service upon discharge from military service as provided in section 192.262, and who is a veteran as defined in section 197.971, subdivision 10, and who became eligible for the Vietnam Expeditionary Medal or the Vietnam Service Medal as the result of service during the period between July 1, 1958, and July 27, 1973, or served on active duty in the armed forces as defined in section 197.971, subdivision 3, during the period between August 5, 1964, and January 27, 1973, shall be entitled to obtain credit for the period of military service but service credit shall not be given for any voluntary extension of military service at the instance of the member beyond the initial period of enlistment, induction or call to active duty.*

Sec. 2. [PAYMENT.]

*Subdivision 1. [CALCULATION OF PRESENT VALUE.] For the persons entitled to purchase prior service credit, there shall be paid to the applicable retirement fund or association an amount equal to the present value, on the date of payment, of the amount of the additional service pension or retirement annuity which would be obtained by virtue of the purchase of the additional service credit, using the interest rate specified in Minnesota Statutes, Section 356.215, Subdivision 4, Clause (4), and the applicable mortality table adopted for the appropriate retirement fund or association and assuming continuous service until, and retirement at, the normal retirement age with the additional service credit purchased, for the appropriate retirement fund or association, or the age at the date of payment or of the agreement to pay, whichever is older, and a future salary history which includes annual salary increases at the salary increase rate specified in Minnesota Statutes, Section 356.215, Subdivision 4, Clause (4). The person requesting the purchase of prior service must establish in the records of the retirement fund or association proof of the service for which the purchase of prior service is requested. The manner of the proof of service shall be in accordance with procedures prescribed by the board of trustees of the fund or association or by the executive director.*

*Subd. 2. [PAYMENT OF PRESENT VALUE; CREDITING OF SERVICE.] Payment shall be made in one lump sum, unless the executive director of the appropriate retirement fund or association agrees to accept payment in installments over a period of not to exceed three years from the date of the agreement, with interest at a rate deemed appropriate by the executive director. The period of allowable service shall be credited to the account of the person only after receipt of full payment by the executive director.*

*Subd. 3. [OPTIONAL EMPLOYER PARTIAL PAYMENT.] Payment shall be made by the person entitled to purchase prior service, except that the current or former employer of the person may, at its discretion, pay all or any portion of the payment amount which exceeds an amount equal to the employee contribution rates in effect for the retirement fund during the period or periods of prior service applied to the actual salary rates in effect during the period or periods of prior service, plus interest at the rate of six percent per annum compounded annually from the date on which the contributions would otherwise have been made to the date on which payment is made. If more than one person who is a current or former employee of an employing unit is eligible to purchase prior service, the governing body of the employing unit shall establish and implement a uniform policy on the payment by it of a portion of the purchase of prior service amount.*

*Subd. 4. [TIME LIMITATION ON AUTHORITY TO MAKE PAYMENT.] The authority to make a lump sum payment or the agreement to make payments in installments over a period of not to exceed three years shall expire on July 1, 1987."*

Amend the title as follows:

Page 1, line 3, delete "extending the time limit for" and insert "authorizing"

Page 1, line 5, delete " ; amending Minnesota "

Page 1, delete line 6

Page 1, line 7, delete "1 and 3"

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

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

S.F. No. 1965: A bill for an act relating to the environment; amending the waste management act; authorizing the commissioner of administration to acquire certain development rights; defining terms for purposes of the resource recovery program; prohibiting the waste management board from certifying the use of facilities for disposal of radioactive waste; amending Minnesota Statutes 1980, Section 115A.15, Subdivisions 2, 6, and by adding a subdivision; Minnesota Statutes 1981 Supplement, Sections 115A.06, Subdivision 4; and 115A.24, by adding a subdivision.

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

Page 1, line 27, delete "condemnation" and insert "lease"

Page 1, line 28, delete "during" and insert "for all or part of"

Page 3, after line 4, insert:

"Sec. 2. Minnesota Statutes 1981 Supplement, Section 115A.06, Subdivision 13, is amended to read:

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

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

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

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

Sec. 3. [115A.071] [DUTIES OF THE BOARD; SOLID WASTE MANAGEMENT; DESIGNATIONS OF RESOURCE RECOVERY FACILITIES.]

Subdivision 1. [APPROVAL OF DESIGNATION PROPOSALS.] *The board shall review and approve or disapprove proposals to designate resource recovery facilities under sections 115A.70 and 400.162. The board may attach*

conditions to its approval. Before approving a designation the board shall determine that the proposal conforms to the requirements of section 115A.70 or section 400.162, that the designation will further the state policies and purposes expressed in section 115A.02, and that the designation is based upon a plan approved pursuant to subdivision 2 and an adequate evaluation of the standards expressed in section 115A.46, subdivision 3.

*Subd. 2. [PLAN REQUIRED.] Before reviewing a proposed designation, the board shall require the completion or, if necessary, revision of a comprehensive solid waste management plan which in the board's judgment conforms to the requirements of section 115A.46.*

*Subd. 3. [BOARD SUPERVISION.] The board shall require regular reports on any designation approved pursuant to this section and section 473.827, shall periodically evaluate whether the designation as implemented has accomplished its purposes and whether the designation is in the public interest and in furtherance of the state policies and purposes expressed in section 115A.02, and shall report periodically to the legislature on its conclusions and recommendations.*

Sec. 4. Minnesota Statutes 1980, Section 115A.08, is amended by adding a subdivision to read:

*Subd. 5a. [REPORT ON ASSURANCE OF SECURITY OF HAZARDOUS WASTE FACILITIES.] With the report required by subdivision 5, the board through its chairperson shall report and make recommendations to the legislative commission on methods of assuring the security of commercial hazardous waste facilities. The report and recommendations shall be based on the need to assure: effective monitoring and enforcement during operation; effective containment, control, and corrective action in any emergency situation; financial responsibility of the owner and operator throughout the operating life of the facility, using performance bonds, insurance, escrow accounts, or other means; proper closure; and perpetual post-closure monitoring and maintenance. The report shall include recommendations on the source of funds, including operator contributions, fee surcharges, taxes, and other sources; the amount of funds; effective protection and guarantee of funds; administration; regulatory and permit requirements; the role of local authorities; and other similar matters.*

Sec. 5. Minnesota Statutes 1981 Supplement, Section 115A.11, Subdivision 1, is amended to read:

*Subdivision 1. [CONTENTS.] By December 15, 1982, the board shall adopt a hazardous waste management plan. In developing and implementing the plan, the highest priority of the board shall be placed upon alternatives to land disposal of hazardous wastes including: technologies to modify industrial processes or introduce new processes which will reduce or eliminate hazardous waste generation; recycling, re-use, and recovery methods to reduce or eliminate hazardous waste disposal; and conversion and treatment technologies to reduce the degree of environmental risk from hazardous waste. The board shall also consider technologies for retrievable storage of hazardous wastes for later recycling, re-use, recovery, conversion, or treatment.*

The plan shall include at least the following elements:

- (a) an estimate of the types and volumes of hazardous waste which will be

generated in the state through the year 2000;

(b) specific and quantifiable objectives for reducing to the greatest feasible and prudent extent the need for and practice of disposal, through waste reduction, pretreatment, processing, and resource recovery;

(c) a description of the minimum disposal capacity and capability needed to be developed within the state for use through the year 2000, based on the achievement of the objectives under clause (b).

*The plan shall provide for the orderly development of hazardous waste management sites and facilities to protect the health and safety of rural and urban communities. In preparing the plan the board shall consider its impact upon agriculture and natural resources.*

The plan shall require the establishment *in the state* of at least one commercial disposal facility ~~in the state~~ and encourage the establishment of at least one facility for the recycling, re-use, recovery, conversion, treatment, or storage of hazardous waste. The board may make the implementation of elements of the plan contingent on actions of the legislature which have been recommended in the reports submitted pursuant to section 115A.08."

Page 3, line 10, delete everything after "which"

Page 3, delete line 11 and insert "are not reusable but which contain recoverable resources."

Page 3, line 35, delete the new language

Page 3, line 36, delete the new language and reinstate the stricken language

Page 4, line 1, reinstate the stricken language and before "may" insert "and"

Page 4, line 18, delete the new language

Page 4, delete line 19

Page 4, line 20, delete "administration of" and insert "and all reimbursements to the commissioner of his expenses incurred in developing and administering"

Page 4, after line 23, insert:

"Sec. 9. Minnesota Statutes 1981 Supplement, Section 115A.21, Subdivision 3, is amended to read:

Subd. 3. [MORATORIUM.] In order to permit the comparative evaluation of sites and the participation of affected localities in decisions about the use of sites, a moratorium is hereby imposed as provided in this subdivision on all development within each proposed or candidate site identified pursuant to this section and in a buffer area identified by the board surrounding and at least equal in area to the site. The moratorium on candidate sites and buffer areas shall extend until the board chooses a final candidate site or final candidate sites pursuant to this article. The moratorium on the final sites and buffer areas shall extend until six months following final action of the board pursuant to sections 115A.18 to 115A.30. No development shall be allowed to occur within a proposed site or buffer area during the period of the moratorium without the approval of the board. No land use control of any political sub-

division shall permit development which has not been approved by the board, nor shall any political subdivision sanction or approve any subdivision, permit, license, or other authorization which would allow development to occur which has not been approved by the board. The board shall not approve actions which would jeopardize the availability of a candidate site for use as a hazardous waste facility. The board may establish guidelines for reviewing requests for approval under this subdivision. The guidelines shall not be subject to the rule-making provisions of chapter 15. Requests for approval shall be submitted in writing to the chairperson of the board and shall be deemed to be approved by the board unless the chairperson otherwise notifies the submitter in writing within 15 days.

Sec. 10. Minnesota Statutes 1981 Supplement, Section 115A.24, Subdivision 1, is amended to read:

Subdivision 1. [CERTIFICATE.] Except as provided in subdivision 2, by December 15, 1982, on the basis of and consistent with its hazardous waste management plan adopted under section 115A.11, the board shall issue a certificate or certificates of need for disposal facilities for hazardous wastes in the state. The certificate or certificates shall indicate the types and volumes of waste for which disposal facilities are and will be needed through the year 2000 and the number, types, sizes, general design and operating specifications, and function or use of the disposal facilities needed in the state. The board shall certify need only to the extent that the board has determined that there are no feasible and prudent alternatives including waste reduction, separation, pre-treatment, processing, and resource recovery which would minimize adverse impact upon natural resources, provided that the board shall require the establishment of at least one commercial disposal facility in the state. Economic considerations alone shall not justify certification nor the rejection of alternatives. Alternatives that are speculative and conjectural shall not be deemed to be feasible and prudent. *The board shall consider all technologies being developed in other countries as well as in the United States when it considers the alternatives to hazardous waste disposal.* The certificate or certificates shall not be subject to the provisions of chapter 15 but shall be the final determination required on the matters decided by the certificate or certificates and shall have the force and effect of law. The certificate or certificates shall not be amended for five years. The board and the permitting agencies, in reviewing and selecting sites, completing environmental impact statements, and issuing approvals and permits for waste disposal facilities described in the certificate or certificates of need, shall not reconsider matters determined in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of facilities consistent with the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of at least one commercial disposal facility for hazardous waste in the state."

Page 4, after line 29, insert:

"Sec. 12. Minnesota Statutes 1980, Section 115A.25, is amended by adding a subdivision to read:

*Subd. 4. [COSTS OF ENVIRONMENTAL REVIEW.] The board shall reimburse the agency from the waste management fund for the costs which the agency incurs in carrying out the duties imposed under this section.*

Sec. 13. Minnesota Statutes 1980, Section 115A.42, is amended to read:

115A.42 [ESTABLISHMENT AND ADMINISTRATION.]

There is established a planning assistance program to provide technical and financial assistance to political subdivisions of the state for the ~~purpose~~ *purposes* of encouraging and improving regional and local solid waste management planning activities and efforts *and of furthering the state policies and purposes expressed in section 115A.02.* The program shall be administered by the agency pursuant to rules promulgated under chapter 15, except in the metropolitan area where the program shall be administered by the metropolitan council pursuant to chapter 473. The agency and the metropolitan council shall ensure conformance with federal requirements and programs established pursuant to the Resource Conservation and Recovery Act of 1976 and amendments thereto.

Sec. 14. Minnesota Statutes 1980, Section 115A.46, is amended to read:

115A.46 [CONTENTS REQUIREMENTS.]

*Subdivision 1. [GENERAL.] Plans shall address the state policies and purposes expressed in section 115A.02. Plans for the location, establishment, operation, maintenance, and post-closure use of facilities and facility sites, for ordinances, and for licensing, permit, and enforcement activities shall be consistent with the rules adopted by the agency pursuant to chapter 116. Plans shall address the resolution of conflicting, duplicative, or overlapping local management efforts. Plans shall address the establishment of joint powers management programs or waste management districts where appropriate. Plans proposing a designation of resource recovery facilities pursuant to sections 115A.70 and 400.162 shall be submitted to the waste management board for review and approval or disapproval under section 3 of this act. Plans shall address other matters as the rules of the agency may require consistent with the purposes of sections 115A.42 to 115A.46. Political subdivisions preparing plans under sections 115A.42 to 115A.46 are encouraged to shall consult with persons presently providing solid waste collection, processing, and disposal services in the preparation of the plan. Plans prepared by local units of government in the metropolitan area shall conform to the requirements of chapter 473. Plans prepared by political subdivisions outside the metropolitan area with assistance from the program shall conform to the requirements of this section.*

*Subd. 2. [CONTENTS.] The plans shall describe existing collection, processing, and disposal systems, including schedules of rates and charges, financing methods, environmental acceptability, and opportunities for improvements in the systems. The plans shall include an estimate of the land disposal capacity in acre-feet which will be needed through the year 2000, on the basis of current and projected waste generation practices. The plans shall contain an assessment of opportunities to reduce the need for land disposal through waste reduction and resource recovery, the alternative degrees of reduction achievable, and a comparison of the costs of alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators and on persons currently providing solid waste collection, processing, and disposal services. The plans shall, to the extent practicable and consistent with the achievement of other public policies and purposes, encourage ownership and operation of solid waste facilities by private industry. For*

*solid waste facilities owned or operated by public agencies or supported primarily by public funds or obligations issued by a public agency, the plans shall include criteria and standards to protect comparable private and public facilities already existing in the area from displacement unless the displacement is required in order to achieve the waste management objectives identified in the plan. The plans shall establish a siting procedure and development program to assure the orderly location, development, and financing of new or expanded solid waste facilities and services sufficient for a prospective ten-year period, including estimated costs and implementation schedules, proposed procedures for operation and maintenance, estimated annual costs and gross revenues, and proposals for the use of facilities after they are no longer needed or usable. The plans shall describe existing and proposed county and municipal ordinances and license and permit requirements relating to solid waste management and shall describe existing and proposed regulation and enforcement procedures. Plans for location, establishment, operation, maintenance, and post-closure use of facilities and facility sites, for ordinances, and for licensing, permit, and enforcement activities shall be consistent with the rules adopted by the agency pursuant to chapter 116. The plans shall address the resolution of conflicting, duplicative, or overlapping local management efforts. The plans shall address the establishment of joint powers management programs or waste management districts where appropriate. The plans shall address other matters as the rules of the agency may require consistent with the purposes of sections 115A.42 to 115A.46.*

*Subd. 3. [PLANS FOR DESIGNATION OF RESOURCE RECOVERY FACILITIES.] A plan proposing designation of resource recovery facilities pursuant to sections 115A.70 and 400.162 shall evaluate the benefits of the proposal, including the public purposes achieved by the conservation and recovery of resources, the furtherance of local and any district or regional waste management plans and policies, and the furtherance of the state policies and purposes expressed in section 115A.02, and also the costs of the proposal, including not only the direct capital and operating costs of the facility but also any indirect costs and adverse long-term effects of the designation. In particular the plan shall evaluate:*

*(a) whether the required use will result in the recovery of resources or energy from materials which would otherwise be wasted;*

*(b) whether the required use will lessen the demand for and use of land disposal;*

*(c) whether the required use is necessary for the financial support of the facility;*

*(d) whether less restrictive methods for ensuring an adequate solid waste supply are available;*

*(e) all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed designation, the direct and indirect costs of the alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators.*

Sec. 15. Minnesota Statutes 1980, Section 115A.57, Subdivision 1, is amended to read:

Subdivision 1. [CREATION; RECEIPTS.] The commissioner of finance

shall maintain a Minnesota state waste management fund. The fund shall receive the proceeds of state bonds and other money appropriated to the fund and disburse money for the *environmental analysis and acquisition* of real property and interests in real property for hazardous waste facility sites and surrounding buffer areas, as authorized by section 115A.06, subdivision 4, and money to be granted or loaned to political subdivisions pursuant to the waste processing facility capital assistance program created by section 115A.54. The commissioner of finance and state treasurer shall deposit in the fund as received (a) all proceeds of Minnesota state waste management bonds, except accrued interest and premiums received upon the sale of the bonds; (b) all other money appropriated by law for purposes stated in sections 115A.57 to 115A.59, and (c) all money granted to the state for those purposes by the federal government or any agency thereof. All the receipts are annually appropriated for the purposes of the fund, and shall remain available until expended.

Sec. 16. Minnesota Statutes 1980, Section 115A.59, is amended to read:

115A.59 [BOND AUTHORIZATION AND APPROPRIATION OF PROCEEDS.]

The commissioner of finance is authorized, upon request of the board, to sell Minnesota state waste management bonds in the amount of up to \$8,800,000 for the purpose of the waste processing facility capital assistance program under section 115A.54, and in the amount of up to \$6,200,000 for the purpose of ~~acquiring~~ *environmental analysis and acquisition* of real property and interests in real property for hazardous waste facility sites and buffer areas as authorized by section 115A.06, subdivision 4. The bonds shall be sold in the manner and upon the conditions prescribed in section 115A.58, and in the Minnesota Constitution, Article XI, Sections 4 to 7. The proceeds of the bonds, except as provided in section 115A.58, subdivision 5, are appropriated to the Minnesota state waste management fund. The amount of bonds issued pursuant to this authorization shall not exceed at any time the amount needed to produce a balance in the waste management fund equal to the aggregate amount of the loans and grants then approved and not previously disbursed, plus the amount of the loans and grants to be approved in the current and the following fiscal year, as estimated by the board.

Sec. 17. Minnesota Statutes 1980, Section 115A.62, is amended to read:

115A.62 [PURPOSE; PUBLIC INTEREST; DECLARATION OF POLICY.]

The legislature finds that the development of integrated and coordinated solid waste management systems is needed to manage properly the solid waste generated in the state ~~and~~, to conserve and protect the natural resources in the state and the health, safety, and welfare of its citizens, *and to further the state policies and purposes expressed in section 115A.02*; that this need cannot always be met solely by the activities of individual political subdivisions or by agreements among subdivisions; and that therefore it is necessary to establish a procedure for the creation of solid waste management districts having the powers and performing the functions prescribed in sections 115A.62 to 115A.72.

Sec. 18. Minnesota Statutes 1980, Section 115A.69, Subdivision 10, is amended to read:

Subd. 10. [DISPOSITION OF PRODUCTS AND ENERGY.] The district may use, sell, or otherwise dispose of all of the products and energy produced by its facilities. ~~The district may, on a competitive basis, enter into short or long term contracts, make spot sales, solicit bids, enter into direct negotiations, deal with brokers, or use such other methods of disposal as it chooses, provided that the dealings of the district shall be on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade on the part of the district. Section 471.345 shall not apply to the sale of products and energy.~~ The district shall give particular consideration to the needs of purchasers in this state and shall actively promote sales to such purchasers so long as this can be done at prices and under conditions that meet constitutional requirements and that are consistent with the district's object of being financially self supporting to the greatest extent possible.

Sec. 19. Minnesota Statutes 1980, Section 115A.70, Subdivision 1, is amended to read:

Subdivision 1. ~~[GENERAL PURPOSE.] A district may be authorized by the order and articles of incorporation establishing the~~ *In order to accomplish the objectives of a waste management district, to further the state policies and purposes expressed in section 115A.02, and to advance the public purposes served by resource recovery, the legislature finds and declares that it may be necessary to authorize a district to require that all or any portion of the solid waste that is generated within its boundaries or any service area thereof and is deposited within the state be taken for processing to a resource recovery facility or a transfer station serving a facility designated by the district.*

Sec. 20. Minnesota Statutes 1980, Section 115A.70, Subdivision 2, is amended to read:

Subd. 2. [STANDARDS.] ~~In determining whether to designate and require use of resource recovery facilities the district shall consider whether~~

(a) ~~the required use will result in the recovery of resources or energy from materials which would otherwise be wasted;~~

(b) ~~the required use will lessen the demand for and use of land disposal;~~

(c) ~~the required use is necessary for the financial support of the facility;~~

(d) ~~less restrictive methods for ensuring an adequate solid waste supply are available;~~

(e) ~~all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed designation have been considered and the costs of the alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators have been compared and evaluated. Any district designation shall be based upon a plan prepared and approved in conformance with sections 3 of this act and 115A.46, shall be authorized in the articles of incorporation of the district, and shall be submitted pursuant to section 3 for review and approval or disapproval by the waste management board.~~

Sec. 21. Minnesota Statutes 1980, Section 115A.70, Subdivision 3, is amended to read:

Subd. 3. [EXEMPTION.] The district shall not designate and require use of

facilities for materials which are *being* separated from solid waste and re-covered for reuse or recycling by the generator, by a private person under contract with the generator or by a licensed solid waste collector. *The district shall not designate and require use of facilities for materials which are being delivered to another resource recovery facility unless the district finds and determines that the required use is consistent with criteria and standards concerning displacement of existing facilities and with the evaluation of resource recovery designation which are required in the solid waste management plan of the district.*

Sec. 22. Minnesota Statutes 1980, Section 116.07, Subdivision 4b, is amended to read:

Subd. 4b. [PERMITS; HAZARDOUS WASTE FACILITIES.] The agency shall provide to the waste management board established in section 115A.04, copies of each preliminary and final permit application for a hazardous waste facility immediately upon its submittal to the agency. The agency shall request recommendations on each permit application from the board and shall consult with the board on the agency's intended disposition of the recommendations. Except as otherwise provided in sections 115A.18 to 115A.30, the agency shall commence any environmental review required under chapter 116D within 120 days of its acceptance of a completed preliminary permit application. The agency shall respond to a preliminary permit application for a hazardous waste facility within 120 days following a decision not to prepare environmental documents or following the acceptance of a negative declaration notice or an environmental impact statement. Except as otherwise provided in sections 115A.18 to 115A.30, within 60 days following the submission of a final permit application for a hazardous waste facility, unless a time extension is agreed to by the applicant, the agency shall issue or deny all permits needed for the construction of the proposed facility. *The agency shall promulgate rules pursuant to chapter 15 for all hazardous waste facilities, except those addressed in subdivision 4c of this section. The rules shall require:*

*(1) contingency plans for all hazardous waste facilities which provide for effective containment and control in any emergency condition;*

*(2) the establishment of a mechanism to assure that money to cover the costs of closure and post-closure monitoring and maintenance of hazardous waste facilities will be available;*

*(3) the maintenance of liability insurance by the owner or operator of hazardous waste facilities during the operating life of the facility.*

Sec. 23. Minnesota Statutes 1980, Section 400.16, is amended to read:

400.16 [SOLID WASTE AND SEWAGE SLUDGE DISPOSAL REGULATIONS.]

The county may by ordinance establish and revise rules, regulations, and standards for solid waste and sewage sludge management and land pollution, relating to (a) the location, sanitary operation, and maintenance of solid waste facilities and sewage sludge disposal facilities by the county and any municipality or other public agency and by private operators; (b) the collection, processing, and disposal of solid waste and sewage sludge; (c) the amount and type of equipment required in relation to the amount and type of material received at any solid waste facility or sewage sludge disposal facility; (d) the

control of salvage operations, water or air or land pollution, and rodents at such facilities; (e) the termination or abandonment of ~~such the~~ facilities or activities; and (f) other matters relating to ~~such the~~ facilities as may be determined necessary for the public health, welfare, and safety. The county may issue permits or licenses for solid waste facilities and may require that ~~such the~~ facilities be registered with an appropriate county office. The county shall adopt the ordinances for mixed municipal solid waste management. The county shall make provision for issuing permits or licenses for mixed municipal solid waste facilities and shall require that ~~such the~~ facilities be registered with an appropriate county office. No permit or license shall be issued for a mixed municipal solid waste facility unless the applicant has demonstrated to the satisfaction of the county board the availability of revenues necessary to operate the facility in accordance with applicable state and local laws, ordinances, and rules. *No permit shall be issued for a solid waste facility used primarily for resource recovery or a transfer station serving such a facility, if the facility or station is owned or operated by a public agency or if the acquisition or betterment of the facility or station is secured by public funds or obligations issued by a public agency, unless the county finds and determines that adequate markets exist for the products recovered and that any displacement of existing resource recovery facilities and transfer stations serving such facilities that may result from the establishment of the new facility is required in order to achieve the waste management objectives of the county.* The county ordinance shall require appropriate procedures for termination or abandonment of any mixed municipal solid waste facilities or services, which shall include provision for long term monitoring for possible land pollution, and for the payment by the owners or operators thereof, or both, of any costs incurred by the county in completing ~~such the~~ procedures. The county may require ~~such the~~ procedures and payments with respect to any facilities or services regulated pursuant to this section. In the event the operators or owners fail to complete ~~such the~~ procedures in accordance with the ordinance, the county may recover the costs of completion in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land to be collected as other taxes are collected. The ordinance may be enforced by injunction, action to compel performance, or other appropriate action in the district court. Any ordinance enacted under this section shall embody minimum standards and requirements established by rule of the agency.

Sec. 24. Minnesota Statutes 1980, Section 400.162, is amended to read:

400.162 [COUNTY DESIGNATION OF RESOURCE RECOVERY FACILITY.]

~~Except~~ *The authority granted to counties by this section shall not apply within the metropolitan area, the Western Lake Superior Sanitary District established by Laws 1971, Chapter 478, as amended, and nor within any solid waste management district established under sections 115A.62 to 115A.72; any . In order to accomplish the objectives of county waste management, to further the state policies and purposes expressed in section 115A.02, and to advance the public purposes served by resource recovery, the legislature finds and declares that it may be necessary to authorize a county may to require that all or any portion of the solid waste that is generated within the boundaries of the county or any service area thereof and is disposed of in the state be delivered to a resource recovery facility designated by the county board or a transfer station serving such a facility, provided that the . Any county designation is approved shall be based upon a plan prepared and approved in conformance with sections 3 of this act and 115A.46 and shall be submitted pursuant to*

*section 3 for review and approval or disapproval by the waste management board. The board may require the county to complete a comprehensive solid waste management plan conforming to the requirements of section 115A.46. In establishing, continuing, and terminating the designation, the county shall be governed by all standards, exemptions, procedures, and other requirements provided in section 115A.70, subdivisions 2 to 6.*

Sec. 25. Minnesota Statutes 1980, Section 473.149, Subdivision 1, is amended to read:

Subdivision 1. [POLICY PLAN; GENERAL REQUIREMENTS.] The metropolitan council shall prepare and by resolution adopt as part of its development guide a long range policy plan for solid waste management in the metropolitan area. When adopted, the plan shall be followed in the metropolitan area. *The plan shall address the state policies and purposes expressed in section 115A.02.* The plan shall substantially conform to all policy statements, purposes, goals, standards, maps and plans in development guide sections and plans adopted by the council, provided that no land shall be thereby excluded from consideration as a solid waste facility site except land determined by the agency to be intrinsically unsuitable for such use. The plan shall include goals and policies for solid waste management in the metropolitan area and, to the extent appropriate, statements and information similar to that required under section 473.146, subdivision 1. The plan shall include criteria and standards for solid waste facilities and solid waste facility sites respecting the following matters: general location; capacity; operation; processing techniques; environmental impact; effect on existing, planned, or proposed collection services and waste facilities; and economic viability. *The plan shall, to the extent practicable and consistent with the achievement of other public policies and purposes, encourage ownership and operation of solid waste facilities by private industry.* For solid waste facilities owned or operated by public agencies or supported primarily by public funds or obligations issued by a public agency, the plan shall include additional criteria and standards *to ensure that the facilities are operated on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade in relation to protect comparable private and public facilities already existing in the area from displacement unless the displacement is required in order to achieve the waste management objectives identified in the plan.* In developing the plan the council shall consider the orderly and economic development, public and private, of the metropolitan area; the preservation and best and most economical use of land and water resources in the metropolitan area; the protection and enhancement of environmental quality; the conservation and reuse of resources and energy; the preservation and promotion of conditions conducive to efficient, competitive, and adaptable systems of waste management; and the orderly resolution of questions concerning changes in systems of waste management. Criteria and standards for solid waste facilities shall be consistent with regulations adopted by the pollution control agency pursuant to chapter 116 and shall be at least as stringent as the guidelines, regulations, and standards of the federal environmental protection agency.

Sec. 26. Minnesota Statutes 1980, Section 473.802, is amended to read:

473.802 [LEGISLATIVE PURPOSE AND POLICY.]

The legislature determines that for the protection of the public health, safety,

and welfare of the people of the metropolitan area, for the prevention, control and abatement of pollution of air and waters of the state in the metropolitan area, and for the efficient and economic management of solid waste in the metropolitan area, and for the furtherance of the state policies and purposes expressed in section 115A.02, it is necessary to authorize the metropolitan council to carry on a continuous, long range program of planning with respect to solid waste management, to establish criteria and standards and approve permits for solid waste facilities in the area, and to provide funds for the acquisition of property for solid waste disposal purposes; and to authorize the metropolitan counties if necessary to acquire, construct, operate and maintain solid waste facilities, to plan for and regulate solid waste collection services and facilities, to collect data on solid and hazardous waste management systems and procedures, and to assist state agencies to regulate the management of hazardous waste. ~~The legislature declares that a public purpose is served by the recovery and utilization of resources from solid waste where economically viable and compatible with source reduction. The plans, criteria, standards and regulations of the agency, council and metropolitan counties shall, to the extent practicable, encourage ownership and operation of solid waste facilities by private industry.~~

Sec. 27. Minnesota Statutes 1980, Section 473.803, Subdivision 1, is amended to read:

Subdivision 1. [COUNTY MASTER PLANS; GENERAL REQUIREMENTS.] Each metropolitan county, following adoption or revision of the council's solid waste policy plan and in accordance with the dates specified therein, and after consultation with all affected local government units, shall prepare and submit to the council for its approval, a county solid waste master plan to implement the policy plan. The master plan shall be revised and resubmitted at such times as the council's policy plan may require. The master plan shall describe county solid waste activities, functions, and facilities; the existing system of solid waste generation, collection, and processing, and disposal within the county; existing and proposed county and municipal ordinances and license and permit requirements relating to solid waste facilities and solid waste generation, collection, and processing, and disposal; existing or proposed municipal, county, or private solid waste facilities, and collection services within the county together with schedules of existing rates and charges to users and statements as to the extent to which such facilities and services will or may be used to implement the policy plan; and any solid waste facility which the county owns or plans to acquire, construct, or improve together with statements as to the planned method, estimated cost and time of acquisition, proposed procedures for operation and maintenance of each facility; an estimate of the annual cost of operation and maintenance of each facility; an estimate of the annual gross revenues which will be received from the operation of each facility; and a proposal for the use of each facility after it is no longer needed or usable as a waste facility. The master plan shall, to the extent practicable and consistent with the achievement of other public policies and purposes, encourage ownership and operation of solid waste facilities by private industry. For solid waste facilities owned or operated by public agencies or supported primarily by public funds or obligations issued by a public agency, the master plan shall contain policies to ensure that the facilities are operated on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade in relation criteria and standards to protect comparable private and public facilities already existing in the area from displacement unless the displacement is required in order to achieve the waste management objectives identified in the plan.

Sec. 28. Minnesota Statutes 1980, Section 473.803, is amended by adding a subdivision to read:

*Subd. 1c. [PLANS FOR REQUIRED USE OF RESOURCE RECOVERY FACILITIES.] Plans proposing designation of resource recovery facilities pursuant to section 473.811, subdivision 10, shall evaluate the benefits of the proposal, including the public purposes achieved by the conservation and recovery of resources; the furtherance of local, district, or regional waste management plans and policies, and the furtherance of the state policies and purposes expressed in section 115A.02, and also the costs of the proposal, including not only the direct capital and operating costs of the facility but also any indirect costs and adverse long-term effects of the designation. In particular the plan shall evaluate:*

*(a) whether the required use will result in the recovery of resources or energy from materials which would otherwise be wasted;*

*(b) whether the required use will lessen the demand for and use of land disposal;*

*(c) whether the required use is necessary for the financial support of the facility;*

*(d) whether less restrictive methods for ensuring an adequate solid waste supply are available;*

*(e) all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed designation, the direct and indirect costs of the alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators.*

Sec. 29. Minnesota Statutes 1980, Section 473.811, Subdivision 7, is amended to read:

*Subd. 7. [JOINT ACTION.] Each metropolitan county and Any local government governmental unit or metropolitan commission may act together with any county, city, or town within or without the metropolitan area, or with the pollution control agency or the waste management board under the provisions of section 471.59 or any other appropriate law providing for joint or cooperative action between government units, to accomplish any purpose specified in sections 473.149, 473.151, and 473.801 to 473.823 and sections 473.827, 473.831, 473.833, and 473.834, 116.05 and 115A.06.*

*Any agreement regarding data processing services relating to the generation, management, identification, labeling, classification, storage, collection, treatment, transportation, processing or disposal of waste and entered into pursuant to section 471.59, or other law authorizing joint or cooperative action may provide that any party to the agreement may agree to defend, indemnify and hold harmless any other party to the agreement providing the services, including its employees, officers or volunteers, against any judgments, expenses, reasonable attorney's fees and amounts paid in settlement actually and reasonably incurred in connection with any third party claim or demand arising out of an alleged act or omission by a party to the agreement, its employees, officers or volunteers occurring in connection with any exchange, retention, storage or processing of data, information or records required by the agreement. Any liability incurred by a party to an agreement*

*under this subdivision shall be subject to the limitations set forth in section 3.736 or section 466.04.*

Sec. 30. Minnesota Statutes 1980, Section 473.811, is amended by adding a subdivision to read:

*Subd. 10. [COUNTY DESIGNATION OF RESOURCE RECOVERY FACILITIES.] The authority granted to metropolitan counties by this subdivision shall not apply within any solid waste management district established under sections 115A.62 to 115A.72. In order to accomplish the objectives of county waste management, to further the state policies and purposes expressed in section 115A.02, and to advance the public purposes served by resource recovery, the legislature finds and declares that it may be necessary to authorize a county to require that all or any portion of the solid waste that is generated within the boundaries of the county or any service area thereof and is disposed of in the state be delivered to a resource recovery facility designated by the county board or a transfer station serving such a facility. Any county designation shall be based upon an approved master plan and shall be submitted pursuant to section 473.827, subdivision 1, for review and approval or disapproval by the metropolitan council. In establishing, continuing, and terminating the designation, the county shall be governed by all standards, exemptions, procedures, and other requirements provided in section 115A.70, subdivisions 2 to 6.*

Sec. 31. Minnesota Statutes 1980, Section 473.823, Subdivision 3, is amended to read:

*Subd. 3. [SOLID WASTE FACILITIES; REVIEW PROCEDURES.] The agency shall request applicants for solid waste facility permits to submit all information deemed relevant by the council to its review, including without limitation information relating to the geographic areas and population served, the need, the effect on existing facilities and services, the anticipated public cost and benefit, the anticipated rates and charges, the manner of financing, the effect on metropolitan plans and development programs, the supply of waste, anticipated markets for any product, and alternative means of disposal or energy production. No permit may be issued for the operation of a solid waste facility in the metropolitan area which is not in accordance with the metropolitan council's solid waste policy plan. The metropolitan council shall determine whether a permit is in accordance with the policy plan. In making its determination, the council shall consider the area-wide need and benefit of the applicant facility and may consider, without limitation, the effect of the applicant facility on existing and planned solid waste facilities described in a waste control commission development program or county report or master plan. If the council determines that a permit is in accordance with its policy plan, the council shall approve the permit. If the council determines that a permit is not in accordance with its policy plan, it shall disapprove the permit. The council's approval of permits may be subject to conditions necessary to satisfy criteria and standards in its policy plan, including conditions respecting the type, character, and quantities of waste to be processed at a solid waste facility used primarily for resource recovery and the geographic territory from which a resource recovery facility or transfer station serving such a facility may draw its waste. For the purpose of this review and approval by the council, the agency shall send a copy of each permit application and any supporting information furnished by the applicant to the metropolitan council within 15 days after*

receipt of the application and all other information requested from the applicant. Within 60 days after the application and supporting information are received by the council, unless a time extension is authorized by the agency, the council shall issue to the agency in writing its determination whether the permit is disapproved, approved, or approved with conditions. If the council does not issue its determination to the agency within the 60 day period, unless a time extension is authorized by the agency, the permit shall be deemed to be in accordance with the council's policy plan. No permit ~~may shall~~ be issued in the metropolitan area for a solid waste facility used primarily for resource recovery or a transfer station serving such a facility, if the facility or site station is owned ~~and or~~ operated by a public agency or if the acquisition or betterment of the facility or site station is secured by public funds or obligations ~~issued by a public agency~~, unless the council finds ~~and determines~~ that adequate markets exist for the products recovered ~~without substantially reducing the supply of solid waste available for existing resource recovery operations~~ and that ~~establishment of the facility is operated on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade in relation to comparable private facilities existing in the area is consistent with the criteria and standards in the metropolitan and county plans respecting the protection of existing resource recovery facilities and transfer stations serving such facilities.~~

Sec. 32. Minnesota Statutes 1980, Section 473.827, Subdivision 1, is amended to read:

Subdivision 1. [APPROVAL OF DESIGNATION PROPOSALS.] The council ~~may require that all or any portion of the solid waste that is generated within the metropolitan area or any service area thereof and is disposed of in the state be delivered to a resource recovery facility designated by the council or a transfer station serving such a facility.~~ The council may designate a facility under this section without the approval of the board except that the approval of the board shall be required if the solid waste required to be delivered is generated outside of the metropolitan area ~~shall review and approve or disapprove proposals to designate resource recovery facilities under section 473.811, subdivision 10. The council may attach conditions to its approval. Before approving a designation the council shall determine that the proposal conforms to the requirements of section 473.811, subdivision 10, that the designation will further the state policies and purposes expressed in section 115A.02, and that the designation is based upon a master plan approved by the council and an adequate evaluation of the standards expressed in section 473.803, subdivision 1c.~~

Sec. 33. Minnesota Statutes 1980, Section 473.827, is amended by adding a subdivision to read:

*Subd. 7. [REPORTS.] The council shall report or require reports to the waste management board on designations approved under this section in accordance with the reporting requirements of the board established pursuant to section 3.*

Sec. 34. Minnesota Statutes 1981 Supplement, Section 473.831, Subdivision 1, is amended to read:

Subdivision 1. [GENERAL OBLIGATION BONDS.] The council may by resolution authorize the issuance of general obligation bonds of the council to

provide funds for the *environmental analysis and acquisition* of sites and surrounding buffer areas for development as solid waste disposal facilities pursuant to this section and section 473.833 and to provide funds for refunding obligations issued under this section. The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for general obligation bonds, and the council shall have the same power and duties as a municipality and its governing body in issuing bonds under chapter 475, except as otherwise provided in this chapter. No election shall be required, and the net debt limitations in chapter 475 shall not apply. The council shall have the power to levy ad valorem taxes for debt service of the council's solid waste bonds upon all taxable property within the metropolitan area, without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the council for other purposes or by any local government unit in the area. Each of the county auditors shall annually assess and extend upon the tax rolls in his county the portion of the taxes levied by the council in each year which is certified to him by the council. The principal amount of bonds issued pursuant to this section shall not exceed \$15,000,000.

Sec. 35. Minnesota Statutes 1980, Section 473.831, Subdivision 2, is amended to read:

Subd. 2. [USE OF PROCEEDS.] The proceeds of bonds issued under subdivision 1 shall be used pursuant to section 473.833, by the council, *for the purposes provided in subdivision 1 and to make grants to metropolitan counties to pay the cost of the acquisition of all property or interests in property for solid waste disposal sites and surrounding buffer areas required to be acquired by the county, pursuant to section 473.833, by the council's policy plan and development schedule adopted pursuant to section 473.149, subdivision 2e. If the council is required by law or regulation to prepare environmental analyses on one or more solid waste disposal sites and surrounding buffer areas, the council may use the proceeds of the bonds issued under subdivision 1 to contract for consultant services in the preparation of such analyses only upon a finding that equivalent expertise is not available among its own staff.*

Sec. 36. [REPEALER.]

*Minnesota Statutes 1980, Section 473.827, Subdivisions 2, 3, 4, 5, and 6, are repealed.*

Sec. 37. [APPLICATION.]

*Sections 20 to 27 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after "amending" insert "various provisions of"

Page 1, line 8, after "waste;" insert "stating various policies and requirements relating to solid and hazardous waste plans and facility permits; prescribing standards, procedures, approvals, and supervision relating to designations of resource recovery facilities; requiring the board to place its highest priority on alternatives to land disposal of hazardous waste;"

Page 1, line 9, delete "Section" and insert "Sections 115A.08, by adding a

subdivision;”

Page 1, line 10, before the semicolon insert “; 115A.25, by adding a subdivision; 115A.42; 115A.46; 115A.57, Subdivision 1; 115A.59; 115A.62; 115A.69, Subdivision 10; 115A.70, Subdivisions 1, 2, and 3; 116.07, Subdivision 4b; 400.16; 400.162; 473.149, Subdivision 1; 473.802; 473.803, Subdivision 1, and by adding a subdivision; 473.811, Subdivision 7, and by adding a subdivision; 473.823, Subdivision 3; 473.827, Subdivision 1, and by adding a subdivision; 473.831, Subdivision 2”

Page 1, line 11, delete “Subdivision” and insert “Subdivisions” and after “4” insert “and 13; 115A.11, Subdivision 1; 115A.21, Subdivision 3”

Page 1, line 11, delete “and”

Page 1, line 11, before “by” insert “Subdivision 1, and”

Page 1, line 12, before the period, insert “; and 473.831, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 115A; repealing Minnesota Statutes 1980, Section 473.827, Subdivisions 2, 3, 4, 5, and 6”

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 referred

S.F. No. 1879: A bill for an act relating to state government; allowing for disclosures of information between the commissioner of revenue and the department of economic security; amending Minnesota Statutes 1980, Section 268.12, Subdivision 12; and Minnesota Statutes 1981 Supplement, Section 290.61.

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

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

S.F. No. 1801: A bill for an act relating to local government; allowing the city of Orr and the town of Leiding to assess the cost of maintenance of television relay service.

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

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

S.F. No. 1987: A bill for an act relating to taxation; requiring notification to school districts of certain property tax assessment challenge proceedings; authorizing school districts to participate at certain hearings; amending Minnesota Statutes 1980, Sections 278.01; and 278.05, Subdivision 2.

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

Page 3, line 26, after the period, insert “*If the school board has responded within 30 days of receipt to a notice provided pursuant to section 1, indicating that it desires to be notified of further proceedings in the case,*”

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

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

S.F. No. 419: A bill for an act relating to retirement; Minneapolis teachers retirement fund association; providing for the purchase of military service credit by certain members; authorizing an amendment to the articles of incorporation of the retirement fund.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1981 Supplement, Section 354.46, Subdivision 1, is amended to read:

Subdivision 1. [BASIC PROGRAM; BENEFITS FOR SPOUSE AND CHILDREN OF TEACHER.] If a basic member who has at least 18 months of allowable service credit and who has an average salary as defined in section 354.44, subdivision 6 equal to or greater than \$75 dies prior to retirement or if a former basic member who, at the time of death, was totally and permanently disabled and receiving disability benefits pursuant to section 354.48 dies prior to attaining the age of 65 years, the surviving dependent spouse and dependent children of the basic member or former basic member shall be entitled to receive a monthly benefit as follows:

(a) Surviving dependent

spouse . . . . . 30 percent of the basic member’s monthly average salary paid in the last full fiscal year preceding death

(b) Each dependent

child . . . . . ten percent of the basic member’s monthly average salary paid in the last full fiscal year preceding death

Payments for the benefit of any dependent child under the age of 22 years shall be made to the surviving parent, or if there be none, to the legal guardian of the child. The maximum monthly benefit shall not exceed \$450 \$700 for any one family, and the minimum benefit per family shall not be less than 30 percent of the basic member’s average salary, subject to the foregoing maximum. The surviving dependent spouse benefit shall terminate upon remarriage, and the surviving dependent children’s benefit shall be reduced pro tanto when any surviving child is no longer dependent.

If the basic member and the surviving dependent spouse are killed in a common disaster and if the total of all survivors benefits payable pursuant to this subdivision is less than the accumulated deductions plus interest payable, the surviving dependent children shall receive the difference in a lump sum payment.

If the survivor benefits provided in this subdivision exceed in total the

monthly average salary of the deceased basic member, these benefits shall be reduced to an amount equal to the deceased basic member's monthly average salary.

Prior to payment of any survivor benefit pursuant to this subdivision, in lieu of that benefit, the surviving dependent spouse may elect to receive the joint and survivor annuity provided pursuant to subdivision 2, or may elect to receive a refund of accumulated deductions with interest in a lump sum as provided pursuant to sections 354.47, subdivision 1 or 354.62, subdivision 5, clause (3). If there are any surviving dependent children, the surviving dependent spouse may elect to receive the refund of accumulated deductions only with the consent of the district court of the district in which the surviving dependent child or children reside.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 354.46, Subdivision 2, is amended to read:

Subd. 2. [DEATH WHILE ELIGIBLE DESIGNATED BENEFICIARY BENEFIT.] *The surviving spouse of any member who has attained the age of at least 55 years and has credit for at least 20 years of allowable service or who has credit for at least 30 years of allowable service irrespective of age shall be entitled to elect joint and survivor annuity coverage in the event of death of the member prior to retirement which shall be payable to the surviving spouse. If the election is made and the person dies prior to retirement, the surviving spouse.* If the surviving spouse does not elect to receive a surviving spouse benefit provided pursuant to subdivision 1, if applicable, or does not elect to receive a refund of accumulated member contributions provided pursuant to sections 354.47, subdivision 1, or 354.62, subdivision 5, clause (3), whichever is applicable, *the surviving spouse shall be entitled to receive, upon written application on a form prescribed by the executive director, a benefit equal to the second portion of a 100 percent joint and survivor annuity as provided pursuant to section 354.45 and computed pursuant to section 354.44, subdivisions 2, 6 or 7, whichever is applicable. If the member was a participant in the variable annuity division, the applicable portion of the benefit shall be computed pursuant to section 354.62, subdivision 5, clause (1). The benefit shall be payable for life.*

Sec. 3. [PURCHASE OF PRIOR SERVICE CREDIT.]

*Subdivision 1. [AUTHORITY.] Notwithstanding any provision of law to the contrary, the following persons shall be entitled to purchase prior service credit from the appropriate retirement fund or association for service for which the person has not previously received service credit. The amount and manner of payment shall be governed by the provisions of section 4.*

*Subd. 2. From the Minnesota state retirement system, a member who has prior service as a labor service employee employed as a laborer 1 on an hourly basis between May 4, 1960, and December 26, 1961, and who is currently an employee of the department of natural resources, shall be entitled to purchase service credit for the period from May 4, 1960, to December 26, 1961.*

*Subd. 3. From the teachers retirement association, any member who was given a leave of absence to enter military service and who returned to teaching service upon discharge from military service as provided in Minnesota Statutes, Section 192.262, but who did not obtain credit for the period of military*

service within five years from the date of discharge, or any member who prior to becoming a member of the fund was given a leave of absence to enter military service and returned to teaching service upon discharge from military service as provided in Minnesota Statutes, Section 192.262, shall be entitled to purchase service credit for the period of military service, but service credit shall not be given for any voluntary extension of military service at the instance of the member beyond the initial period of enlistment, induction or call to duty.

*Subd. 4. From the teachers retirement association, any member who rendered teaching service prior to July 1, 1957, as defined in Minnesota Statutes, Section 354.05, but who did not make the full required contributions for this service because of limited or permanent exempt status wherein membership in the association was optional or because of the contribution limits then in effect, shall be entitled to purchase service credit for any of the above periods of service.*

*Subd. 5. From the public employees retirement association, a basic member who served as county attorney for Lac Qui Parle County between January 1, 1951, and September 1, 1960, shall be entitled to purchase service credit for the period served as county attorney.*

*Subd. 6. From the public employees retirement association, a person who was employed by the St. Paul Bureau of Health from January 1948 to September 1953 and who contributed to the bureau of health retirement plan from February 1951 to September 1953, and who was reemployed by the city of St. Paul in the Department of Community Services, Division of Public Health from April 22, 1974, until December 31, 1981, shall be entitled to purchase service credit for the period from February 1951 to September 1953.*

*Subd. 7. From the Minneapolis teachers retirement fund association, if the articles of incorporation are amended pursuant to section 5, any member who has performed active military service in the armed forces of the United States, as defined in Minnesota Statutes, Section 197.971, Subdivision 3, shall be entitled to purchase service credit for the period of prior military service for the lesser of either the actual military service without any voluntary extension beyond the initial period of military service or four years.*

*Subd. 8. From the Buhl police relief association, a member who has at least 15 years of service credit in the Buhl police relief association, and who was a member of the public employees police and fire fund for the period of probationary service and who took a refund of the employee contributions at the end of the probationary period, shall be entitled to purchase service credit in the Buhl police relief association for the period of probationary service.*

*Subd. 9. From the teachers retirement association, any person who was born on May 29, 1932, who is employed as an elementary school principal by Independent School District No. 316, Coleraine, who was employed as a high school teacher and coach by the Hackensack school district during the 1955-1956 school year, who was employed as a high school teacher and coach by the Kelliher school district during the 1956-1957 school year, and who served on active military duty from June 15, 1957, to December 14, 1957, shall be entitled to purchase credit for any period of teaching service or active military service for which the person does not have service credit.*

*Subd. 10. From the Minnesota state retirement system, a former member*

who was employed by the state department of taxation, income tax division, as a probationary employee from June 1942 until January 1943, and as a regular employee of that division until October 1946, and who is currently employed by the public employees retirement association, shall be entitled to purchase service credit for any portion of probationary service, which when added to the service credit obtained by the repayment of a refund authorized under Minnesota Statutes, Section 356.30, Subdivision 2, will enable the person to acquire twenty years of service credit.

*Subd. 11. From the public employees retirement association, any person who was a member of the West St. Paul city council from January 1, 1972, to December 31, 1976, and who was a county commissioner for the county of Dakota from January 1, 1977, to December 31, 1980, shall be entitled to purchase service credit for the period from January 1, 1972, to December 31, 1976.*

*Subd. 12. From the Minnesota state retirement system, any employee or former employee of the department of employment services who was employed during the period June 1, 1941, to June 17, 1947, by the United States employment service and who became a public employee covered by one of the retirement funds enumerated in section 356.30, subdivision 3, subsequent to June 17, 1947, for the period of service with the United States employment service.*

#### Sec. 4. [PAYMENT.]

*Subdivision 1. [CALCULATION OF PRESENT VALUE.] For the persons entitled to purchase prior service credit, there shall be paid to the applicable retirement fund or association an amount equal to the present value, on the date of payment, of the amount of the additional service pension or retirement annuity which would be obtained by virtue of the purchase of the additional service credit, using the interest rate specified in Minnesota Statutes, Section 356.215, Subdivision 4, Clause (4), and the applicable mortality table adopted for the appropriate retirement fund or association and assuming continuous service until, and retirement at, the normal retirement age with the additional service credit purchased, for the appropriate retirement fund or association, or the age at the date of payment or of the agreement to pay, whichever is older, and a future salary history which includes annual salary increases at the salary increase rate specified in Minnesota Statutes, Section 356.215, Subdivision 4, Clause (4). The person requesting the purchase of prior service must establish in the records of the retirement fund or association proof of the service for which the purchase of prior service is requested. The manner of the proof of service shall be in accordance with procedures prescribed by the board of trustees of the fund or association or by the executive director.*

*Subd. 2. [PAYMENT OF PRESENT VALUE; CREDITING OF SERVICE.] Payment shall be made in one lump sum, unless the executive director of the appropriate retirement fund or association agrees to accept payment in installments over a period of not to exceed three years from the date of the agreement, with interest at a rate deemed appropriate by the executive director. The period of allowable service shall be credited to the account of the person only after receipt of full payment by the executive director.*

*Subd. 3. [OPTIONAL EMPLOYER PARTIAL PAYMENT.] Payment*

shall be made by the person entitled to purchase prior service, except that the current or former employer of the person may, at its discretion, pay all or any portion of the payment amount which exceeds an amount equal to the employee contribution rates in effect for the retirement fund during the period or periods of prior service applied to the actual salary rates in effect during the period or periods of prior service, plus interest at the rate of six percent per annum compounded annually from the date on which the contributions would otherwise have been made to the date on which the payment is made.

If more than one person who is a current or former employee of an employing unit is eligible to purchase prior service, the governing body of the employing unit shall establish and implement a uniform policy on the payment by it of a portion of the purchase of prior service payment amount.

Subd. 4. [TIME LIMITATION ON AUTHORITY TO MAKE PAYMENT.] For the provisions of section 3, subdivisions 3 and 4, the authority to make a lump sum payment or the agreement to make payments in installments over a period of not to exceed three years shall expire on July 1, 1987. For the provisions of section 3, subdivision 7, payment shall be made on or before July 1, 1985, or the date the member terminates active service, whichever is earlier. For the remaining provisions of section 3, the authority to make a lump sum payment or to make an agreement to make installments shall expire on July 1, 1983.

Sec. 5: [MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION; AUTHORIZATION OF AMENDMENT OF ARTICLES OF INCORPORATION.]

Authorization is hereby granted in accordance with Minnesota Statutes, Section 354A.12, Subdivision 4, for the Minneapolis teachers retirement fund association to amend its articles of incorporation to authorize its members to purchase military service credit.

A new subsection (18) may be added to article IX of the articles of incorporation to provide that an active member of the Minneapolis teachers retirement fund association who has acquired at least 15 years of service credit from the retirement fund association and who has performed active military service in the armed forces of the United States as defined in Minnesota Statutes, Section 197.971, Subdivision 3, shall be entitled, upon application, to purchase service credit for the period of active military service, which shall not exceed the lesser of the actual military service without any voluntary extension beyond the initial period of military service or four years. The period of military service purchased shall not include any period of service for which the member on the date of purchase is receiving retirement benefits from any federal, state or local public or governmental pension fund or plan other than the federal social security system.

To purchase the military service credit, the member shall pay the retirement fund an amount calculated pursuant to section 4. Payment may be made either in a lump sum or in installments by payroll deduction from the salary of the member. Service credit for the period of military service shall not be granted until full payment is received by the retirement fund and until sufficient documentation concerning the period of military service and the status of other public pension fund or plan credit for the period is provided to the retirement fund.

**Sec. 6. [PURCHASE OF PRIOR SERVICE IN UNCLASSIFIED EMPLOYEES PLAN.]**

*Subdivision 1. [ENTITLEMENT.] A person who was employed by the legislature during the 1981 session and who is currently a permanent employee of the governor's office shall be entitled to purchase service credit for the period of prior intermittent legislative service.*

*Subd. 2. [PAYMENT; PROOF OF EMPLOYMENT.] The calculation of the payment to purchase prior service and proof of legislative employment shall be certified pursuant to Laws 1981, Chapter 297, Section 2, Subdivision 2, second paragraph, except that the matching employer contributions shall be at the discretion of the employer. The authority to make a lump sum payment or to make an agreement to make installment payments shall expire on July 1, 1983.*

**Sec. 7. [EFFECTIVE DATE.]**

*This act is effective the day following final enactment."*

Amend the title as follows:

Delete the title and insert:

"A bill for an act relating to retirement; authorizing certain persons in various retirement funds to purchase prior service credit and military service credit; teachers retirement association; modifying survivor benefits; authorizing an amendment to the articles of incorporation of the Minneapolis teachers retirement fund association; amending Minnesota Statutes 1981 Supplement, Section 354.46, Subdivisions 1 and 2."

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

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

S.F. No. 1775: A bill for an act relating to health; providing for grants to certain maternal and child health care programs; proposing new law coded in Minnesota Statutes, Chapter 144.

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

Delete everything after the enacting clause and insert:

"Section 1. [145.881] [PURPOSE.]

*The legislature finds that it is in the public interest to assure:*

*(a) Statewide planning and coordination of maternal and child health services through the acquisition and analysis of population-based health data, provision of technical support and training, and coordination of the various public and private maternal and child health efforts; and*

*(b) Support for targeted maternal and child health services in communities with significant populations of high risk, low income families through a grants process.*

*Federal money received by the Minnesota commissioner of health, pursuant to United States Code, Title 42, Sections 701 to 709, shall be expended to:*

(1) assure access to quality maternal and child health services for mothers and children, especially those of low income and with limited availability to health services;

(2) reduce infant mortality and the incidence of preventable diseases and handicapping conditions among children;

(3) reduce the need for inpatient and long-term care services and to otherwise promote the health of mothers and children, especially by providing preventive and primary care services for low income mothers and children and prenatal, delivery and postpartum care for low income mothers;

(4) provide rehabilitative services for blind and disabled children under age 16 receiving benefits under Title XVI of the Social Security Act; and

(5) provide and locate medical, surgical, corrective and other service for children who are crippled or who are suffering from conditions that lead to crippling.

Sec. 2. [145.882] [MATERNAL AND CHILD HEALTH ADVISORY TASK FORCE.]

*Subdivision 1. [COMPOSITION OF TASK FORCE.] The commissioner shall establish and appoint a maternal and child health advisory task force consisting of 15 members. Ten members shall be health service professionals with expertise in maternal and child health services, equally representative of the public and private sectors. Five members shall be persons currently serving on a local board of health or advisory committee as defined in section 145.913 or consumer representatives interested in the health of mothers and children.*

*No members shall be employees of the state department of health. Task force members shall be appointed and removed and terms shall expire as provided in section 15.059, subdivision 6.*

*Subd. 2. [DUTIES.] The advisory task force shall meet on a regular basis to perform the following duties:*

*(a) Review and report on the health care needs of mothers and children throughout the state of Minnesota;*

*(b) Review and report on the type, frequency and impact of maternal and child health care services provided to mothers and children under existing maternal and child health care programs, including programs administered by the commissioner of health;*

*(c) Establish, review, and report to the commissioner a list of program guidelines and criteria which the advisory task force considers essential to providing an effective maternal and child health care program to low income, high risk patients and fulfilling the purposes defined in section 1;*

*(d) Review staff recommendations of the department of health regarding maternal and child health grant awards before the awards are made;*

*(e) Make recommendations to the commissioner for the use of other federal and state funds available to meet maternal and child health needs;*

*(f) Make recommendations to the commissioner of health on priorities for funding the following maternal and child health services: (1) prenatal, delivery and postpartum care, (2) comprehensive health care for children, especially*

*from birth through five years of age, (3) adolescent health services, (4) family planning services, (5) preventive dental care, (6) special services for chronically ill and handicapped children and (7) any other services which promote the health of mothers and children; and*

*(g) Make recommendations to the commissioner of health on a process to distribute, award and administer the maternal and child health block grant funds after July 1, 1983, that will fulfill the purposes of section 1.*

**Sec. 3. [145.883] [MATERNAL AND CHILD HEALTH BLOCK GRANT DISTRIBUTION.]**

*The maternal and child health care block grant shall be distributed to the same recipients that received funds during the previous year until July 1, 1983. A reduction in federal funding shall be distributed to reflect a proportional reduction for each recipient.*

**Sec. 4. [EFFECTIVE DATE.]**

*Sections 1 to 3 are effective the day following final enactment. Members of the maternal and child health advisory task force shall be appointed by July 1, 1982, and the task force shall make its recommendations required by section 2, subdivision 2, by February 15, 1983."*

Amend the title as follows:

Page 1, lines 2 and 3, delete "providing for grants to certain maternal and child health care programs" and insert "providing for an advisory task force to make recommendations on the distribution of funds for maternal and child health care needs"

Page 1, line 4, delete "144" and insert "145"

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. 1685: A bill for an act relating to metropolitan government; regulating the organization, duties and powers of the metropolitan mosquito control district and commission; amending Minnesota Statutes 1980, Sections 473.701, Subdivisions 1, 2 and 3; 473.702; 473.703, Subdivisions 1, 2 and by adding a subdivision; 473.704, Subdivisions 1, 5, 13, 14 and 17; 473.705; and 473.706; proposing new law coded in Minnesota Statutes, Chapter 473; repealing Minnesota Statutes 1980, Sections 473.701, Subdivisions 5 and 6; 473.703, Subdivisions 3, 4, 5, 6, 8, and 9; 473.704, Subdivisions 2, 3, 4, 6, and 15; 473.711; 473.713; 473.714; 473.715; and 473.717.

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

Page 1, line 20, strike "473.717" and insert "473.716"

Page 2, line 5, delete "473.703" and insert "473.702"

Page 2, line 8, after "AREA" insert "GOVERNING BODY"

Page 2, line 13, after the period, insert "The metropolitan mosquito control commission is created as the governing body of the district, composed and

*exercising the powers as prescribed in sections 473.701 to 473.716."*

Pages 2 to 4, delete sections 5 to 11

Page 4, line 7, reinstate the stricken language

Page 4, lines 7 to 10, delete the new language

Page 4, lines 16 to 18, reinstate the stricken language

Page 4, line 17, delete "commissioners"

Page 4, line 21, after the period, insert "*The commissioner of natural resources shall allow the commission to enter upon state property for the purposes described in this subdivision.*"

Page 4, line 21, delete "They" and insert "The commission"

Page 4, line 23, after the period, insert "*The commission shall not enter upon private property if the owner objects.*"

Pages 4 to 7, delete sections 13 to 17

Page 7, after line 20, insert:

"Sec. 6. Minnesota Statutes 1980, Section 473.711, Subdivision 2, is amended to read:

Subd. 2. *The commission shall prepare an annual budget. The budget may provide for expenditures in an amount not exceeding six-tenths of one mill times the current assessed valuation of the metropolitan area. Each county in the district shall levy a special tax each year in order to defray its share of the cost of the activities of the commission, which . The share shall be based on population per capita based upon the most recent population estimate made by the metropolitan council. Such The levy where necessary may be made separate from the general levy of the county and may be made at any time of the year, however, . No participating county shall levy any tax for mosquito control except under sections 473.701 to 473.717 473.716. The levy shall be in addition to other taxes authorized by law and shall be disregarded in the calculation of limits on taxes imposed by chapter 275."*

Page 7, line 23, delete everything after "6;"

Page 7, delete line 24 and insert "473.713;"

Page 7, line 25, delete "473.715;"

Amend the title as follows:

Page 1, line 4, after "commission;" insert "authorizing taxes;"

Page 1, line 6, delete "473.703"

Page 1, delete lines 7 to 14 and insert "473.704, Subdivision 17; and 473.711, Subdivision 2; repealing Minnesota Statutes 1980, Sections 473.701, Subdivisions 5 and 6; 473.713; and 473.717."

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. 1815: A bill for an act relating to economic development; provid-

ing for a Minnesota conference on job formation; appropriating money.

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

Page 1, line 11, after "by" insert "*the subcommittee on committees of*"

Page 2, delete line 3 and insert "*Expenses of*"

Page 2, line 5, before the period, insert "*shall be paid from appropriations previously made to the office of the governor, the senate, and the house of representatives*"

Page 2, line 6, after the period, insert "*The commissioners shall submit a budget request, showing proposed income and expenditures, to the governor, the senate committee on rules and administration, and the house committee on rules and legislative administration for their approval. Amounts transferred by the governor, the senate, and the house of representatives to the conference are appropriated to the conference for the purposes of this act.*"

Page 2, after line 7, insert:

"Sec. 5. [EFFECTIVE DATE.]

*This act is effective the day following final enactment.*"

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

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

S.F. No. 276: A bill for an act relating to health; establishing an advisory task force on the use of state facilities in lieu of reimbursing private facilities for some purposes; appropriating money.

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

Page 2, delete lines 16 to 18 and insert:

*"Expenses of the advisory task force shall be paid from appropriations previously made to the senate, the house of representatives, and the commissioners of health and public welfare. The advisory task force shall prepare a budget of proposed income and expenditures and present it to the senate committee on rules and administration, the house committee on rules and legislative administration, and the commissioners of health and public welfare for approval. Amounts transferred by the senate, the house of representatives, and the commissioners of health and public welfare are appropriated to the advisory task force for the purposes of this act, to be available until June 30, 1983."*

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

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

S.F. No. 1966: A bill for an act relating to education; authorizing Independent School District No. 742 to commence AVTI construction subject to certain conditions.

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

adopted.

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

S.F. No. 1421: A bill for an act relating to fish and wildlife; providing additional authority for the commissioner of natural resources to limit the numbers of deer and bear hunters under certain circumstances; increasing resident deer and bear license fees; providing for deer and bear management, computerized licensing systems, and emergency feeding of wild animals during the winter of 1982; clarifying provisions concerning possession of certain equipment usable in taking fish; authorizing negotiated sale of certain surplus equipment; appropriating money; amending Minnesota Statutes 1980, Sections 97.48, Subdivision 24; 97.49, by adding a subdivision; and 101.42, Subdivision 18; and Minnesota Statutes 1981 Supplement, Section 98.46, Subdivision 2.

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

Page 1, after line 29, insert:

“Sec. 2. Minnesota Statutes 1980, Section 97.49, Subdivision 1a, is amended to read:

Subd. 1a. (a) For purposes of this subdivision, “deer license” means a license issued by the commissioner under the provisions of section 98.46, subdivision 2, clauses (2) and (3) and subdivision 14, clauses (2) and (3).

(b) It is the policy of this state that at least ~~\$1~~ \$2 from each deer license issued by the commissioner shall be used for the purpose of deer habitat improvement.”

Page 3, line 16, delete “currently”

Page 3, line 18, before the period, insert “on March 1, 1982”

Page 4, line 10, delete “4, 5 and 6” and insert “2, 5, 6, 7 and 8”

Page 4, line 11, delete “2 and 3” and insert “3 and 4”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, before “by” insert “Subdivision 1a, and”

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. 1623: A bill for an act relating to municipal bonds; providing a formula for determining limitations on interest rates; changing a public sale requirement; amending Minnesota Statutes 1980, Sections 474.06; 475.55 and 475.60, Subdivision 2.

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

Page 1, line 26, after the period, insert “The rate of interest payable on

*bonds issued pursuant to this section after December 31, 1985, shall not exceed nine percent per year."*

Page 2, line 9, reinstate the stricken "authorized by resolution before" and after the stricken "1982" insert "January 1, 1986"

Page 2, line 17, after the period, insert "*Interest on obligations issued after December 31, 1985, shall not exceed nine percent per year.*"

Page 3, line 14, after "month" insert "*prior to December, 1985,*"

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

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

S.F. No. 1712: A bill for an act relating to public welfare; removing certain exceptions from the authority of the state and counties to file liens against the property of persons receiving medical assistance; amending Minnesota Statutes 1980, Sections 256B.15; and 510.05.

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

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 1981 Supplement, Section 256B.06, Subdivision 1, as amended by Laws 1981, Third Special Session Chapter 2, Article I, Section 32, and Laws 1981, Third Special Session Chapter 3, Section 17, is amended to read:

Subdivision 1. Medical assistance may be paid for any person:

(1) Who is eligible for or receiving public assistance, or a woman who is pregnant, as medically verified, and who would be eligible for assistance under the aid to families with dependent children program if the child had been born and living with the woman; or

(2) Who is eligible for or receiving supplemental security income for the aged, blind and disabled; or

(3) Who except for the amount of income or resources would qualify for supplemental security income for the aged, blind and disabled, or aid to families with dependent children and is in need of medical assistance; or

(4) Who is under 21 years of age and in need of medical care that neither he nor his relatives responsible under sections 256B.01 to 256B.26 are financially able to provide; or

(5) Who is residing in a hospital for treatment of mental disease or tuberculosis and is 65 years of age or older and without means sufficient to pay the per capita hospital charge; and

(6) Who resides in Minnesota, or, if absent from the state, is deemed to be a resident of Minnesota in accordance with the regulations of the state agency; and

(7) Who alone, or together with his spouse, does not own real property other than the homestead. For the purposes of this section, "homestead" means the

house owned and occupied by the applicant as his dwelling place, together with the land upon which it is situated and an area no greater than two contiguous lots in a platted or laid out city or town or 80 contiguous acres in unplatted land. Occupancy or exemption shall be determined as provided in chapter 510 and applicable law, including continuing exemption by filing notice under section 510.07.

*If the owner ceases to occupy the homestead for more than 24 continuous months due to admission into a hospital or nursing home, and no spouse or child who is under age 21 or is blind or disabled occupies the homestead during the owner's absence, the owner shall be deemed to have abandoned the homestead. If the owner or his legal representative files a notice with the county recorder before the 24 month period expires, the owner shall not be deemed to have abandoned the homestead for an additional 24 months from the date of filing. The notice must be executed, witnessed, and acknowledged as in the case of a deed, describe the premises and claim them as his homestead. The local welfare agency shall notify the owner or his legal representative of this option to file notice and shall provide information and any assistance the owner needs to file the notice properly. When the second 24 month period expires, the owner shall be deemed to have abandoned the homestead. Real estate not used as a home may not be retained unless it produces net income applicable to the family's needs or the family is making a continuing effort to sell it at a fair and reasonable price or unless sale of the real estate would net an insignificant amount of income applicable to the family's needs, or unless the commissioner determines that sale of the real estate would cause undue hardship; and*

(8) Who individually does not own more than \$2,000 in cash or liquid assets, or if a member of a household with two family members (husband and wife, or parent and child), does not own more than \$4,000 in cash or liquid assets, plus \$200 for each additional legal dependent. The value of the following shall not be included:

(a) the homestead, and (b) one motor vehicle licensed pursuant to chapter 168 and defined as: (1) passenger automobile, (2) station wagon, (3) motorcycle, (4) motorized bicycle or (5) truck of the weight found in categories A to E, of section 168.013, subdivision 1e; and

(9) Who has or anticipates receiving an annual income not in excess of \$2,600 for a single person, or \$3,250 for two family members (husband and wife, parent and child, or two siblings), plus \$625 for each additional legal dependent, or who has income in excess of these maxima and in the month of application, or during the three months prior to the month of application, incurs expenses for medical care that total more than one-half of the annual excess income in accordance with the regulations of the state agency. In computing income to determine eligibility of persons who are not residents of long term care facilities, the commissioner shall disregard increases in income of social security or supplementary security income recipients due solely to increases required by sections 215(i) and 1617 of the social security act, and shall disregard income of disabled persons that is also disregarded in determining eligibility for supplemental aid under section 256D.37, subdivision 1, unless prohibited by federal law or regulation. If prohibited, the commissioner shall first seek a waiver. In excess income cases, eligibility shall be limited to a period of six months beginning with the first of the month in which these

medical obligations are first incurred; and

(10) Who has continuing monthly expenses for medical care that are more than the amount of his excess income, computed on a monthly basis, in which case eligibility may be established before the total income obligation referred to in the preceding paragraph is incurred, and medical assistance payments may be made to cover the monthly unmet medical need. In licensed nursing home and state hospital cases, income over and above that required for justified needs, determined pursuant to a schedule of contributions established by the commissioner of public welfare, is to be applied to the cost of institutional care. The commissioner of public welfare may establish a schedule of contributions to be made by the spouse of a nursing home resident to the cost of care and shall seek a waiver from federal regulations which establish the amount required to be contributed by either spouse when one spouse is a nursing home resident; and

(11) Who has applied or agrees to apply all proceeds received or receivable by him or his spouse from automobile accident coverage and private health care coverage to the costs of medical care for himself, his spouse; and children. The state agency may require from any applicant or recipient of medical assistance the assignment of any rights accruing under private health care coverage. Any rights or amounts so assigned shall be applied against the cost of medical care paid for under this chapter. Any assignment shall not be effective as to benefits paid or provided under automobile accident coverage and private health care coverage prior to receipt of the assignment by the person or organization providing the benefits.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 256B.15, is amended to read:

256B.15 [CLAIMS AGAINST ESTATES.]

If a person receives any medical assistance ~~hereunder~~ *under this chapter*, on his death, ~~if he is single, or on the death of the person and his surviving spouse, if he is married, and only at a time when he has no~~ *unless there is (a) a surviving spouse or (b) a surviving child who is under 21 or is blind or totally disabled*, the total amount paid for medical assistance ~~rendered~~ for the person, after age 65, without interest, shall be filed as a claim against the *person's estate of the person* in the court having jurisdiction to probate the estate. The claim shall be considered an expense of the last illness of the decedent for the purpose of section 524.3-805. Any statute of limitations that purports to limit any county agency or the state agency, or both, to recover for medical assistance ~~granted hereunder~~ shall not apply to any claim made ~~hereunder~~ for reimbursement ~~for any medical assistance granted hereunder~~ *under this section*. Counties may retain one-half of the nonfederal share of medical assistance collections from estates that are directly attributable to county effort."

Page 2, line 6, delete "any" and insert "a"

Page 2, after line 8, insert:

"Sec. 4. Minnesota Statutes 1980, Section 524.3-805, is amended to read:

524.3-805 [CLASSIFICATION OF CLAIMS.]

(a) If the applicable assets of the estate are insufficient to pay all claims in full, the personal representative shall make payment in the following order:

- (1) costs and expenses of administration;
- (2) reasonable funeral expenses;
- (3) debts and taxes with preference under federal law;
- (4) reasonable and necessary medical and hospital expenses of the last illness of the decedent, including compensation of persons attending him *and including a claim filed pursuant to section 256B.15*;
- (5) debts and taxes with preference under other laws of this state;
- (6) all other claims.

(b) No preference shall be given in the payment of any claim over any other claim of the same class, and a claim due and payable shall not be entitled to a preference over claims not due.

Sec. 5. Minnesota Statutes 1981 Supplement, Section 525.145, is amended to read:

525.145 [DESCENT OF HOMESTEAD.]

(1) Where there is a surviving spouse the homestead, including a mobile home which is the family residence, shall descend free from any testamentary or other disposition thereof to which the spouse has not consented in writing or by election to take under the will as provided by law, as follows:

(a) If there be no surviving child or issue of any deceased child, to the spouse;

(b) If there be children or issue of deceased children surviving, then to the spouse for the term of the spouse's natural life and the remainder in equal shares to the children and the issue of deceased children by right of representation.

(2) Where there is no surviving spouse and the homestead has not been disposed of by will it shall descend as other real estate.

(3) Where the homestead passes by descent or will to the spouse or children or issue of deceased children, it shall be exempt from all debts which were not valid charges thereon at the time of decedent's death; ~~in all other cases except that the homestead shall be subject to a claim filed pursuant to section 256B.15 for medical assistance benefits.~~ *If the homestead passes to a person other than a spouse or child or issue of a deceased child, it shall be subject to the payment of the items mentioned in section 525.16. No lien or other charge against any homestead which is so exempted shall be enforced in the probate court, but the claimant may enforce the lien or charge by an appropriate action in the district court.*

Page 2, line 10, after "effective" insert "*the day following final enactment*"

Page 2, line 11; delete everything after "after" and insert "*that date.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "removing certain"

Page 1, delete lines 3 to 6 and insert "allowing payment of claims for

medical assistance to be made against homestead property which is part of an estate; amending Minnesota Statutes 1980, Sections 510.05 and 524.3-805; and Minnesota Statutes 1981 Supplement, Sections 256B.06, Subdivision 1, as amended; 256B.15 and 525.145."

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. 1596: A bill for an act relating to drivers licenses; requiring the suspension of licenses of certain uninsured persons; providing a penalty; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 171.

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

Page 1, line 10, after "3" insert a comma

Page 1, lines 10, 15, 17, and 22, delete "any" and insert "a"

Page 1, line 10, delete "shall have" and insert "has"

Page 1, line 13, after "jurisdiction" insert "including county, municipal, or conciliation court,"

Page 1, line 21, delete "When any" and insert "If a"

Page 1, line 22, delete "and failed"

Page 1, delete lines 23 to 25

Page 2, line 1, delete the first "to" and insert "the clerk of court, upon affidavit of the judgment creditor that the judgment has not been satisfied, shall immediately"

Page 2, line 1, delete "immediately after the expiration"

Page 2, line 2, delete "of the 30 days,"

Page 2, lines 4 and 19, delete "any" and insert "a"

Page 2, line 11, delete "any" in both places and insert "the"

Page 2, line 14, delete "Minnesota Statutes,"

Page 2, line 20, after "full" insert "or has expired,"

Page 2, line 22, delete "Any" and insert "A"

Page 2, line 30, delete "such"

Page 2, line 31, delete "as"

Page 2, line 31, delete "shall require" and insert "requires"

Page 3, line 3, delete "Judgments herein referred"

Page 3, line 4, delete "to shall be deemed" and insert "For the purposes of sections 1 to 3, a judgment is"

Page 3, line 4, after "satisfied" insert "if"

- Page 3, lines 5 and 14, delete "When"
- Page 3, line 9, delete "When,"
- Page 3, line 19, delete "any"
- Page 3, line 23, delete "INSTALMENT" and insert "INSTALLMENT"
- Page 3, lines 27, 30, and 36, delete "instalments" and insert "installments"
- Page 3, line 27, before "the" delete "and" and insert a period
- Page 3, line 32, delete "when" and insert "if"
- Page 3, line 34, delete "Minnesota Statutes,"
- Page 3, line 34, delete "and" and insert a comma
- Page 3, line 35, after "order" insert "or enters into a written agreement with the judgment creditor"
- Page 3, line 36, delete "while" and insert "does not default on"
- Page 3, line 36, delete "instalment is not in" and insert "installment"
- Page 4, line 1, delete "default"
- Page 4, line 2, delete "In the event" and insert "If"
- Page 4, line 3, delete "instalment" and insert "installment"
- Page 4, line 3, after "order" insert "or agreement"
- Page 4, line 13, delete "\$....." and insert "\$20,834"

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

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

H.F. Nos. 1646, 1700, 1725, 1747, 1885, 1902, 1920, 1948 and 2068 for comparison with companion Senate Files, reports the following House Files were found identical and recommends the House Files be given their second reading and substituted for their companion Senate Files 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.
1646	1494			1700	1692
1885	1769			1725	1733
1902	2042			1747	1678
1920	1903				
1948	2133				
2068	2057				

and that the above Senate Files 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. Report adopted.

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

H.F. Nos. 1366, 1456, 1712, 1713, 1955, 2078 and 2175 for comparison with companion Senate Files, reports the following House Files were found identical with their companion Senate Files 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.
1366	1406				
1456	1400				
1712	1808				
1713	1530				
1955	1748				
2078	2026				
2175	2064				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1366 be amended as follows:

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

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

And when so amended H.F. No. 1366 will be identical to S.F. No. 1406, and further recommends that H.F. No. 1366 be given its second reading and substituted for S.F. No. 1406, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1456 be amended as follows:

Page 1, line 24, after "document;" insert "and"

Page 2, line 4, delete "~~document~~ documents," and insert "documents document"

Page 2, delete lines 30 to 36

Page 3, delete lines 1 to 7

Page 3, line 8, delete "3" and insert "2"

Page 3, line 9, delete "2" and insert "1"

Page 3, line 9, delete "*following*" and insert "*after*"

Amend the title as follows:

Page 1, line 4, delete everything after "525.03" and insert a period

Page 1, delete line 5

And when so amended H.F. No. 1456 will be identical to S.F. No. 1400, and further recommends that H.F. No. 1456 be given its second reading and substituted for S.F. No. 1400, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1712 be amended as follows:

Amend the title as follows:

Page 1, line 7, delete everything after the semicolon

Page 1, delete lines 8 and 9

Page 1, line 10, delete everything before the semicolon and insert "providing for allocation of funds to counties; providing for notice and comment procedures with respect to proposals to amend or repeal certain rules"

And when so amended H.F. No. 1712 will be identical to S.F. No. 1808,

and further recommends that H.F. No. 1712 be given its second reading and substituted for S.F. No. 1808, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1713 be amended as follows:

Page 1, line 16, delete "*This act*" and insert "*Section 1*"

Page 1, line 16, after "*effective*" insert "*on*" and after "*day*" delete "*after*" and insert "*of*"

Page 1, line 17, delete everything after "3"

Page 1, line 18, delete everything before the period

And when so amended H.F. No. 1713 will be identical to S.F. No. 1530, and further recommends that H.F. No. 1713 be given its second reading and substituted for S.F. No. 1530, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1955 be amended as follows:

Page 1, line 13, delete "*such*" and insert "*the*"

Page 1, line 14, delete "*municipality*" and insert "*Waconia city council*"

Amend the title as follows:

Page 1, line 4 delete everything after "and"

Page 1, line 5, delete everything before the period and insert "in an amount and with a maturity date to be determined by the governing body"

And when so amended H.F. No. 1955 will be identical to S.F. No. 1748, and further recommends that H.F. No. 1955 be given its second reading and substituted for S.F. No. 1748, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2078 be amended as follows:

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

And when so amended H.F. No. 2078 will be identical to S.F. No. 2026, and further recommends that H.F. No. 2078 be given its second reading and substituted for S.F. No. 2026, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2175 be amended as follows:

Page 93, after line 35, insert:

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

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

practice as a pharmacist under ~~Minnesota Statutes 1969~~, chapter 151, or to practice podiatry under ~~Minnesota Statutes 1969~~, chapter 153."

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

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

Amend the title as follows:

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

And when so amended H.F. No. 2175 will be identical to S.F. No. 2064, and further recommends that H.F. No. 2175 be given its second reading and substituted for S.F. No. 2064, 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. 1628, 1723, 881, 1709, 1965, 1879, 1801, 1987, 419, 1775, 1815, 276, 1966, 1421 and 1623 were read the second time.

## SECOND READING OF HOUSE BILLS

H.F. Nos. 1646, 1885, 1902, 1920, 1948, 2068, 1700, 1725, 1747, 1366, 1456, 1712, 1713, 1955, 2078 and 2175 were read the second time.

## MOTIONS AND RESOLUTIONS

Ms. Berglin moved that the name of Mr. Sikorski be added as a co-author to S.F. No. 1589. The motion prevailed.

Mr. Penny moved that the name of Mr. Sikorski be added as a co-author to S.F. No. 1712. The motion prevailed.

Mr. Davis moved that the name of Mr. Dahl be added as a co-author to S.F. No. 2156. The motion prevailed.

Mr. Luther moved that the name of Mr. Johnson be stricken as a co-author to S.F. No. 1450. The motion prevailed.

Ms. Berglin moved that the name of Mrs. Stokowski be added as a co-author to S.F. No. 2006. The motion prevailed.

Mr. Pehler introduced—

Senate Resolution No. 77: A Senate resolution proclaiming November 10, 1982, to be "Saint John's Preparatory School Day" in Minnesota.

Referred to the Committee on Rules and Administration.

Mr. Hanson moved that S.F. No. 1666 be withdrawn from the Committee on Finance, given a second reading and placed on General Orders. The motion prevailed.

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

S.F. No. 1666 was read the second time.

### CALENDAR

S.F. No. 1689: A bill for an act relating to the operation of state government; authorizing the legislative auditor to approve contracts for auditing state agencies; clarifying certain provisions regarding the term of the legislative auditor; modifying authority of the housing finance agency and certain other agencies to contract for audits without approval; amending Minnesota Statutes 1980, Sections 3.97, Subdivision 4; 3.972; and 462A.22, Subdivision 10.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Ashbach, Berg and Ulland voted in the negative.

So the bill passed and its title was agreed to.

### RECONSIDERATION

Mr. Bernhagen moved that the vote whereby S.F. No. 1689 was passed by the Senate on March 2, 1982, be now reconsidered. The motion prevailed.

S.F. No. 1689: A bill for an act relating to the operation of state government; authorizing the legislative auditor to approve contracts for auditing state agencies; clarifying certain provisions regarding the term of the legislative auditor; modifying authority of the housing finance agency and certain other agencies to contract for audits without approval; amending Minnesota Statutes 1980, Sections 3.97, Subdivision 4; 3.972; and 462A.22, Subdivision 10.

With the unanimous consent of the Senate, Mr. Moe, D.M. moved to amend S.F. No. 1689 as follows:

Page 3, line 4, after "shall" insert "not participate in the selection of the public accountant, but shall"

The motion prevailed. So the amendment was adopted.

S.F. No. 1689 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 51 and nays 9, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Lindgren	Peterson, D. L.	Stokowski
Belanger	Engler	Luther	Peterson, R. W.	Stumpf
Benson	Frank	Menning	Petty	Taylor
Berglin	Hanson	Merriam	Purfeerst	Tennessee
Bernhagen	Hughes	Moe, D. M.	Ramstad	Vega
Bertram	Johnson	Moe, R. D.	Schmitz	Waldorf
Chmielewski	Knutson	Nelson	Setzepfandt	Willet
Dahl	Kroening	Olthof	Sikorski	
Davies	Kronebusch	Pehler	Solon	
Davis	Langseth	Penny	Spear	
Dicklich	Lantry	Peterson, C. C.	Stern	

Those who voted in the negative were:

Berg	Frederick	Kamrath	Renneke	Ulland
Brataas	Frederickson	Lessard	Rued	

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

### GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mrs. Lantry in the chair.

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

S.F. Nos. 1625, 1791, 1790, 1792, 1970, 1814, 1837 and 1805, which the committee recommends to pass.

S.F. No. 1605, which the committee recommends to pass with the following amendment offered by Mr. Lindgren:

Page 1, line 16, delete "ten" and insert "20"

Page 1, line 17, before the period insert "*using factors including, but not limited to: change in ownership; frequent changes in administration in excess of normal turnover rates; complaints to the commissioner of health about care, safety, or rights; where previous inspections or reinspections under section 144A.10 have resulted in correction orders related to care, safety, or rights; or where persons involved in ownership or administration of the facility have been indicted for alleged criminal activity*"

Page 1, line 22, reinstate "but"

Page 1, line 23, reinstate "at least once every" and after the stricken "three" insert "four" and reinstate "years"

The motion prevailed. So the amendment was adopted.

S.F. No. 1683, which the committee recommends to pass, after the following motion:

The question was taken on the recommendation to pass S.F. No. 1683.

The roll was called, and there were yeas 24 and nays 19, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Kamrath	Peterson, D.L.	Sikorski
Belanger	Frank	Knutson	Peterson, R.W.	Tennessee
Benson	Frederick	Kronebusch	Ramstad	Ulland
Bernhagen	Frederickson	Lindgren	Renneke	Wegener
Bertram	Hughes	Pehler	Rued	

Those who voted in the negative were:

Berglin	Langseth	Merriam	Petty	Stokowski
Dahl	Lantry	Moe, D. M.	Schmitz	Stumpf
Davies	Luther	Moe, R. D.	Spear	Waldorf
Kroening	Menning	Penny	Stern	

The motion prevailed. So S.F. No. 1683 was recommended to pass.

On motion of Mrs. Lantry, 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 Motions and Resolutions.

## MOTIONS AND RESOLUTIONS

Mrs. Stokowski moved that H.F. No. 604 and the Conference Committee Report thereon be taken from the table. The motion prevailed.

### CONFERENCE COMMITTEE REPORT ON H. F. NO. 604

A bill for an act relating to elections; changing eligibility requirements and compensation for election judges; authorizing time off from work for election judges; amending Minnesota Statutes 1980, Sections 204A.18; and 204A.23.

May 18, 1981

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

The Honorable Jack Davies  
President of the Senate

We, the undersigned conferees for H. F. No. 604, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 604 be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Laws 1981, Chapter 29, Article IV, Section 19, Subdivision 2, is amended to read:

Subd. 2. [INDIVIDUALS NOT QUALIFIED TO BE ELECTION JUDGES.] No individual shall be appointed as an election judge for any precinct if that individual:

(a) Is unable to read, write or speak the English language;

(b) Is the spouse, parent, child or sibling of any election judge serving in the same precinct or of any candidate at that election or of any member of the governing body of the municipality or county which established the precinct;  
or

(c) Is a candidate at that election; or

~~(d) Is receiving compensation as an employee or officer of the United States, the state or any municipality or county in the state.~~

Sec. 2. Laws 1981, Chapter 29, Article IV, Section 19, is amended by adding a subdivision to read:

*Subd. 6. [TIME OFF FROM WORK TO SERVE AS ELECTION JUDGE.] Every individual who is selected to serve as an election judge pursuant to Laws 1981, Chapter 29, Article IV, Section 21, Subdivision 2 is entitled, after giving his employer at least ten days written notice, to absent himself from his place of work for the purpose of serving as an election judge. No employer shall penalize an employee for such absence other than a deduction in salary for the time he absented himself from his place of employment.*

Sec. 3. Laws 1981, Chapter 29, Article IV, Section 31, is amended to read:

Sec. 31. [204B.31] [COMPENSATION FOR ELECTION SERVICES.]

The compensation for services performed under the Minnesota election law shall be as follows:

(a) To presidential electors from funds appropriated to the secretary of state for this purpose, \$35 for each day of attendance at the capitol and mileage for travel to and from the capitol in the amount allowed for state employees in accordance with rules adopted pursuant to Minnesota Statutes, Section 471.665, ~~Subdivision 43.327;~~

(b) To individuals, other than county, city, or town employees during their normal work day, who are appointed by the county auditor to carry ballots to or from the county auditor's office, a sum not less than the prevailing Minnesota minimum wage for each hour spent in carrying ballots and mileage in the amount allowed for state employees in accordance with rules adopted pursuant to Minnesota Statutes, Section 471.665, ~~Subdivision 43.327;~~

(c) To members of county canvassing boards, a sum not less than the prevailing Minnesota minimum wage for each hour necessarily spent and an amount for each mile of necessary travel equal to the amount allowed for state employees pursuant to Minnesota Statutes, Section 471.665, ~~Subdivision 43.327;~~

~~(d) To election judges serving in any city, an amount fixed by the governing body of the city; to election judges serving in unorganized territory, an amount fixed by the county board; and to election judges serving in towns, an amount fixed by the town board. Election judges in towns and unorganized territory shall receive at least the prevailing Minnesota minimum wage for each hour spent carrying out their duties at the polling places. The compensation for election judges shall be set as follows: by the governing body in home rule charter and statutory cities, by the county board in unorganized territory, and by the town board in towns; provided that in all cases election judges shall receive not less than the prevailing Minnesota minimum wage for each hour~~

spent carrying out their duties at the polling places and in attending training sessions required by Laws 1981, Chapter 29, Article IV, Section 25. An election judge who travels to pick up election supplies or to deliver election returns to the county auditor shall receive, in addition to other compensation authorized by this section, a sum not less than the prevailing Minnesota minimum wage for each hour spent performing these duties, plus mileage in the same an amount as not less than that allowed for state employees pursuant to section 471.665, subdivision 4 43.327; and

(e) To sergeants at arms, an amount for each hour of service performed at the direction of the election judges, fixed in the same manner as compensation for election judges.

Sec. 4. Minnesota Statutes 1980, Section 410.12, Subdivision 4, is amended to read:

Subd. 4. [ELECTION.] Amendments shall be submitted to the qualified voters at a general or special election and published as in the case of the original charter. The form of the ballot shall be fixed by the governing body. The statement of the question on the ballot shall be sufficient to identify the amendment clearly and to distinguish the question from every other question on the ballot at the same time. If 54 55 percent of the votes cast on any amendment are in favor of its adoption, copies of the amendment and certificates shall be filed, as in the case of the original charter and the amendment shall take effect in 30 days from the date of the election or at such other time as is fixed in the amendment.

Sec. 5. [REPEALER.]

*Laws 1981, Chapter 29, Article IV, Section 19, Subdivision 3, is repealed.*"

Delete the title and insert:

"A bill for an act relating to elections; changing eligibility requirements and compensation for election judges; fixing the majority necessary to approve an amendment to a home rule charter; authorizing time off from work for election judges; amending Minnesota Statutes 1980, Section 410.12, Subdivision 4; and Laws 1981, Chapter 29, Article IV, Sections 19, Subdivision 2, and by adding a subdivision; and 31; repealing Laws 1981, Chapter 29, Article IV, Section 19, Subdivision 3."

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Donna Peterson, C. Thomas Osthoff, Gary W. Laidig

Senate Conferees: (Signed) Anne K. Stokowski, Earl W. Renneke, Marilyn M. Lantry

Mrs. Stokowski moved that the foregoing recommendations and Conference Committee Report on H.F. No. 604 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion did not prevail.

Mrs. Stokowski moved that H.F. No. 604 be returned to the House of Representatives for return to the Conference Committee as formerly constituted. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Berglin moved that S.F. No. 378 be taken from the table. The motion prevailed.

S.F. No. 378: A bill for an act relating to marriage dissolution; clarifying factors to consider in awarding maintenance; amending Minnesota Statutes 1980, Section 518.552.

Ms. Berglin moved that the Senate do not concur in the amendments by the House to S. F. No. 378, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Without objection, the Senate reverted to the Order of Business of Executive and Official Communications.

### EXECUTIVE AND OFFICIAL COMMUNICATIONS

February 25, 1982

The Honorable Jack Davies  
President of the Senate

Dear Sir:

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

James H. Main, 1575 Crest Drive, Chaska, Carver County, has been appointed by me, effective March 2, 1982, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Veterans' Affairs.)

February 26, 1982

The Honorable Jack Davies  
President of the Senate

Dear Sir:

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

Henry J. Bromelkamp, 2304 Lenwood Drive S.W., Rochester, Olmsted County, has been appointed by me, effective March 8, 1982, for a term expiring the first Monday in January, 1983.

Erling O. Johnson, 832 Eastwood Lane, Anoka, Anoka County, has been appointed by me, effective March 8, 1982, for a term expiring the first Monday in January, 1986.

Ruth A. Myers, 1006 East 2nd Street, Duluth, St. Louis County, has been appointed by me, effective March 8, 1982, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Education.)

February 26, 1982

The Honorable Jack Davies  
President of the Senate

Dear Sir:

The following appointment to the Minnesota Housing Finance Agency is hereby respectfully submitted to the Senate for confirmation as required by law:

Michael D. Finch, 861 24th Avenue S.E., Minneapolis, Hennepin County, has been appointed by me, effective February 26, 1982, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Energy and Housing.)

Sincerely,

Albert H. Quie, Governor

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Sieloff introduced—

S.F. No. 2188: A bill for an act relating to taxation; income; providing business incentives by adopting full accelerated cost recovery system, gradually reducing income tax rates, and providing an additional capital gains deduction for corporations; amending Minnesota Statutes 1980, Section 290.16, Subdivisions 15, as amended, and 16, as amended, and by adding a subdivision; Minnesota Statutes 1981 Supplement, Sections 290.01, Subdivision 20, as amended; 290.06, Subdivisions 1, as amended, and 2c; 290.09, Subdivision 7, as amended.

Referred to the Committee on Taxes and Tax Laws.

Mr. Sieloff introduced—

S.F. No. 2189: A bill for an act relating to taxation; conforming with the federal effective dates of changes to the estate tax law; correcting citations to federal law; amending Minnesota Statutes 1980, Sections 291.015, as amended; 291.03, Subdivision 3, as amended; 291.051, Subdivision 1, as amended; 291.09, Subdivision 1a, as amended; and Laws 1981, Third Special Session Chapter 2, Article VI, Section 8.

Referred to the Committee on Taxes and Tax Laws.

Mr. Moe, D.M. introduced—

S.F. No. 2190: A bill for an act relating to the city of St. Paul; authorizing the city to impose a gross earnings tax on individuals; providing penalties.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, Bertram, Pehler, Mrs. Lantry and Mr. Petty introduced—

S.F. No. 2191: A bill for an act relating to taxation; income; providing that

the deduction for federal income taxes may be apportioned between spouses who file a combined return as they elect; amending Minnesota Statutes 1981 Supplement, Section 290.18, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Wednesday, March 3, 1982. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate