

EIGHTY-THIRD DAY

St. Paul, Minnesota, Saturday, March 6, 1982

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. John Malone.

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

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

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

Mr. Keefe was excused from the Session of today. Ms. Berglin was excused from the Session of today from 10:00 to 10:50 a.m. Mr. Sieloff was excused from the Session of today from 10:00 to 10:45 a.m.

MESSAGES FROM THE HOUSE

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. 1856: A bill for an act relating to state government; improving the

state's personnel management functions; amending Minnesota Statutes 1980, Sections 6.582; 11A.07, Subdivision 4; 12.04, Subdivision 1; 15.0575, Subdivision 3; 15.059, Subdivision 3; 15.43, Subdivision 1; 60B.09, Subdivision 2; 84.028, Subdivision 3; 84.081, Subdivision 1; 85A.03, Subdivision 2; 124.645, Subdivision 3; 128A.02, Subdivision 3; 136A.55, Subdivision 4; 144A.52, Subdivision 2; 168.325, Subdivision 1; 171.015, Subdivision 1; 216A.04, Subdivision 3; 241.64, Subdivision 3; 241.65; 246.017, Subdivision 2; 299E.01, Subdivision 1; 299F.01, Subdivision 2; and 352D.02, by adding a subdivision; Minnesota Statutes 1981 Supplement, Sections 3.855, Subdivision 3; 43A.02, Subdivision 28; 43A.04, Subdivisions 3, 4, and by adding a subdivision; 43A.05, Subdivision 4; 43A.08, Subdivisions 1, 3, and by adding subdivisions; 43A.11, Subdivisions 3, 4, 7 and 8; 43A.13, Subdivisions 1, 4 and 5; 43A.15, Subdivisions 6 and 10; 43A.17, Subdivision 4; 43A.18, Subdivisions 3 and 4; 43A.19, Subdivision 1; 43A.27, Subdivision 3; 43A.33, Subdivisions 1, 3 and 4; 43A.37, Subdivision 1; 43A.38; 43A.39; 43A.41, Subdivision 4; 43A.42; 43A.44, Subdivision 2; 124.41, Subdivision 3; 254A.03, Subdivision 1; 352D.02, Subdivision 1; and 462A.04, Subdivision 8; Laws 1971, Extra Session, Chapter 3, Section 19, Subdivision 5; Laws 1980, Chapter 564, Article XII, Section 1, Subdivision 6; Laws 1981, Chapter 210, Section 55; repealing Minnesota Statutes 1980, Sections 12.05; 124.615, Subdivision 3; 190.081; and 190.095; and Minnesota Statutes 1981 Supplement, Section 43A.08, Subdivision 2.

Senate File No. 1856 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 5, 1982

Mr. Spear moved that the Senate do not concur in the amendments by the House to S. F. No. 1856, 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.

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. 1613: A bill for an act relating to state departments and agencies; regulating the disposition of certain land within the capitol area; amending Minnesota Statutes 1981 Supplement, Section 15.50, Subdivision 6.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 5, 1982

Mr. Moe, R.D. moved S.F. No. 1613 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. 2095: A bill for an act relating to state government; implementing

the provisions of certain reorganization orders issued by the commissioner of administration; amending Minnesota Statutes 1980, Sections 176.281; and 474.01, Subdivisions 7a and 7b; and Minnesota Statutes 1981 Supplement, Section 474.03.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 5, 1982

Mr. Moe, R.D. moved that S.F. No. 2095 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. 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.

Senate File No. 1689 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 5, 1982

Mr. Moe, R.D. moved that S.F. No. 1689 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. 438, 917, 1743, 1994, 2057, 1278, 612 and 1867.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 5, 1982

FIRST READING OF HOUSE BILLS

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

H.F. No. 438: A bill for an act relating to retirement; authorizing certain persons in various retirement funds to purchase prior service credit and military service credit; authorizing an amendment to the articles of incorporation of the Minneapolis teachers retirement fund association; allowing a surviving spouse to elect a joint and survivor annuity under certain circumstances; amending Minnesota Statutes 1981 Supplement, Section 354.46, Subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 419, now on the Calendar.

H.F. No. 917: 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; 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; proposing new law coded in Minnesota Statutes, Chapter 352.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 881, now on General Orders.

H.F. No. 1743: A bill for an act relating to courts; authorizing courts to obtain the presence of persons confined in state institutions for court appearances; proposing new law coded in Minnesota Statutes, Chapter 589.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1686, now on General Orders.

H.F. No. 1994: A bill for an act relating to financial institutions; permitting certain shared appreciation mortgages; providing that the mortgage becomes due and payable upon its sale or transfer; authorizing bank or trust company investment in community welfare projects; amending Minnesota Statutes 1980, Section 48.61, by adding a subdivision; and Minnesota Statutes 1981 Supplement, Section 47.20, Subdivision 4b.

Referred to the Committee on Employment.

H.F. No. 2057: A bill for an act relating to state government; allowing for disclosures of information between the commissioner of revenue and the department of economic security; amending Minnesota Statutes 1980, Section 268.12, Subdivision 12; and Minnesota Statutes 1981 Supplement, Section 290.61.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 1278: A bill for an act relating to public employment labor relations; clarifying the definition of "employer"; amending Minnesota Statutes 1980, Section 179.63, Subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1234, now on General Orders.

H.F. No. 612: A bill for an act relating to cable communications; changing the definition of cable communications system; reducing the number of days available to the metropolitan council for review of cable service territory proposals; conforming the certificate of confirmation term to the franchise term; authorizing rules preventing obstruction of service to multiple unit dwellings; providing to municipalities the option concerning cable service rates information included in a franchise; amending Minnesota Statutes 1980, Sections 238.02, Subdivision 3; 238.03; 238.05, Subdivision 7, and by adding a subdivision; 238.09, Subdivisions 6 and 7, and by adding a subdivision; Section 238.12, Subdivisions 1 and 2.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 1867: A bill for an act relating to insurance; authorizing the commissioner to enjoin violations of chapter 60A; eliminating certain mandatory filings with the commissioner of insurance; providing certain exceptions to variable contract license requirements; amending Minnesota Statutes 1981 Supplement, Section 60A.17, Subdivisions 6c and 13; repealing Minnesota

Statutes 1980, Section 72A.062.

Referred to the Committee on Commerce.

REPORTS OF COMMITTEES

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

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

S.F. No. 1504: A bill for an act relating to health; establishing the right to complete information on all alternative treatments for patients with breast cancer; amending Minnesota Statutes 1980, Section 144.651.

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

Page 4, line 36, delete "and" and insert "or"

Page 5, line 2, delete "treatments" and insert "effective"

Page 5, line 3, delete the new language and insert "*methods of treatment of which the treating physician is knowledgeable, including surgical, radiological, or chemotherapeutic treatments or combinations of treatments and the risks associated with each potential method of treatment that is effective*"

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. 1887: A bill for an act relating to corrections; creating the Minnesota board of supervised release; prescribing its powers and duties; appropriating money; amending Minnesota Statutes 1980, Sections 241.05, Subdivisions 1, 2, 3, 3a, and by adding a subdivision; 244.01, Subdivision 7, and by adding a subdivision; 244.05, Subdivisions 2, 3, and 5; 244.06; 244.065; Minnesota Statutes 1981 Supplement, Sections 241.045, Subdivision 6; and 243.05; repealing Minnesota Statutes 1980, Sections 241.045, Subdivisions 7 and 8; 243.07; 243.10; 243.12; and 244.08.

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

Page 2, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 1980, Section 241.045, Subdivision 3, is amended to read:

Subd. 3. [TERM OF OFFICE; REAPPOINTMENT.] *The first two members of the board appointed by the governor shall have been members of the corrections board on March 1, 1982, and shall be appointed to serve until June 30, 1983. At all times thereafter, there shall be at least one female board member. The members next appointed to the board of supervised release by the governor shall be appointed to serve for the following terms: one member for three years and one member for six years. Thereafter, the members of the board shall serve for terms of six years. Members shall be eligible for reappoint-*

ment."

Page 4, line 5, strike "an" and before "person" insert "a"

Page 5, line 15, delete "subject to the"

Page 5, delete line 16

Page 5, line 17, delete "consistency" and insert "consistent"

Page 5, line 25, before the period, insert "for review"

Page 5, line 26, delete "approved" and insert "reviewed"

Page 5, line 28, delete "implementaion" and insert "implementation"

Page 6, line 1, delete "thereof" and insert "of parole"

Page 6, line 2, delete "as shall satisfy" and insert "that satisfies"

Page 6, line 4, delete "shall have" and insert "has"

Page 6, line 12, delete "may deem" and insert "deems"

Page 6, line 31, after "release" insert ", parole,"

Page 7, line 20, strike "an" and before "person" insert "a"

Page 8, delete section 16 and insert:

"Sec. 16. [APPROPRIATION.]

The appropriation to the commissioner of corrections by Laws 1981, Chapter 360, Article 1, Section 4, Subdivision 2, to perform the responsibilities formerly assigned to the Minnesota corrections board is reappropriated to the commissioner for the Minnesota board of supervised release for fiscal year 1983."

Page 9, line 2, delete "the day after final"

Page 9, delete line 3 and insert "July 1, 1982."

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

H.F. No. 942: A bill for an act relating to welfare; clarifying certain provisions for determination of cost of care at state hospitals; directing the commissioner of public welfare to promulgate rules; changing the responsibility of relatives under certain circumstances; altering the method of charging for outpatient care; giving claims against estates of deceased patients or responsible relatives preferred status; amending Minnesota Statutes 1980, Sections 246.50, Subdivision 5; 246.51; 246.53; and 487.39, Subdivision 1.

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

Page 1, line 26, delete "may" and insert "shall" and delete "one all"

Page 1, line 27, delete "inclusive rate or"

Page 2, after line 18, insert:

"Sec. 2. Minnesota Statutes 1980, Section 246.50, Subdivision 6, is amended to read:

Subd. 6. "Relatives" means the spouse, and parents and, in the case of the mentally ill *or chemically dependent*, children of a patient, in that order of liability for cost of care."

Page 2, line 29, strike "However, in"

Page 2, lines 30 to 36, strike the old language and delete the new language

Page 3, line 1, strike the old language and delete the new language

Page 3, line 2, strike "reside in Minnesota."

Page 3, line 4, delete "*the parent, spouse, conservator or guardian*" and insert "*relatives,*" and after "*both*" insert a comma

Page 3, line 5, delete "*such*" and insert "*the*" and delete "*as*" and insert "*when*"

Page 3, line 14, delete the new language

Page 3, line 20, delete everything after the period

Page 3, delete lines 21 to 25

Page 3, line 26, delete everything before "*These*"

Page 3, after line 27, insert:

"Sec. 4. Minnesota Statutes 1981 Supplement, Section 246.511, is amended to read:

246.511 [RELATIVE RESPONSIBILITY.]

~~Notwithstanding the provisions of Laws 1981, Chapter 360, Article I, Section 2, Subdivision 5, the commissioner of public welfare shall determine what part of the cost of care for state hospital treatment a patient or his relatives are able to pay. In no case, shall a patient's relatives, pursuant to the commissioner's authority under section 246.51, be ordered to pay more than ten percent of the cost of care, unless they reside outside the state. The commissioner may accept voluntary payments in excess of ten percent. The commissioner may require full payment of the full per capita cost of care in state hospitals for patients whose parent, parents, spouse, guardian or conservator do not reside in Minnesota.~~

Page 4, after line 4, insert:

"Subd. 2. [RELATIVE'S ESTATE.] *Upon the death of a relative liable for the cost of care provided to a patient at a state hospital, the total amount due from the relative, less the amount actually paid by the relative, shall be filed by the commissioner as a claim against the estate of the relative with the court having jurisdiction to probate the estate and all proceeds collected shall be divided in the same manner as proceeds from a patient's estate.*"

Page 4, line 5, delete "2" and insert "3"

Page 4, line 10, strike "shall determine" and insert "*determines*"

Page 4, line 11, strike "*such*" and after "*patient*" insert "*or relative*" and strike "*to*" and after "*than*" insert "*needed to*"

Page 4, line 12, strike "wife" and insert "spouse"

Page 4, line 13, strike "such" and insert "a" and after "patient" insert "or relative" and strike "he shall have" and insert "the commissioner has"

Page 4, line 14, strike "such" and insert "a" and strike everything after "manner"

Page 4, line 15, strike everything before "just" and insert "deemed"

Page 4, line 16, delete "3" and insert "4"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, delete "Subdivision" and insert "Subdivisions" and after "5" insert "and 6"

Page 1, line 11, delete "and" and before the period, insert "; and Minnesota Statutes 1981 Supplement, Section 246.511"

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. 1661: A bill for an act relating to retirement; local police and salaried firefighters relief associations; providing minimum disability benefit coverage for certain police officers and firefighters; proposing new law coded in Minnesota Statutes, Chapter 423A.

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

Page 3, after line 13, insert:

"Sec. 2. [423A.11] [RECOMPUTATION OF A DISABILITY BENEFIT AS A SERVICE PENSION.]

Subdivision 1. [TERMINATION OF DISABILITY BENEFIT.] The disability benefit of any disabled member of a local police or salaried firefighters relief association, whichever is applicable, shall terminate when the disabled member attains:

(a) the minimum age for the receipt of a service pension specified in the articles of incorporation or the bylaws of the relief association, if the disabled member has credit for at least the number of years of service for active duty which would entitle the disabled member to a service pension in an amount equal to the amount of the disability benefit; or

(b) the age attained by the disabled member when the total number of years of service credited for active duty and of years of receipt of a disability benefit equals the number of years of service credit which would entitle the disabled member to a service pension in an amount equal to the amount of the disability benefit, if the disabled member has credit for less than the number of years of service for active duty which would entitle the disabled member to a service pension in an amount equal to the amount of the disability benefit when the disabled member attains the minimum age for the receipt of a service pension

specified in the articles of incorporation or the bylaws of the relief association.

Subd. 2. [AMOUNT OF DISABILITY BENEFIT RECOMPUTED AS A SERVICE PENSION.] *After the disability benefit terminates, the disabled member shall be deemed to be a service pensioner and shall be entitled to receive a service pension in an amount equal to the disability benefit without any benefit offset required pursuant to any applicable provision of law, articles of incorporation or bylaws which was payable by the relief association immediately prior to the date when the disability benefit terminated pursuant to this section or the service pension otherwise payable based on the service credit for active duty of the person, whichever amount is greater. The disability benefit recomputed as a service pension shall be subject to any annual automatic post retirement adjustments or escalation applicable to any other service pension payable by the relief association.*

Subd. 3. [LIMITATION ON DISABILITY BENEFIT COVERAGE.] *No relief association member who has attained the age and acquired the service credit for termination of a disability benefit specified in subdivision 1 shall be eligible for a disability benefit after that date. If a relief association member who is ineligible for a disability benefit solely pursuant to the limitation set forth in this subdivision becomes permanently unable to perform the duties of a police officer or a firefighter, whichever is applicable, by virtue of a medically determinable illness or injury, the member shall be eligible to a service pension in an amount equal to the amount of the disability benefit which would have been paid had the person been entitled to a disability benefit, or the amount of the service pension otherwise payable based on the service credit for active duty of the person, whichever is greater.*

Sec. 3. [423A.12] [SERVICE CREDIT FOR PERIODS OF DISABILITY.]

If the articles of incorporation or bylaws of a local police or salaried firefighters relief association, whichever is applicable, so provide, any relief association member who received a disability benefit from the relief association on account of a medically determinable illness or injury which was at the time of the determination of the disability expected to be of permanent duration and who returned to active employment as a police officer or firefighter, whichever is applicable, shall be entitled to receive service credit toward the calculation of a service pension for the period or periods of the receipt of a disability benefit.

The maximum service credit which a relief association member may obtain pursuant to this subdivision shall be that amount of service credit which, when added to the service credit of the member for active duty, equals the amount of service credit which would entitle the member to a service pension in an amount equal to the amount of the disability benefit provided by the relief association.

Sec. 4. [423A.13] [LESS HAZARDOUS DUTY EMPLOYMENT FOR MARGINALLY DISABLED POLICE OFFICERS OR FIREFIGHTERS.]

Every city in which a local police or salaried firefighters relief association is located shall make every reasonable attempt to provide less hazardous duty employment positions for marginally or less severely disabled police officers or firefighters, which is applicable, in the police department or in the fire department, whichever is applicable, with the same compensation, fringe benefits and other terms and conditions of employment as the person would have

otherwise received currently as a regularly employed police officer or firefighter, which is applicable, of the same rank and experience.

Sec. 5. [423A.14] [OFFSETS FROM DISABILITY BENEFITS.]

Subdivision 1. [OCCURRENCE OF OFFSETS.] If a police officer or firefighter, whichever is applicable, who is a member of a local police or salaried firefighters relief association becomes disabled and is entitled to receive a disability benefit from the relief association and the disabled person is also entitled to receive benefits pursuant to the workers' compensation law by virtue of that disability, and the total of the disability benefit and the workers' compensation benefits exceeds the salary which the disabled person received as of the date of the disability or the salary currently payable to the same employment position or an employment position which is substantially similar to the employment position which the person held as of the date of the disability, whichever is greater, then the disability benefit of that person which is otherwise payable shall be reduced to that amount which, when added to the workers' compensation benefits, after deducting any amounts payable as attorney fees or medical benefits, does not exceed the salary which the person received as of the date of the disability or the salary currently payable to the same employment position or an employment position which is substantially similar to the employment position which the person held as of the date of the disability, whichever is greater.

Subd. 2. [LIMITATION.] In no event shall the reduced disability benefit payable pursuant to the requirements of subdivision 1 exceed the amount of the disability benefit otherwise payable by the relief association without reference to subdivision 1 pursuant to the applicable statutes, special laws, articles of incorporation and bylaws.

Subd. 3. [NO OFFSET FOR RECOMPUTED DISABILITY BENEFIT.] No offset pursuant to this section shall be required after a disability benefit is recomputed as a service pension pursuant to section 2.

Subd. 4. [REPORTING REQUIREMENT.] Monthly, each city in which a local police or salaried firefighters relief association is located shall notify the secretary of the relief association of the amounts payable to disabled police officers or firefighters, whichever is applicable, during the month pursuant to the workers' compensation law.

Subd. 5. [OFFSET INAPPLICABLE IN CERTAIN INSTANCES.] If any reduction of benefits payable pursuant to the workers' compensation law by virtue of the receipt of a disability benefit from a local police or salaried firefighters relief association is required pursuant to legislation enacted by the 1982 regular session or by a subsequent regular or special session, the provisions of this section shall not be applicable to any disability benefit recipient or any local police or salaried firefighters relief association.

Sec. 6. [EFFECT OF PROVISIONS FOR EXISTING DISABILITY BENEFIT RECIPIENTS.]

The provisions of section 1 shall apply to any member of any applicable local relief association in active service on or after the effective date of this section. The provisions of section 2 shall apply to any person receiving a disability benefit from a local relief association on or after the effective date of this section. The provisions of section 3 shall apply to any person who returns

to active employment as a police officer or firefighter, whichever is applicable, after receipt of a permanent disability benefit on or after the effective date of this section. The provisions of section 5 shall apply to any person who first commences receipt of a disability benefit after the effective date of this section.

Sec. 7. [WEST ST. PAUL FIREFIGHTERS RELIEF ASSOCIATION; ESTABLISHMENT.]

The fire department of the city of West St. Paul shall establish and maintain a firefighters relief association, to be known as "West St. Paul Firefighters Relief Association".

Sec. 8. [INCORPORATION; ORGANIZATION; POWERS.]

The West St. Paul Firefighters Relief Association shall be incorporated pursuant to Minnesota Statutes, Chapter 317, except that the relief association shall not be required to amend its articles of incorporation or bylaws to conform with Minnesota Statutes, Section 317.08, Subdivision 2, Clause (3), and that the relief association shall be deemed to be a nonprofit corporation without coming within the application of Minnesota Statutes, Section 317.02, Subdivision 5. Except as provided in Minnesota Statutes, Section 423A.01, Subdivision 2, the relief association shall have perpetual existence. The relief association shall be organized, operated and maintained in accordance with its articles of incorporation and bylaws by firefighters who are members of the fire department of the city of West St. Paul and who are members of the relief association. The relief association shall have the power to regulate its own management and affairs and to amend its articles of incorporation and bylaws, except that any amendment to its articles of incorporation or bylaws which increases or otherwise affects the retirement coverage provided by or the service pensions or retirement benefits payable from the special fund of the relief association shall not be effective until ratified by the city council of the city of West St. Paul. The relief association shall have all additional corporate powers which may be necessary or useful, subject to the provisions of this act, other laws pertaining to corporations not inconsistent with this act and other laws applicable to firefighters relief associations.

Sec. 9. [MANAGEMENT.]

The general management of the relief association shall be vested in a board of trustees composed of five members of the relief association, elected by the membership of the relief association, during the annual meeting of the relief association. The term of office for board of trustee members shall be for one year, commencing with the election, and until the successor in office is elected and duly qualified.

Sec. 10. [OFFICERS OF THE RELIEF ASSOCIATION.]

The officers of the relief association shall be a president, a vice president, a secretary and a treasurer.

Sec. 11. [FUNDS OF THE RELIEF ASSOCIATION.]

The assets of the relief association shall be kept in two separate and distinct funds, one to be designated as the special fund of the relief association and the other to be designated as the general fund of the relief association. All moneys received by the relief association from the state of Minnesota and from the city of West St. Paul and all moneys representing employee contributions received

by the relief association shall be deposited in and credited to the special fund of the relief association and shall be expended only for the purposes authorized pursuant to section 14. All moneys received by the relief association from any other source shall be deposited in and credited to the general fund of the relief association and shall be expended only for purposes authorized pursuant to the bylaws of the relief association.

Sec. 12. [MANAGEMENT OF ASSETS.]

The relief association shall have the full responsibility for the proper management and control of any assets which are received by the relief association.

Sec. 13. [SOURCES OF REVENUE.]

The relief association may receive any amounts of money from the following sources:

(1) amounts from the state of Minnesota pursuant to Minnesota Statutes, Sections 69.011 to 69.051 and 423A.02;

(2) amounts received from the city of West St. Paul pursuant to Minnesota Statutes, Section 69.77;

(3) amounts received as investment income on the invested assets of the special or general fund of the relief association;

(4) amounts of employee contributions deducted by the city of West St. Paul from the salaries of relief association members; and

(5) amounts received from private sources, including gifts, charges, rents and entertainments.

Sec. 14. [AUTHORIZED DISBURSEMENTS FROM SPECIAL FUND.]

Disbursements from the special fund of the relief association may be made for any of the following:

(1) For the payment of service pensions to retired members of the relief association if authorized and paid pursuant to law and the bylaws governing the relief association;

(2) For the payment of temporary or permanent disability retirement benefits to disabled members of the relief association if authorized and paid pursuant to law and specified in amount in the bylaws governing the relief associations;

(3) For the payment of survivor retirement benefits to surviving spouses and surviving children of deceased members of the relief association if authorized by and paid pursuant to law and specified in amount in the bylaws governing the relief association;

(4) For the payment of any funeral benefits to the surviving spouse, or if no surviving spouse, the estate, of the deceased member of the relief association if authorized by law and specified in amount in the bylaws governing the relief association;

(5) For the payment of the fees, dues and assessments to the Minnesota state fire department association in order to entitle relief association members to membership in and the benefits of the association; and

(6) For the payment of administrative expenses of the relief association as

authorized pursuant to Minnesota Statutes, Section 69.80.

Sec. 15. [INVESTMENT OF ASSETS.]

The assets of the special fund of the relief association shall be invested only in securities authorized by Minnesota Statutes, Section 69.77, Subdivision 2, Clause (7). The assets of the general fund of the relief association may be invested in any securities authorized by the bylaws of the relief association.

Sec. 16. [BOARD OF EXAMINERS.]

The relief association shall establish a board of examiners who shall, when requested to do so by the board of trustees of the relief association, make a thorough investigation and report on the following:

(1) on all applications for disability benefits and the appropriate benefit amount to be paid to each applicant;

(2) on all disability benefit recipients;

(3) on all applications for service pensions; and

(4) on all claims for relief. The board of examiners shall be composed of three members, one of whom shall be the president of the relief association. A competent physician, selected by the relief association, shall serve with the board of examiners as the physician of the relief association.

Sec. 17. [NON-GARNISHMENT; EXEMPTION FROM PROCESS.]

No service pension or retirement benefits paid or payable from the special fund the relief association to any person receiving or entitled to receive a service pension or other retirement benefits shall be subject to garnishment, judgement, execution or other legal process and no person entitled to a service pension or other retirement benefits from the special fund of the relief association shall have the right to assign any service pension or retirement benefit payments, nor shall the relief association have the authority to recognize any assignment or pay over any sum which has been assigned.

Sec. 18. [NO AFFECT ON WORKERS' COMPENSATION ACT.]

Sections 7 to 19 shall not be construed as abridging, repealing or amending Minnesota Statutes, Chapter 176.

Sec. 19. [VALIDATION OF PRIOR ACTIONS.]

Notwithstanding any provision of law to the contrary, any action of the West St. Paul firefighters relief association taken subsequent to September 25, 1947, and prior to the effective date of this section, which was in conformance with the applicable provisions of sections 7 to 19 and the applicable provisions of the duly adopted articles of incorporation and bylaws of the relief association are hereby validated."

Page 3, line 15, delete "This act is" and insert "Sections 1 to 6 are" and after the period, insert "Sections 7 to 19 are effective upon approval by the city council of the city of West St. Paul and upon compliance with Minnesota Statutes, Section 645.021."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "certain"

Page 1, line 5, after "firefighters" insert "in certain local relief associations; providing for the recomputation of a disability benefit as a service pension upon the attainment of a certain age; providing service credit for periods of disability in certain instances; requiring the provision of less hazardous duty employment positions for marginally disabled police officers and firefighters; requiring offsets from disability benefits in certain instances; authorizing the establishment and operation of the West St. Paul firefighters relief association; validating prior actions by the West St. Paul firefighters relief association"

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

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

H.F. No. 1668: A bill for an act relating to manufactured homes; requiring manufacturers and dealers of manufactured homes to be licensed and regulated by the commissioner of administration; providing for the rights and duties of owners and residents of manufactured home parks; making certain changes in the procedure for titling manufactured homes; requiring park owners to adopt storm safety plans for the protection of residents; empowering municipalities to enforce certain ordinances within manufactured home parks and recreational camping areas; clarifying the procedures to be used in the repossession of a manufactured home; clarifying certain language; prohibiting certain practices; imposing fees and penalties; providing remedies; defining terms; proposing new law coded in Minnesota Statutes, Chapter 168A; proposing new law coded as Minnesota Statutes, Chapters 327B and 327C; amending Minnesota Statutes 1980, Sections 168A.02, Subdivision 3; 327.14; 327.16, Subdivision 2; 327.20, Subdivision 1; 327.24, by adding a subdivision; 327.26; 327.27, Subdivision 2, and by adding a subdivision; 327.62, Subdivision 2; 327.63; 327.65; 327.66; 363.02, by adding a subdivision; and 566.18, Subdivisions 2, 7, and 8; repealing Minnesota Statutes 1980, Sections 327.41; 327.42; 327.43; 327.45; 327.451; 327.452; 327.46; 327.47; 327.51; 327.52; 327.53; 327.54; 327.55; 327.551; 327.552; 327.553, Subdivisions 2, 3 and 4; 327.554; 327.56; and Minnesota Statutes 1981 Supplement, Sections 327.44; 327.441; 327.55, Subdivision 1a; and 327.553, Subdivision 1.

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

Delete everything after the enacting clause and insert:

“ARTICLE I

MANUFACTURED HOME SALES

Section 1. [327B.01] [DEFINITIONS.]

Subdivision 1. [TERMS.] As used in sections 1 to 13 the terms defined in this section have the meanings given them.

Subd. 2. [AFFILIATE.] “Affiliate” of another person means any person directly or indirectly controlling, controlled by, or under common control with the other person.

Subd. 3. [COMMISSIONER.] “Commissioner” means the commissioner

of administration.

Subd. 4. [BROKER.] "Broker" means any person who:

(a) For another and for commission, fee or other valuable consideration or with the intention or expectation of receiving the same directly or indirectly lists, sells, exchanges, buys or rents, manages, or offers or attempts to negotiate a sale, option, exchange, purchase or rental of an interest in a manufactured home or advertises or holds himself or itself out as engaged in such activities;

(b) For another and for commission, fee or other valuable consideration or with the intention or expectation of receiving the same directly or indirectly negotiates or offers or attempts to negotiate a loan, secured or to be secured by a security interest in or other encumbrance on a manufactured home; or

(c) Engages in the business of charging an advance fee or contracting for collection of a fee in connection with any contract whereby he undertakes to promote the sale of a manufactured home through its listing in a publication issued primarily for the purpose of promoting the sale of manufactured homes or real estate.

Subd. 5. [CONSUMER CUSTOMER.] "Consumer customer" means any natural person who, primarily for personal, household or family purposes, buys, sells, or seeks to buy or sell, a manufactured home from, to or through a dealer or manufacturer.

Subd. 6. [CONTROLLING SHAREHOLDER.] "Controlling shareholder" means a shareholder whose legal, equitable and beneficial holdings in a dealership, and those of his family, amount to more than ten percent of the outstanding shares.

Subd. 7. [DEALER.] "Dealer" means any person who engages in the business, either exclusively or in addition to any other occupation, of selling or brokering manufactured homes, new or used, or who offers to sell, solicit, broker or advertise the sale of manufactured homes, new or used.

Subd. 8. [EXPRESS WARRANTY.] "Express warranty" means a warranty as defined by section 336.2-313.

Subd. 9. [IMPLIED WARRANTY OF FITNESS FOR PARTICULAR PURPOSE.] "Implied warranty of fitness for particular purpose" means a warranty as defined by section 336.2-315.

Subd. 10. [IMPLIED WARRANTY OF MERCHANTABILITY.] "Implied warranty of merchantability" means a warranty as defined by section 336.2-314.

Subd. 11. [IN PARK SALE.] "In park sale" has the meaning specified in article II, section 1, subdivision 3.

Subd. 12. [MANUFACTURER.] "Manufacturer" means any person who manufactures, assembles or produces manufactured homes.

Subd. 13. [MANUFACTURED HOME.] "Manufactured home" means a structure, not affixed to or part of real estate, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square

feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

Subd. 14. [MANUFACTURED HOME PARK.] "Manufactured home park" has the meaning specified in article II, section 1, subdivision 6.

Subd. 15. [NET LISTING AGREEMENT.] "Net listing agreement" means any agreement by any dealer to sell, offer for sale, solicit, broker or advertise the sale of a manufactured home on behalf of any person which provides for the dealer to receive any consideration from any person other than a commission based on a single percentage of the price at which the home is actually sold.

Subd. 16. [NEW MANUFACTURED HOME.] "New manufactured home" means a manufactured home which is purchased for the first time other than for purposes of resale.

Subd. 17. [PERSON.] "Person" means any individual, corporation, firm, partnership, incorporated and unincorporated association, or any other legal or commercial entity.

Subd. 18. [SALE.] "Sale" means:

- (a) The passing of title from one person to another for consideration; or
- (b) Any agreement to sell under which possession is delivered to the buyer but title is retained in the seller; or
- (c) Any agreement in the form of a bailment or lease of goods if the bailee or lessee agrees to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the goods involved and it is agreed that the bailee or lessee will become, or for no other than a nominal consideration has the option to become, the owner of the goods upon full compliance with his obligations under the agreement; or
- (d) Any legally binding executory agreement to make a sale.

Subd. 19. [SALESPERSON.] "Salesperson" means a person who acts on behalf of a dealer in performing any act which sections 1 to 13 authorize or require to be performed by a dealer.

Subd. 20. [TRUST ACCOUNT.] "Trust account" means a demand deposit, share draft or checking account maintained for the purpose of segregating trust funds from other funds.

Subd. 21. [TRUST FUNDS.] "Trust funds" means funds received by a broker in a fiduciary capacity as a part of a manufactured home sale transaction, pending the consummation or termination of a transaction, and includes all down payments, earnest money deposits, rents for clients, tax and insurance escrow payments, damage deposits, and any funds received on behalf of any person.

Sec. 2. [327B.02] [WARRANTIES.]

Subdivision 1. [IMPLIED WARRANTIES.] Every sale of a new manufactured home in this state is made with an implied warranty that the manufactured home conforms in all material aspects to applicable federal or state laws and regulations establishing standards of safety or quality, and with implied

warranties of merchantability and fitness for particular purpose as permanent housing in the climate of this state.

Subd. 2. [EXPRESS WARRANTIES PERMITTED.] This section does not prohibit a manufacturer or dealer from making express warranties with respect to a manufactured home, but a manufacturer or dealer may not limit, modify or disclaim the warranties implied by subdivision 1.

Sec. 3. [327B.03] [LIMITATION, EXCLUSION OR MODIFICATION OF WARRANTY.]

Any attempt to exclude, limit or modify any rights or remedies created by the warranties implied by section 2 is void.

Sec. 4. [327B.04] [WARRANTIES; DURATION, HONORING.]

Subdivision 1. [DURATION.] The warranties implied by section 2 shall run for a period of one year from the date of delivery of the manufactured home to the consumer customer.

Subd. 2. [NOTICE AND COOPERATION BY BUYER.] To invoke either a warranty implied by section 2 or an express warranty made by the manufacturer the buyer must notify the dealer and the manufacturer within a reasonable time after discovering the breach and not later than 90 days after the expiration of the warranty. To invoke an express warranty made by the dealer, the buyer must notify the dealer within a reasonable time after discovering the breach and not later than 90 days after the expiration of the warranty. After giving the notice the buyer must allow reasonable opportunity for the service or repair.

Subd. 3. [RESPONSIBILITY TO HONOR.] It shall be the duty of the manufacturer and dealer, jointly and severally, to service or repair a manufactured home at its site within a reasonable time after receiving written notice of breach of either a warranty implied by section 2 or an express warranty made by the manufacturer. The dealer shall service or repair a manufactured home at its site within a reasonable time after receiving written notice of breach of an express warranty made by the dealer.

Sec. 5. [327B.05] [MANUFACTURERS AND DEALERS; LICENSES; BONDS.]

Subdivision 1. [LICENSE AND BOND REQUIRED.] No person shall act as a dealer in manufactured homes, new or used, without first having acquired a license and a surety bond as provided in this section. No person shall manufacture manufactured homes without first having acquired a license and a surety bond as provided in this section. The licensing and bonding requirements of this section do not apply to any bank, savings bank, savings and loan association or credit union, chartered by either this state or the federal government, which acts as a dealer only by repossessing manufactured homes and then offering the homes for resale through the brokering services of a licensed dealer or real estate broker or salesperson.

Subd. 2. [SUBAGENCY LICENSES.] Any dealer who has a place of business at more than one location shall designate one location as its principal place of business, one name as its principal name, and all other established places of business as subagencies. A subagency license shall be required for each subagency. No dealer shall do business as a dealer under any other name than the name on its license.

Subd. 3. [LICENSE APPLICATION.] Application for a license and its renewal shall be made to the commissioner, shall be in writing, and duly verified by oath. The applicant shall submit any information required by the commissioner, upon forms provided by the commissioner for that purpose, including:

(a) proof of identity;

(b) the name under which the applicant will be licensed and do business in this state;

(c) the applicant's type and place of business;

(d) The name, home and business address of the applicant's directors, officers, limited and general partners, controlling shareholders and affiliates;

(e) whether the applicant, or any of its directors, officers, limited or general partners, controlling shareholders or affiliates, has been convicted of a crime within the previous ten years that either related directly to the business for which the license is sought or involved fraud, misrepresentation or misuse of funds, or has suffered a judgment in a civil action involving fraud, misrepresentation, or conversion within the previous five years or has had any government license or permit suspended or revoked as a result of an action brought by a federal or state governmental agency in this or any other state within the last five years; and

(f) the applicant's qualifications and business history, including whether the applicant, or any of its directors, officers, limited or general partners, controlling shareholders or affiliates has ever been adjudged bankrupt or insolvent, or has any unsatisfied court judgments outstanding against it or them.

Subd. 4. [LICENSE PREREQUISITES.] No application shall be granted nor license issued until and unless the applicant proves to the commissioner that:

(a) the applicant has a permanent, established place of business at each licensed location. An "established place of business" means a permanent enclosed building other than a residence, or a commercial office space, either owned by the applicant or leased by the applicant for a term of at least one year, located in an area where zoning regulations allow commercial activity, and where the books, records and files necessary to conduct the business are kept and maintained. The owner of a licensed manufactured home park who resides in or adjacent to the park may use his residence as the established place of business required by this subdivision, unless prohibited by local zoning ordinance.

If a license is granted, the licensee may use unimproved lots and premises for sale, storage, and display of manufactured homes, if the licensee first notifies the commissioner in writing;

(b) if the applicant desires to sell, solicit or advertise the sale of new manufactured homes, it has a bona fide contract or franchise in effect with a manufacturer or distributor of the new manufactured home it proposes to deal in;

(c) the applicant has secured a surety bond in the amount of \$20,000 for the protection of consumer customers, executed by the applicant as principal and

issued by a surety company admitted to do business in this state. The bond shall be exclusively for the purpose of reimbursing consumer customers and shall be conditioned upon the faithful compliance by the applicant with all of the laws and rules of this state pertaining to the applicant's business as a dealer or manufacturer, including sections 325D.44, 325F.67 and 325F.69, and upon the applicant's faithful performance of all its legal obligations to consumer customers; and

(d) the applicant has established a trust account as required by section 9, subdivision 3, unless the applicant states in writing its intention to limit its business to selling, offering for sale, soliciting or advertising the sale of new manufactured homes.

Subd. 5. [EXEMPTION FOR REAL ESTATE BROKERS AND SALES- PERSONS.] Any person licensed as a real estate broker or salesperson under chapter 82 who brokers the sale of used manufactured homes is not required to obtain a license or a bond as required by this section, but is subject to all other provisions of sections 1 to 13. Any real estate broker or salesperson who violates a provision of sections 7 to 10 in selling or offering for sale a used manufactured home shall be deemed to have violated a provision of chapter 82.

Subd. 6. [CERTIFICATE OF LICENSE.] For each license granted the commissioner shall issue a certificate which includes the name of the licensee, the name of the surety company and the amount of the surety bond, the names and addresses of any related principal or subagencies, and a license number.

Subd. 7. [FEES; LICENSES; WHEN GRANTED.] Each application for a license or license renewal must be accompanied by a fee in an amount established by the commissioner by rule pursuant to section 11, which shall be paid into the state treasury and credited to the general fund. The fees shall be set in an amount which over the fiscal biennium will produce revenues approximately equal to the expenses which the commissioner expects to incur during that fiscal biennium while administering and enforcing sections 1 to 13. The commissioner shall grant or deny a license application or a renewal application within 60 days of its filing. If the license is granted, the commissioner shall license the applicant as a dealer or manufacturer for the remainder of the calendar year. Upon application by the licensee, the commissioner shall renew the license for a two year period, if:

(a) the renewal application satisfies the requirements of subdivisions 3 and 4;

(b) the renewal applicant has made all listings, registrations, notices and reports required by the commissioner during the preceding year; and

(c) the renewal applicant has paid all fees owed pursuant to sections 1 to 13 and all taxes, arrearages, and penalties owed to the state.

Sec. 6. [327B.06] [DENIAL, SUSPENSION AND REVOCATION OF LICENSES.]

Subdivision 1. [GROUNDS.] The commissioner may by order deny, suspend or revoke any license if he finds (1) that the order is in the public interest and (2) that the applicant or licensee or any of its directors, officers, limited or general partners, controlling shareholders or affiliates:

(a) has filed an application for a license or a license renewal which fails to

disclose any material information or contains any statement which is false or misleading with respect to any material fact;

(b) has violated any of the provisions of sections 1 to 13 or any rule or order issued by the commissioner or any prior law providing for the licensing of manufactured home dealers or manufacturers;

(c) has had a previous manufacturer or dealer license revoked in this or any other state;

(d) has engaged in acts or omissions which have been adjudicated or amount to a violation of any of the provisions of section 325D.44, 325F.67 or 325F.69;

(e) has sold or brokered the sale of a home containing a material violation of sections 327.31 to 327.35 about which the dealer knew or which should have been obvious to a reasonably prudent dealer;

(f) has failed to make or provide to the commissioner all listings, notices and reports required by him;

(g) has failed to pay a civil penalty assessed under subdivision 6 of this section within ten days after the assessment becomes final;

(h) has failed to pay to the commissioner or other responsible government agency all taxes, fees and arrearages due;

(i) has failed to duly apply for license renewal;

(j) has violated any applicable manufactured home building or safety code;

(k) has failed or refused to honor any express or implied warranty as provided in section 4;

(l) has failed to continuously occupy a permanent, established place of business licensed under section 5;

(m) has, without first notifying the commissioner, sold a new and unused manufactured home other than the make of manufactured home described in a franchise or contract filed with the application for license or license renewal;

(n) has wrongfully failed to deliver a certificate of title to a person entitled to it;

(o) is insolvent or bankrupt;

(p) holds an impaired or canceled bond;

(q) has failed to notify the commissioner of bankruptcy proceedings within ten days after a petition in bankruptcy has been filed by or against the dealer or manufacturer;

(r) has, within the previous ten years, been convicted of a crime that either related directly to the business of the dealer or manufacturer or involved fraud, misrepresentation or misuse of funds;

(s) has suffered a judgment within the previous five years in a civil action involving fraud, misrepresentation or misuse of funds; or

(t) has failed to reasonably supervise any employee or agent of the dealer or manufacturer, resulting in injury or harm to the public.

The commissioner may establish rules pursuant to section 11 further specifying, defining or establishing standards of conduct for manufactured home dealers and manufacturers.

Subd. 2. [DENIAL; RECONSIDERATION.] *If the commissioner denies an application for a license, he shall inform the applicant and summarize in writing the reasons for the denial. Within 15 days of receiving the commissioner's notice, the applicant may request in writing that the commissioner reconsider. The request for reconsideration shall explain why the commissioner's previous decision was wrong and shall specifically address each reason given by the commissioner for the denial. Within 20 days of receiving the request for reconsideration, the commissioner shall decide whether to withdraw the denial and grant a license. If the commissioner reaffirms the denial, the applicant may appeal in the manner provided in subdivision 7. An applicant whose application is denied may also cure the defects in the application cited by the commissioner and resubmit the application at no extra charge.*

Subd. 3. [LICENSE SUSPENSION OR REVOCATION; HEARING.] *The commissioner, upon his own motion or upon the complaint of another, may prepare and cause to be served upon a licensee a written notice or complaint summarizing the violations charged, and requiring the licensee to appear before the commissioner or authorized deputy to show cause why the license should not be revoked.*

The commissioner shall, at a time and place fixed in the notice, hear and determine the matter on its merits. All hearings shall be conducted in accordance with the provisions of chapter 15. If the commissioner finds the existence of any of the causes for suspension or revocation set forth in subdivision 1 and determines that the license should be revoked or suspended, he shall make a written order of revocation or suspension. A copy of the order shall be served upon the licensee in the manner provided by law for the service of summons in a civil action.

If the commissioner revokes or suspends the license of any person holding more than one license under the provisions of section 5, subdivision 2, he shall revoke or suspend all of the licenses of that person and of the affiliates of that person.

Subd. 4. [SUMMARY LICENSE SUSPENSION.] *The commissioner may by order summarily suspend a license pending final determination of any order to show cause if he deems the action to be necessary in order to prevent immediate and substantial public harm. If a license is suspended pending final determination of an order to show cause, a hearing on the merits shall be held within 30 days of the issuance of the order of suspension.*

Subd. 5. [HEARING EXAMINER.] *The commissioner may delegate authority to conduct a hearing to a hearing examiner.*

Subd. 6. [PENALTIES.] *After having conducted the hearing provided for in subdivision 3, the commissioner may, in addition to or in lieu of revoking or suspending a license, order restitution to an injured consumer customer or assess a penalty or penalties against any person who commits any act that is grounds for the suspension or revocation of a license under subdivision 1; provided, that the penalty or penalties imposed shall not, in the aggregate, exceed ten thousand dollars.*

Subd. 7. [APPEALS.] The contested case provisions of chapter 15 shall apply to appeals from any order by the commissioner denying, suspending or revoking a license, or assessing penalties.

Sec. 7. [327B.07] [DEALER'S RECORDS.]

Subdivision 1. [RETENTION.] A dealer shall retain for three years copies of all listings, deposit receipts, credit applications, contracts, disclosure forms, cancelled checks, trust account records and such other documents as may reasonably be related to carrying on the business of a dealer. The retention period shall run from the date of the closing of the transaction or from the date of the listing if the transaction is not consummated.

Subd. 2. [EXAMINATION OF RECORDS.] The commissioner may make examinations within or without this state of each dealer's records at such reasonable time and in such scope as is necessary to enforce the provisions of sections 1 to 13.

Sec. 8. [327B.08] [RESPONSIBILITY OF DEALERS.]

Subdivision 1. [LIABILITY.] Each dealer is responsible for the activities of any person employed by or acting on behalf of that dealer when the activities occur in connection with the sale or attempted sale of a manufactured home. Each officer of a corporation licensed as a dealer is responsible for the activities of any person employed by or acting on behalf of the corporation when such activities occur in connection with the sale or attempted sale of a manufactured home.

Subd. 2. [SALESPEOPLE.] Every dealer shall report in writing to the commissioner the full name, date of birth, business and home address of every salesperson employed by the dealer. Within ten days of hiring, firing or otherwise changing the employment status of a salesperson, the dealer shall notify the commissioner in writing. No salesperson shall work for more than one dealer during the same time period.

Sec. 9. [327B.09] [DUTIES.]

Subdivision 1. [DISCLOSURE REQUIRED.] Prior to the consummation of the sale of any manufactured home where a dealer acts as a broker, the dealer shall disclose in writing to all parties to the transaction all charges, payments, commissions and other fees paid or payable in connection with the transaction. Any commission charged by the dealer shall be expressed both as a dollar amount and as a percentage of the sales price. If the home being sold is located in a manufactured home park, prior to the buyer's signing of the purchase agreement the dealer shall disclose in writing to the buyer the state law concerning the in park sale of manufactured homes. This subdivision does not require any dealer to disclose any consideration received for having acted as an insurance agent, as defined in section 60A.02, subdivision 7, in connection with the transaction, nor shall this subdivision require any dealer to disclose any consideration received in return for the dealer having agreed to any contingent liability in connection with the financing of the sale. The commissioner may prescribe a form to be used to comply with this subdivision and may require all dealers to use that form.

Subd. 2. [PRESENCE OF PARTIES AT CLOSING.] A dealer shall not prohibit, prevent or restrain any party to the brokered sale of a manufactured

home from being present at the closing. If a dealer at a closing purports to have authority to act for one of the parties who is not present, the dealer shall exhibit the document granting that authority and shall give a copy of that document to the other parties.

Subd. 3. [TRUST ACCOUNT REQUIRED.] Each dealer who acts as a broker shall maintain a trust account. A trust account shall not be an interest bearing account except by agreement of the parties and subject to rules of the commissioner.

Subd. 4. [SEGREGATION OF FUNDS.] A dealer shall deposit all trust funds received in a trust account. A dealer shall deposit only trust funds in a trust account and shall not commingle personal funds or other funds in that account, except that a dealer may deposit and maintain a sum from his personal funds not to exceed \$100 in a trust account, which sum shall be specifically identified and used to pay service charges relating to the trust account.

Subd. 5. [TRUST INFORMATION REQUIRED.] At the time of application for a license or renewal of license, each dealer who acts or intends to act as a broker shall tell the the commissioner the name of the financial institutions and the trust account identification numbers used to comply with the provisions of this section. A dealer shall immediately report to the commissioner any change of trust account status including changes in financial institutions, account identification numbers, or additional accounts in the same or another financial institution. No dealer may close an existing trust account without giving ten days written notice to the commissioner.

Sec. 10. [327B.10] [PROHIBITIONS.]

Subdivision 1. [LICENSE REQUIRED.] No person shall engage in the business, either exclusively or in addition to any other occupation of manufacturing, selling, offering to sell, soliciting or advertising the sale of manufactured homes, or act as a broker without being licensed as a manufacturer or a dealer as provided in section 5. Any person who manufactures, sells, offers to sell, solicits or advertises the sale of manufactured homes, or acts as a broker in violation of this subdivision shall nevertheless be subject to the duties, prohibitions and penalties imposed by sections 1 to 13. This subdivision does not prohibit an individual from reselling, without a license, a manufactured home which is or has been his or her residence.

Subd. 2. [ADVERTISING.] No person shall advertise as a manufactured home dealer, or as a lister, broker or agent for the sale of manufactured homes, without being licensed as a dealer as provided in section 5.

Subd. 3. [DISPLAY OF LICENSE.] No person shall act as a dealer or manufacturer unless the certificate authorizing that activity is prominently displayed on the business premises covered by the license. Before moving to a new location from the established place of business occupied when the license is granted, the licensee must first secure the commissioner's written permission. To obtain that permission, the licensee must prove that the proposed new premises conform to the requirements of section 5, subdivision 4.

Subd. 4. [NET LISTING PROHIBITED.] Except as otherwise provided in this subdivision, no dealer shall use or offer to use a net listing agreement.

A dealer who is acting as a broker for the sale of a manufactured home and

who can arrange financing for the sale may charge a separate fee for that service, if:

(a) the listing agreement does not require that the seller or buyer use the dealer's services to arrange financing;

(b) in arranging the financing, the dealer will pay a fee or will guarantee all or part of the buyer's performance to a third person; and

(c) the listing agreement clearly and conspicuously discloses the amount of the fee, the fact that the fee is in addition to the dealer's commission and the fact that the seller and buyer are not required to use the dealer's services to arrange financing.

Sec. 11. [327B.11] [RULEMAKING AUTHORITY.]

The commissioner may promulgate rules and issue orders reasonably necessary to implement and administer the provisions of sections 1 to 13.

Sec. 12. [327B.12] [RECOURSE TO THE BOND.]

Subdivision 1. [CONSUMER CLAIMANTS.] Any consumer customer sustaining injuries within the terms of a surety bond issued pursuant to section 5 may proceed against the principal and surety without making the state a party to the proceedings. Provided, however, that the aggregate liability of the surety to all persons for all losses or damages shall in no event exceed the amount of the bond.

Subd. 2. [PAYMENT OF CLAIMS; NOTICE TO COMMISSIONER.] Before paying any claim against a surety bond, the surety company must first notify the commissioner in writing of the amount of the claim, the basis of the claim and the surety company's intention to pay the claim. Unless the commissioner objects in writing within ten days of receiving the notice, the surety company may proceed upon its intention. The commissioner's failure to object is not evidence of the validity of the claim or of the propriety of paying the claim. The commissioner shall object only if he has reasonable grounds to believe that paying the claim will reduce the obligation of the bond to an amount less than the total amount of other outstanding and valid claims against the bond.

Subd. 3. [APPLICATION FOR A REFEREE.] Within 15 days of objecting to the payment of a claim, the commissioner shall apply to the district court for an order:

(a) directing the surety company to pay the full obligation of the bond into court; and

(b) appointing a referee to hear claims against the bond and to propose to the court the proper distribution of the bond proceeds.

The surety company and the principals on the bond shall be parties to the proceedings.

Sec. 13. [327B.13] [ADDITIONAL REMEDIES AND ENFORCEMENT.]

Subdivision 1. [PRIVATE REMEDIES.] Any person injured or threatened with injury by a dealer or manufacturer's violation of sections 1 to 13 may bring a private action in any court of competent jurisdiction.

Subd. 2. [FRAUD REMEDIES.] In addition to the remedies provided in

sections 1 to 13, any violation of section 9 or 10 is a violation of section 325F.69, subdivision 1 and the provisions of section 8.31 shall apply.

Sec. 14. [TEMPORARY SURCHARGE.]

For purposes of defraying costs of administering the provisions of sections 1 to 13, a \$30 surcharge is imposed on each application for a license or license renewal submitted during calendar year 1983. This surcharge shall expire December 31, 1983. All surcharge income is appropriated to the department of administration, building code division, for costs directly attributed to the requirements of sections 1 to 13; any additional income shall cancel on December 31, 1983, to the general fund.

Sec. 15. [REPEALER.]

Minnesota Statutes 1980, Sections 327.51, 327.52, 327.53, 327.54, 327.55, 327.551, 327.552, 327.553, Subdivisions 2, 3 and 4, 327.554, 327.56; and Minnesota Statutes 1981 Supplement, Sections 327.55, Subdivision 1a and 327.553, Subdivision 1 are repealed.

Sec. 16. [EFFECTIVE DATE.]

Sections 1 to 15 of this article are effective August 1, 1982, except that a manufacturer or dealer may continue to operate under its old license until January 1, 1983, subject to the provisions of sections 1 to 4 and 6 to 13.

ARTICLE II

MANUFACTURED HOME PARK

LOT RENTALS

Section 1. [327C.01] [DEFINITIONS.]

Subdivision 1. [TERMS.] When used in sections 1 to 17, the terms defined in this section have the meanings given them.

Subd. 2. [ADDITIONAL NEW LOT.] "Additional new lot" means a manufactured home lot developed without involving the eviction or dislocation of any current residents at a site where no manufactured home has been previously located.

Subd. 3. [IN PARK SALE.] "In park sale" means the sale of a manufactured home owned by a park resident and located in a manufactured home park, after which sale the home remains in the park.

Subd. 4. [LOT.] "Lot" means an area within a manufactured home park, designed or used for the accommodation of a manufactured home.

Subd. 5. [MANUFACTURED HOME.] "Manufactured home" and "home" have the meaning specified in article I, section 1, subdivision 13.

Subd. 6. [MANUFACTURED HOME PARK.] "Manufactured home park" and "park" have the meaning specified in section 327.14, subdivision 3, but do not include facilities which are open only during three or fewer seasons of the year.

Subd. 7. [PARK OWNER.] "Park owner" means the owner of a manufactured home park and any person acting on behalf of the owner in the operation or management of a park.

Subd. 8. [PERSON.] "Person" means any individual, corporation, firm, partnership, incorporated and unincorporated association, or any other legal or commercial entity.

Subd. 9. [REASONABLE RULE.] "Reasonable rule" means a park rule:

(a) which is designed to promote the convenience, safety, or welfare of the residents, promote the good appearance and facilitate the efficient operation of the park, protect and preserve the park premises, or make a fair distribution of services and facilities;

(b) which is reasonably related to the purpose for which it is adopted;

(c) which is not retaliatory or unjustifiably discriminatory in nature; and

(d) which is sufficiently explicit in prohibition, direction, or limitation of the resident's conduct to fairly inform him of what he must or must not do to comply.

Subd. 10. [RESIDENT.] "Resident" means an owner of a manufactured home who rents a lot in a manufactured home park and includes the members of his household.

Subd. 11. [RULE.] "Rule" means any rental agreement provision, regulation, rule or policy through which a park owner controls, affects or seeks to control or affect the behavior of residents.

Subd. 12. [SUBSTANTIAL MODIFICATION.] "Substantial modification" means any change in a rule which: (a) significantly diminishes or eliminates any material obligation of the park owner; (b) significantly diminishes or eliminates any material right, privilege or freedom of action of a resident; or (c) involves a significant new expense for a resident.

Subd. 13. [UTILITY SERVICE.] "Utility service" means any electric, fuel oil, natural or propane gas, sewer, waste disposal and water service by whatever means furnished.

Sec. 2. [327C.02] [RENTAL AGREEMENTS.]

Subdivision 1. [CONTENTS; WRITING REQUIRED.] Every agreement to rent a lot must be documented by a written rental agreement signed by the park owner and the resident. A copy of the rental agreement shall be given to the applicant for the purpose of reviewing the agreement prior to signing it. The agreement must specify terms and conditions in connection with the rental of the lot and must include:

(a) the location of the lot and its address or site number;

(b) the amount of rent per month and a statement of all personal property, services and facilities which the park owner agrees to provide to the resident;

(c) the rights, duties and obligations of the parties, and all rules applicable to the resident;

(d) the amount of any security deposit or other mandatory financial obligation imposed on the resident by the park owner; and

(e) the name of any person holding a security interest in the resident's home.

Subd. 2. [MODIFICATION OF RULES.] The park owner must give the

resident at least 60 days notice in writing of any rule change. A rule adopted or amended after the resident initially enters into a rental agreement may be enforced against that resident only if the new or amended rule is reasonable and is not a substantial modification of the original agreement. A reasonable rent increase made in compliance with section 7 is not a substantial modification of the rental agreement and is not considered to be a rule for purposes of section 1, subdivision 9. A rule change necessitated by government action is not a substantial modification of the rental agreement. A rule change requiring all residents to maintain their homes, sheds and other appurtenances in good repair and safe condition shall not be deemed a substantial modification of a rental agreement. If a part of a resident's home, shed or other appurtenance becomes so dilapidated that repair is impractical and total replacement is necessary, the park owner may require the resident to make the replacement in conformity with a generally applicable rule adopted after the resident initially entered into a rental agreement with the park owner.

In any action in which a rule change is alleged to be a substantial modification of the rental agreement, a court may consider the following factors in limitation of the criteria set forth in section 1, subdivision 12:

(a) any significant changes in circumstances which have occurred since the original rule was adopted; and

(b) any compensating benefits which the rule change may produce for the residents.

Subd. 3. [SERVICE OF NOTICES.] A park owner may give notice as required by this section or sections 3 and 9: (a) personally, (b) by mailing the notice to the last known mailing address of the resident, or (c) by delivering the notice to the home of the resident. Notice by certified mail is effective even if the resident refuses to accept delivery. Service by delivery to the resident's home is effective if the notice is left at the home with someone of suitable age and discretion or is placed in a secure and conspicuous location at the home.

Subd. 4. [WAIVER VOID.] Any attempt to waive or circumscribe any privilege or right guaranteed by law to a resident or a park owner is void.

Subd. 5. [WRITTEN NOTICE REQUIRED.] The following notice printed verbatim in boldface type of a minimum size of ten points must be given to a prospective resident before he or she is asked to sign a rental agreement and must be posted in a conspicuous and public location in the park:

“IMPORTANT NOTICE

State law provides special rules for the owners and residents of manufactured home parks.

You may keep your home in the park as long as the park is in operation and you meet your financial obligations, obey state and local laws which apply to the park, obey reasonable park rules, do not substantially annoy or endanger the other residents or substantially endanger park personnel and do not substantially damage the park premises. You may not be evicted or have your rent increased or your services cut for complaining to the park owner or to a governmental official.

If you receive an eviction notice and do not leave the park, the park owner may take you to court. If you lose in court, a sheriff may remove you and your

home from the park within seven days. Or, the court may require you to leave the park within seven days but give you 60 days to sell the home within the park.

All park rules and policies must be reasonable. Your rent may not be increased more than twice a year. Changes made in park rules after you become a park resident will not apply to you if they substantially change your original agreement.

Unless you are renting a totally new lot, the park may not charge you an entrance fee. The park may require a security deposit, but the deposit must not amount to more than two months rent.

Unless your home was built before June 15, 1976 and is more than 15 years old at the time of the sale, you have a right to sell the home in the park. But the sale is not final until the park owner approves the buyer as a new resident, and you must advise in writing anyone who wants to buy your home that the sale is subject to final approval by the park owner.

Your rental agreement and the park rules contain important information about your rights and duties. Read them carefully and keep a copy.

For further information concerning your rights, consult a private attorney. The state law governing the rental of lots in manufactured home parks may also be enforced by the Minnesota Attorney General."

Sec. 3. [327C.03] [FEES.]

Subdivision 1. [SPECIAL FEES PROHIBITED.] Except as provided in this section and sections 4 and 5, no fee other than the periodic rental payment shall be charged to a park resident or prospective resident or any agent of a resident or prospective resident for the right to obtain or retain a lot.

Subd. 2. [INSTALLATION AND REMOVAL CHARGES.] A park owner may contract with a resident to install the resident's home on a lot or to remove the resident's home from the park. The contract must be in writing and the park owner may charge for the service. A park owner may not require a resident to use the park owner's service to install or remove a home unless the owner provides the service without charge.

Subd. 3. [RENT.] All periodic rental payments charged to residents by the park owner shall be uniform throughout the park, except that a higher rent may be charged to a particular resident due to the larger size or location of the lot, or the special services or facilities furnished to him by the park. A park owner may charge a fee for delinquent rent where the fee is provided for in the rental agreement. The fee shall be enforceable as part of the rent owed by the resident. No park owner shall charge to a resident any fee, whether as part of or in addition to the periodic rental payment, which is based on the number of persons residing or staying in the resident's home, the number or age of children residing or staying in the home, the number of guests staying in the home, the size of the home, the fact that the home is temporarily vacant or the type of personal property used or located in the home. The park owner may charge an additional fee for pets owned by the resident, but the fee may not exceed \$4 per pet per month. This subdivision does not prohibit a park owner from abating all or a portion of the rent of a particular resident with special needs.

Subd. 4. [SECURITY DEPOSIT.] A park owner may require a resident to

deposit with the park owner a fee, not to exceed the amount of two months' rent, to secure the resident's performance of the rental agreement and to protect the park owner against damage by the resident to park property, including any damage done by the resident in the installation or removal of the resident's home. The provisions of section 504.20 shall apply to any security deposit required by a park owner under this subdivision.

Subd. 5. [MAINTENANCE CHARGES.] If park rules or state or local law provide for lot maintenance or impose conditions on the use of common areas and a resident fails to do the required maintenance or meet the conditions, the park owner may do the maintenance or satisfy the conditions and charge the resident the reasonable cost, plus a fee of up to \$10, if:

(a) before doing the work the park owner gives the resident a written notice specifying the work that has to be done, stating which rule or law requires the work to be done, advising the tenant that if the work is not done promptly the park will do the work and bill the resident, and stating a reasonable deadline by which the resident must do the work;

(b) after receiving the notice, the resident fails to do the work by the stated deadline; and

(c) after the work is done by the park owner, the park owner serves the resident with a written notice of the charge.

If a resident's failure to do required maintenance or meet a condition imposed on the use of common areas causes an immediate danger to park facilities or to the health or safety of other residents, the park owner may give the resident a written notice requiring immediate compliance. If immediate compliance is essential and delivery of a notice is impractical or useless, the park owner may do the work without giving notice and may charge the tenant the reasonable cost. A notice given pursuant to this subdivision neither precludes nor suffices as the notice required by section 10, subdivisions 3 to 7.

Charges made pursuant to this subdivision shall be enforceable as part of the rent owed by the resident. The notice required by clause (c) shall specify the work performed, the date of its performance, the total cost of performing the work, the method used in computing the cost and a deadline for payment by the resident. The deadline shall not be less than 30 days after the service of the notice.

Sec. 4. [327C.04] [NEW CONSTRUCTION ENTRANCE FEES.]

Subdivision 1. [AMOUNT LIMITED.] Any park owner who begins construction of additional, new lots after the effective date of this section may charge an entrance fee to the initial resident to occupy the lot. The entrance fee must not be more than ten percent of the money spent by the park owner to construct the lot. The park owner may not require payment of the fee before the lot is ready for occupancy.

Subd. 2. [CEASING OPERATION LIMITED.] A park owner who has collected an entrance fee for a lot pursuant to this section, may not cease to operate that lot as part of a park pursuant to section 10, subdivision 9, or recover possession of the lot pursuant to section 10, subdivision 8, unless:

(a) 15 years have elapsed since the entrance fee was paid; or

(b) the park owner pays the resident then occupying the lot the amount of the

entrance fee plus interest at the rate set by the state court administrator pursuant to section 549.09.

Sec. 5. [327C.05] [UTILITY CHARGES.]

Subdivision 1. [BILLING PERMITTED.] A park owner who provides utility service to residents may charge the residents for that service, only if the charges comply with this section.

Subd. 2. [METERING REQUIRED.] A park owner who charges residents for a utility service must charge each household the same amount, unless the park owner has installed measuring devices which accurately meter each household's use of the utility.

Subd. 3. [PERMISSIBLE RATES.] Except as provided in subdivision 4, no park owner shall, directly or indirectly, charge or otherwise receive payment from a resident for a utility service, or require a resident to purchase a utility service from the park owner or any other person, at a rate which is greater than either of the following:

(a) a rate which the resident could pay directly for the same utility service from some other comparable source in the same market area; or

(b) a rate which is charged to single family dwellings with comparable service within the same market area.

Subd. 4. [ELECTRICITY.] If a park owner provides electricity to residents by reselling electricity purchased from a public or municipal utility or electrical cooperative, and compliance with subdivision 3 would cause the park owner to lose money on the sale of electricity, the park owner may bill residents at a rate calculated to allow the park owner to avoid losing money on the sale of electricity. In calculating the cost of providing electricity, the park owner may consider only the actual amount billed by the public utility or electrical cooperative to the park owner for electricity furnished to residents. The park owner may not consider administrative, capital or other expenses.

Sec. 6. [327C.06] [RULES.]

Subdivision 1. [UNREASONABLE RULES PROHIBITED.] No park owner shall adopt or enforce unreasonable rules. No park owner may engage in a course of conduct which is unreasonable in light of the criteria set forth in section 1, subdivision 9.

Subd. 2. [PRESUMPTIVELY UNREASONABLE RULES.] In any action in which the reasonableness of a rule is challenged, any rule which violates any provision of this article or of any other law shall be deemed unreasonable, and the following rules shall be presumed unreasonable unless the park owner proves their reasonableness by clear and convincing evidence:

(a) any rule which prohibits a resident from placing a "for sale" sign on his home;

(b) any rule which requires a resident or prospective resident to purchase any particular goods or services from a particular vendor or vendors, including the park owner;

(c) any rule which requires a resident to use the services of a particular dealer or broker in an in park sale; and

(d) any rule requiring that more than one occupant of a home have an ownership interest in that home.

Subd. 3. [OTHER UNREASONABLE RULES.] In addition to the rules listed in subdivision 2 a court may declare unreasonable any park rule if the court finds that the rule fails to meet the standard of section 1, subdivision 9. The absence of a rule from the list contained in subdivision 2 is not evidence or proof of the rule's reasonableness.

Subd. 4. [DENSITY RESTRICTIONS.] Subject to section 2, subdivision 2, a park owner may adopt and enforce a reasonable rule that places limits on the maximum number of persons permitted to reside in a manufactured home.

Sec. 7. [327C.07] [RENT INCREASES.]

Subdivision 1. [NOTICE OF RENT INCREASES REQUIRED.] No increase in the amount of the periodic rental payment due from a resident shall be valid unless the park owner gives the resident 60 days' written notice of the increase.

Subd. 2. [PROHIBITION.] No rent increase shall be valid if its purpose is to pay, in whole or in part, any civil or criminal penalty imposed on the park owner by a court or a government agency.

Subd. 3. [RENT INCREASES LIMITED.] A park owner may impose only two rent increases on a resident in any 12 month period.

Sec. 8. [327C.08] [IN PARK SALES.]

Subdivision 1. [RESIDENT'S RIGHTS.] Except as otherwise provided in this section, a resident has the right to sell his home through an in park sale, unless the home was manufactured prior to June 15, 1976 and is more than 15 years old at the time of the sale. The park owner may not charge a fee for allowing the resident to exercise this right, except to charge a fee of up to \$25 for processing a prospective buyer's tenancy application. If the park owner is licensed as a dealer, the park owner may agree in writing to broker the in park sale of a resident's home. The park owner may not require a resident to use the park owner's services as a broker. The park owner may not give preferential treatment to applications for tenancy from people seeking to buy homes whose in park sale is being brokered by the park owner.

Subd. 2. [PARK OWNER'S RIGHTS.] Any in park sale is subject to the park owner's approval of the buyer as a resident. A park owner may not deny a prospective buyer approval as a resident unless:

(a) the park owner has specified in writing the procedures and criteria used to evaluate the creditworthiness and suitability as a resident of individuals seeking to buy homes offered for in park sale;

(b) the written disclosure required by clause (a) is made available on request at no charge to residents, prospective buyers, and their agents;

(c) the park owner is available to the prospective buyer at reasonable times if the park owner requires the prospective buyer to apply or be interviewed in person;

(d) all the specified procedures and criteria are reasonable and applied uniformly;

(e) in evaluating a prospective buyer, the park owner does not use any stricter standards than it uses for evaluating other prospective residents;

(f) the park owner does not deny tenancy to a prospective buyer for any reason prohibited by federal, state or local law;

(g) within 14 days of receiving a completed application form, the park owner makes a decision or gives the prospective buyer and the seller a written explanation of the specific reasons for the delay and makes a decision as soon as practicable;

(h) if the park owner denies tenancy to a prospective buyer, the park owner gives the prospective buyer a written explanation of the denial within three days of receiving a written request for an explanation; and

(i) the decision to deny tenancy is reasonable in light of the criteria set forth in section 1, subdivision 9.

Subd. 3. [APPLICATION INFORMATION.] When the prospective buyer of an in park sale seeks approval as a resident, the park owner may require the prospective buyer to submit information reasonably necessary to determine whether the prospective buyer satisfies the park's criteria as stated by the park in its rules. The required information may include the purchase price of the home and the amount of monthly payments on the home, together with any documents reasonably necessary to verify the information. The park owner may inquire into the creditworthiness of the prospective buyer but may not require the submission of any information concerning the business relationship between the seller and a dealer acting for the seller.

Subd. 4. [INSPECTIONS OF THE HOME.] Before approving an in park sale, the park owner may inspect the resident's lot and the exterior of the resident's manufactured home to see whether they comply with reasonable and pre-existing rules applicable to the resident and relating to maintenance. The park owner may not charge any fee for this inspection. As a condition to approving an in park sale, the park owner may require that the resident or the prospective buyer take whatever action is necessary to bring the lot or the home exterior into compliance with pre-existing maintenance rules applicable to the resident, and may require that any lot rent and other charges due to the park be paid. The park owner may require the prospective buyer to agree to rules different from those applicable to the resident, but the park owner may not require the prospective buyer or the resident to comply with any rule adopted or amended after the resident entered into the rental agreement which would:

(a) significantly increase the difficulty or time involved in selling the resident's home;

(b) significantly decrease the price at which the resident's home can be sold;
or

(c) involve any other significant cost for either the resident or the buyer, except for costs involved in doing any work necessary to bring the home or lot into compliance with pre-existing maintenance rules applicable to the resident.

Provided that if a part of the resident's home, shed, or other appurtenance has become so dilapidated that repair is impractical and total replacement is necessary, the park owner may require the resident or prospective buyer to make the replacement in conformity with a generally applicable rule adopted

after the resident initially entered into a rental agreement with the park owner.

Subd. 5. [TEMPORARY VACANCY OF HOME.] If a home is being offered for in park sale, the home may remain vacant for 90 days, or longer if not prohibited by park rules. The park owner may not impose any additional fees or requirements on the owner of a vacant home being offered for in park sale, but the rent must be paid on time and the home and the lot must be maintained as required by the rules.

Subd. 6. [SALES CONTINGENT.] Any contract for an in park sale which is not expressly made contingent on the park owner's approval of the buyer as a resident is voidable at the instance of the buyer if the park owner's approval is denied. Any person who sells, or signs a contract purporting to sell, a home located in a park while representing, either directly or indirectly, that the buyer can maintain the home in the park, and who does not inform the buyer in writing that the sale is contingent on the park owner's approval of the buyer as a resident has violated section 325F.69, subdivision 1.

Subd. 7. [REPOSSESSING FINANCE PARTIES.] Any holder of a security interest who repossesses a manufactured home located in a park has the same rights as a resident to sell the home through an in park sale if:

(a) as soon as the secured party either accepts voluntary repossession or takes any action pursuant to sections 327.61 to 327.67, the secured party notifies the park owner that the home has been or is being repossessed;

(b) at the time the park owner receives the notice, the park owner has not already recovered possession of the lot through an unlawful detainer proceeding;

(c) the secured party pays any past due lot rent not to exceed three months rent;

(d) the secured party makes monthly lot rent payments until a buyer of the repossessed home has been approved by the park owner as a resident. A secured party's liability for past due rent under this subdivision does not include late fees or other charges; and

(e) the secured party complies with all park rules relating to lot and home maintenance.

A secured party who is offering a home for in park sale under this subdivision is subject to eviction on the same grounds as a resident.

Sec. 9. [327C.09] [REMOVAL AFTER REPOSSESSION.]

A secured party who repossesses a manufactured home located in a park and then removes the home from the lot owes the park owner rent for the period beginning when the secured party accepts voluntary repossession or takes an action pursuant to sections 327.61 to 327.67 and ending on the last day of the calendar month in which the home is removed. The secured party does not owe the park owner any lot rent or other charges which accrued prior to the time the secured party accepted voluntary repossession or took action pursuant to sections 327.61 to 327.67, if:

(a) Within seven days after accepting voluntary repossession or taking action pursuant to sections 327.61 to 327.67, the secured party notifies the park owner in writing that the home is being repossessed;

(b) During a proceeding for repossession pursuant to sections 327.61 to 327.67 or chapter 565, the secured party pays each month's lot rent as the rent becomes due; and

(c) Within seven days of accepting voluntary repossession or obtaining a court order for repossession, the secured party removes the home from the park.

If the secured party fails to meet any of these conditions, the secured party shall also be liable to the park owner for all overdue rent, not to exceed three months and not including late fees or other charges, owed to the park owner on account of the home.

This section does not affect any liability or obligation which a secured party may have to a park owner who pursuant to a writ of restitution has removed a home from a lot and stored the home.

Sec. 10. [327C.10] [TERMINATION.]

Subdivision 1. [CAUSE REQUIRED.] A park owner may recover possession of land upon which a manufactured home is situated only for a reason specified in this section:

Subd. 2. [NONPAYMENT OF RENT OR UTILITIES.] The park owner gives ten days written notice to the resident and to any party holding a security interest in the resident's home known to the park owner that a periodic rental or utilities payment owed to the park owner is overdue, and neither the resident nor the secured party cures the default within ten days of receiving the notice.

Subd. 3. [VIOLATIONS OF LAW.] The resident fails to comply with a local ordinance or state law or rule relating to manufactured homes within the time the ordinance, law or rule provides or, if no time is provided, within a reasonable time after the resident has received written notice of noncompliance.

Subd. 4. [RULE VIOLATIONS.] The resident fails to comply with a rule within 30 days after receiving written notice of the alleged noncompliance, except the 30 day notice requirement does not apply to nonpayment of rent.

Subd. 5. [SUBSTANTIAL ANNOYANCE.] The resident acts in the park in a manner which endangers other residents or park personnel, causes substantial damage to the park premises or substantially annoys other residents, and has received 30 days written notice to vacate, except the park owner may require the resident to vacate immediately if the resident violates this subdivision a second or subsequent time after receipt of the notice. A park owner seeking to evict pursuant to this subdivision need not produce evidence of a criminal conviction, even if the alleged misconduct constitutes a criminal offense.

Subd. 6. [REPEATED SERIOUS VIOLATIONS.] The resident has repeatedly committed serious violations of the rental agreement or provisions of a local ordinance or state law or state rule relating to manufactured homes, and the park owner has given the resident written notice of the violations and has given the resident a written warning that any future serious violation will be treated as cause for eviction as provided in this subdivision, and within six months of receiving the warning the resident commits a serious violation of any park rule or any provision of a local ordinance or state law or state rule.

relating to manufactured homes.

Subd. 7. [MATERIAL MISSTATEMENT IN APPLICATION.] *The resident's application for tenancy contained a material misstatement which induced the park owner to approve the applicant as a resident, and the park owner discovers and acts upon the misstatement within one year of the time the resident began paying rent.*

Subd. 8. [IMPROVEMENTS.] *The park owner has specific plans to make improvements to the park premises which will substantially benefit the health and safety of the residents or have been ordered by a government agency, and which necessitate removal of the resident's manufactured home from the park. The park owner must give the resident 90 days written notice. If another lot is available in the park, the park owner must allow the resident to relocate the home to that lot unless the home, because of its size or local ordinance, is not compatible with that lot.*

Subd. 9. [PARK CLOSINGS.] *The park owner voluntarily ceases to operate as a park the part of the manufactured home park occupied by the resident, and gives the resident nine months written notice of the planned cessation of operation. If another lot is available in a section of the park, still being operated as a park, the park owner must allow the resident to relocate the home to that lot unless the home, because of its size or local ordinance, is not compatible with that lot.*

Sec. 11. [327C.11] [DEFENSES TO EVICTION.]

Subdivision 1. [NONPAYMENT OF RENT.] *In any action to recover possession for failure to pay rent, it shall be a defense that the sum allegedly due contains a charge which violates section 4, or that the park owner has injured the defendant by failing to comply with section 504.18.*

Subd. 2. [NONPAYMENT OF RENT INCREASE.] *In any action to recover possession for failure to pay a rent increase, it shall be a defense that the park owner:*

(a) failed to comply with the provisions of section 7, subdivision 2;

(b) increased the rent for a reason or reasons prohibited by section 7, subdivision 3.

Subd. 3. [RULE VIOLATIONS.] *In any action to recover possession for the violation of a park rule, it shall be a defense that the rule allegedly violated is unreasonable.*

Subd. 4. [RETALIATORY CONDUCT.] *In any action to recover possession it shall be a defense that the park owner has violated section 13.*

Sec. 12. [327C.12] [EVICTION PROCEEDINGS.]

Subdivision 1. [RIGHT OF REDEMPTION.] *The right of redemption, as expressed in section 504.02 and the common law, is available to a resident from whom a park owner seeks to recover possession for nonpayment of rent, but no resident may exercise that right more than twice in any 12 month period; provided, that a resident may exercise the right of redemption more than twice in any 12 month period if he pays the park owner's actual reasonable attorney's fees as part of each additional exercise of that right during the 12 month period.*

An exercise of the right of redemption shall not be counted for the purposes of this subdivision if the resident pays not only the rent due and the park owner's court costs, but also the park owner's actual reasonable attorney's fees.

Subd. 2. [WAIVER BY ACCEPTING RENT.] A park owner who gives a resident a notice as provided in section 10, subdivisions 3, 4, 6, 8 or 9, does not waive the notice by afterwards accepting rent. Acceptance of rent for a period after the expiration of a final notice to quit waives that notice unless the parties agree in writing that the notice continues in effect.

Subd. 3. [WRIT OF RESTITUTION STAYED.] The issuance of a writ of restitution, other than a conditional writ, shall be stayed for a reasonable period not to exceed seven days to allow the resident to arrange to remove his home from the lot.

Subd. 4. [CONDITIONAL WRIT.] Where the interests of justice require the court may issue a conditional writ of restitution, which orders the resident and all those in the resident's household to stop residing in the park within a reasonable period not to exceed seven days, but which (i) allows the resident's home to remain on the lot for 60 days for the purpose of an in park sale, as provided in section 8 and (ii) allows the park owner to terminate all utilities to the home and to require the home to be prepared for disconnection of the utilities. The writ shall also direct the park owner to notify any party holding a security interest in the resident's home and known to the park owner, of the provisions of the writ. If the court issues a conditional writ, the resident may keep the home on the lot for 60 days for an in park sale if:

(a) neither the resident nor members of the resident's household reside in the park;

(b) the resident complies with all rules relating to home and lot maintenance; and

(c) the resident pays on time all rent and utility charges owed to the park owner. If the resident fails to meet any of these conditions, the park owner may, on three days written notice to the resident, move the court for an order making the writ of restitution unconditional. Sixty-one days after the issuance of a conditional writ, the writ shall become absolute without further court action.

Sec. 13. [327C.13] [RETALIATORY CONDUCT PROHIBITED.]

A park owner may not increase rent, decrease services, alter an existing rental agreement or seek to recover possession or threaten such action in whole or in part as a penalty for a resident's:

(a) good faith complaint to the park owner or to a government agency or official; or

(b) good faith attempt to exercise his rights or remedies pursuant to state or federal law. In any proceeding in which retaliatory conduct is alleged, the burden of proving otherwise shall be on the park owner if the owner's challenged action began within 90 days after the resident engaged in any of the activities protected by this section. If the challenged action began more than 90 days after the resident engaged in the protected activity, the party claiming retaliation must make a prima facie case. The park owner must then prove otherwise.

Sec. 14. [327C.14] [FREEDOM OF EXPRESSION.]

No park owner shall prohibit or adopt any rule prohibiting residents or other persons from peacefully organizing, assembling, canvassing, leafletting or otherwise exercising within the park their right of free expression for noncommercial purposes. A park owner may adopt and enforce rules that set reasonable limits as to time, place and manner.

Sec. 15. [327C.15] [RIGHT OF ACCESS.]

Subdivision 1. [TO THE HOME.] A park owner has no right of access to a manufactured home located within the park unless access is necessary to prevent damage to the park premises or to respond to an emergency.

Subd. 2. [TO THE LOT.] A park owner may come onto a manufactured home lot in order to inspect the lot, make necessary or agreed upon repairs or improvements, supply necessary or agreed upon goods or services or exhibit the lot to prospective or actual purchasers, mortgagees, residents, workers or contractors. The park owner may come onto the resident's lot whenever necessary to respond to or prevent an emergency, but otherwise may not come onto the lot at unreasonable times or in a way that unreasonably disrupts the resident's use and enjoyment of the lot.

Sec. 16. [327C.16] [REMEDIES; PENALTIES; ENFORCEMENT.]

Any violation of sections 1 to 15 is a violation of a law referred to in section 8.31, subdivision 1.

Sec. 17. Minnesota Statutes 1980, Section 363.02, is amended by adding a subdivision to read:

Subd. 2a. [MANUFACTURED HOME PARKS.] The provisions of section 363.03, subdivision 2, prohibiting discrimination because of familial status:

(1) do not apply to a manufactured home park the majority of whose lots are reserved by park rule to households containing at least one elderly person; and

(2) do not apply to a section or sections of a manufactured home park which are identified by park rule and do not comprise more than one-third of the lots in the park. This subdivision does not allow a park owner to avoid complying with section 2, subdivision 2, section 6 or section 8, subdivision 4 when adopting or amending a rule concerning the permitted familial status of residents or of buyers of homes offered for in park sale.

Sec. 18. Minnesota Statutes 1980, Section 566.18, Subdivision 2, is amended to read:

Subd. 2. [TENANT.] "Tenant" means any person who is occupying a dwelling in a building as defined in subdivision 7, under any agreement, lease, or contract, whether oral or written, and for whatever period of time, which requires the payment of moneys as rent for the use of the dwelling unit, and all other regular occupants of such that dwelling unit, and any resident of a manufactured home park.

Sec. 19. Minnesota Statutes 1980, Section 566.18, Subdivision 7, is amended to read:

Subd. 7. [BUILDING.] "Building" means any building used in whole or in part as a dwelling, including single family homes, multiple family units such as

apartments, and structures containing both dwelling units and units used for nondwelling purposes, *and also includes a manufactured home park.*

Sec. 20. Minnesota Statutes 1980, Section 566.18, Subdivision 8, is amended to read:

Subd. 8. [INSPECTOR.] "Inspector" means the person charged by the governing body of the political subdivision in which a building is situated, with the responsibility of enforcing provisions of local law, the breach of which could constitute a violation as defined in subdivision 6, clause (a), or if no such person, the county health officer or the chairman of the board of county commissioners, *and in the case of a manufactured home park, the state department of health, or its designee.*

Sec. 21. [REPEALER.]

Subdivision 1. Minnesota Statutes 1980, Sections 327.41, 327.42, 327.43, 327.45, 327.451, 327.452, 327.46, 327.47 are repealed.

Subd. 2. Minnesota Statutes 1981 Supplement, Sections 327.44 and 327.441 are repealed.

Sec. 22. [EFFECTIVE DATE.]

Sections 1 to 3, 5 to 9, 11 to 16, and 21, subdivision 1, of this article are effective August 1, 1982, and apply to all rental agreements commenced, renewed or extended on or after that date. Sections 4, 10, 17 to 20, and 21, subdivision 2, of this article are effective the day following final enactment.

ARTICLE III

MISCELLANEOUS PROVISIONS

Section 1. Minnesota Statutes 1980, Section 168A.02, Subdivision 3, is amended to read:

Subd. 3. [TITLE CERTIFICATE.] A certificate of title is required for a ~~mobile~~ *manufactured home, as defined in section 327.31, subdivision 6. In every certificate of title issued for a manufactured home, the department shall insert the following notice: THIS TITLE DESCRIBES A MANUFACTURED HOME NOT A MOTOR VEHICLE.*

Sec. 2. [168A.141] [MANUFACTURED HOMES PERMANENTLY AFFIXED TO REAL ESTATE.]

Subdivision 1. [PROCEDURE.] The owner of a manufactured home which is affixed as an improvement to real estate may surrender the home's certificate of title to the department for cancellation. The owner shall give the department the address and location of the real estate. The department may require the filing of other information.

Subd. 2. [SECURITY INTERESTS.] The department may not cancel a certificate of title if a security interest has been perfected on the manufactured home. If a security interest has been perfected, the department shall notify the owner and each secured party that the certificate of title and a description of the security interest have been surrendered to the department and that the department will not cancel the certificate of title until the security interest is satisfied. Permanent attachment to real estate does not extinguish an otherwise valid security interest in or tax lien on the home.

Sec. 3. Minnesota Statutes 1980, Section 327.14, is amended to read:

327.14 [DEFINITIONS.]

Subdivision 1. [TERMS.] For the purposes of sections 327.10, 327.11, 327.14 to 327.28 the terms defined in this section shall have the meanings ascribed to given them.

Subd. 2. [MOBILE MANUFACTURED HOME.] The words "mobile 'Manufactured home'" when used in sections 327.10, 327.11, 327.14 to 327.28 shall mean a transportable, single family dwelling unit suitable for year round occupancy and containing the same water supply, waste disposal and electrical conveniences as immobile housing and subject to tax or registration, as such, under the provisions of chapters 168 or 273 and having no foundation other than wheels, jacks or skirtings has the meaning specified in section 327.31, subdivision 6.

Subd. 3. [MOBILE MANUFACTURED HOME PARK.] The words "mobile 'Manufactured home park'" as used in sections 327.10, 327.11, 327.14 to 327.28 shall mean means any site, lot, field or tract of land upon which two or more occupied mobile manufactured homes are harbored located, either free of charge or for revenue purposes compensation, and shall include includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile the manufactured home park.

Subd. 4. [MUNICIPALITY.] The word "municipality" as used in sections 327.10, 327.11, 327.14 to 327.28 shall mean "Municipality" means any city, town or township in this state, however organized.

Subd. 5. [PRIMARY LICENSE.] The words "Primary license" shall mean means the initial license issued to the first person, firm or corporation to establish and maintain, conduct or operate a mobile manufactured home park or recreational camping area at any one location.

Subd. 6. [ANNUAL LICENSE.] The words "Annual license" shall mean means a renewal license issued to the person, firm or corporation operating a previously licensed mobile home park or recreational park or recreational camping area.

Subd. 7. [RECREATIONAL CAMPING VEHICLE.] The words "Recreational camping vehicle" as when used in sections 327.14 to 327.28 shall mean any of includes the following:

(a) Travel trailer means a any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses; permanently identified "Travel Trailer" by the manufacturer of the trailer;

(b) Pick-up coach means a any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation;

(c) Motor home means a any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and

(d) Camping trailer means a any folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

Subd. 8. [RECREATIONAL CAMPING AREA.] The words "Recreational

camping area" as used in sections 327.10, 327.11, 327.14 to 327.28 shall ~~mean~~ means any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more units, ~~consisting of tents, travel trailers, pick-up coaches, motor homes, or camping trailers and whether use of such accommodation is granted or recreational camping vehicles~~ free of charge or for compensation. ~~Provided, that nothing in this definition shall be constructed to "Recreational camping area" does not include children's camps, industrial camps, migrant labor camps, as defined in Minnesota Statutes and state commissioner of health regulations rules, and also shall not include United States forest service camps, state forest service camps, state wildlife management areas or state owned public access areas which are restricted in use to picnicking and boat landing.~~

Sec. 4. Minnesota Statutes 1980, Section 327.16, Subdivision 2, is amended to read:

Subd. 2. [CONTENTS.] The applicant for ~~such~~ a primary license or annual license shall make application in writing upon ~~such form as a form provided by the state department of health may provide, and shall set setting forth:~~

(1) The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation.

(2) A legal description of the site, lot, field, or tract of land upon which ~~it is proposed the applicant proposes~~ to operate and maintain a ~~mobile manufactured~~ home park or recreational camping area.

(3) The proposed and existing facilities on and about ~~said the~~ site, lot, field, or tract of land for the proposed construction or alteration and maintaining of a sanitary community building for toilets, urinals, sinks, wash basins, slop-sinks, and showers, drains, laundry facilities, source of water supply; sewage, garbage and waste disposal; except that no toilet facilities shall be required to ~~be constructed~~ in any ~~mobile manufactured~~ home park which permits ~~thereon~~ only ~~mobile manufactured~~ homes equipped with toilet facilities discharging to water carried sewage disposal systems; and method of fire and storm protection.

(4) The proposed method of lighting the structures and site, lot, field, or tract of land upon which ~~said mobile the manufactured~~ home park or recreational camping area is to be located.

(5) ~~Designate~~ The calendar months of the year which ~~the~~ applicant will operate ~~said mobile the manufactured~~ home park or recreational camping area.

(6) Plans and drawings for new construction or alteration, including buildings, wells, plumbing and sewage disposal systems.

Sec. 5. Minnesota Statutes 1980, Section 327.20, Subdivision 1, is amended to read:

Subdivision 1. [REGULATIONS.] No domestic animals or house pets of occupants of ~~mobile manufactured~~ home parks or recreational camping areas shall be allowed to run at large, or commit any nuisances within the limits of a ~~mobile manufactured~~ home park or recreational camping area. Each ~~mobile manufactured~~ home park or recreational camping area licensed under the provisions of sections 327.10, 327.11, 327.14 to 327.28 shall, among other

things, provide for the following, in the manner hereinafter specified:

(1) A responsible attendant or caretaker shall be in charge of every ~~mobile manufactured home park~~ or recreational camping area at all times, ~~and the whose duty of said attendant or caretaker~~ it shall be to maintain the park, or area, and its facilities and equipment in a clean, orderly and sanitary condition. *In any manufactured home park containing more than fifty lots the attendant or caretaker, or other responsible park employee, shall be readily available at all times in case of emergency.*

(2) ~~No mobile~~ All manufactured home ~~park~~ parks shall be well drained and be so located so that the drainage of the park area will not endanger any water supply. ~~All such parks shall be well drained.~~ No waste water from ~~mobile manufactured homes~~ or recreational camping vehicles shall be deposited on the surface of the ground. All sewage and other water carried wastes shall be discharged into a municipal sewage system whenever available. When ~~such a~~ municipal sewage system is not available, a sewage disposal system acceptable to the state commissioner of health shall be provided.

(3) ~~No mobile~~ manufactured home shall be ~~parked~~ located closer than three feet to the side lot lines of a ~~mobile manufactured home park~~, if the abutting property is improved property, or closer than ten feet to a public street or alley. Each individual ~~mobile home~~ site shall abut or face on a driveway or clear unoccupied space of not less than 16 feet in width, which space shall have unobstructed access to a public highway or alley. There shall be an open space of at least ten feet between the sides of adjacent ~~mobile manufactured homes~~ including their attachments and at least three feet between ~~mobile manufactured homes~~ when parked end to end. The space between ~~mobile manufactured homes~~ may be used for the parking of motor vehicles and other property, provided ~~such the vehicle or other property~~ be is parked at least ten feet from the nearest adjacent ~~mobile manufactured home~~ position. The requirements of this paragraph shall not apply to recreational camping areas and variances may be granted by the state commissioner of health in ~~mobile manufactured home parks~~ when the variance is applied for in writing and in the opinion of the commissioner ~~such the~~ variance will not endanger the health, safety and welfare of ~~mobile manufactured home park~~ occupants.

(4) An adequate supply of water of safe, sanitary quality shall be furnished at each ~~mobile manufactured home park~~ or recreational camping area. The source of ~~such the~~ water supply shall first be approved by the state department of health. At least one water supply outlet shall be provided at convenient locations throughout the ~~mobile manufactured home park~~ or recreational camping area.

(5) All plumbing shall be installed in accordance with the ~~provisions of the regulations~~ rules of the state commissioner of health and the provisions of the Minnesota plumbing code.

(6) *In the case of a manufactured home park, a plan for the sheltering or the safe evacuation to a safe place of shelter of the residents of the park in times of severe weather conditions, such as tornadoes, high winds and floods. The shelter or evacuation plan shall be developed with the assistance and approval of the municipality where the park is located and shall be posted at conspicuous locations throughout the park. Nothing in this paragraph requires the department of health to review or approve any shelter or evacuation plan developed by a park. Failure of a municipality to approve a plan submitted by a park shall not be grounds for action against the park by the department of health if the park has made a good faith effort to develop the plan and obtain*

municipal approval.

Sec. 6. Minnesota Statutes 1980, Section 327.24, is amended by adding a subdivision to read:

Subd. 3. [PRIVATE REMEDIES.] Any person injured or threatened with injury by a violation of sections 327.14 to 327.28 or of the rules of the department of health applicable to manufactured home parks may bring a private action in any court of competent jurisdiction.

Sec. 7. Minnesota Statutes 1980, Section 327.26, is amended to read:

327.26 [NO LOCAL LICENSES LOCAL AUTHORITY OVER PARKS AND CAMPING AREAS.]

Subdivision 1. [LOCAL LICENSES PROHIBITED.] No ~~city, town or political subdivision of this state~~ municipality may impose any license (1) upon any licensed ~~mobile~~ manufactured home park or recreational camping area complying with the provisions of sections 327.10, 327.11, 327.14 to 327.28, or (2) upon any occupant of ~~any such mobile~~ a licensed manufactured home park, on or after January 1, 1952.

Subd. 2. [LOCAL LAW ENFORCEMENT.] Any municipality which enacts or has enacted laws or ordinances relating to the safety and protection of persons and property is empowered to enforce the laws or ordinances within any manufactured home park or recreational camping area located in the municipality, notwithstanding the fact that the park or area may constitute private property.

Sec. 8. Minnesota Statutes 1980, Section 327.27, Subdivision 2, is amended to read:

Subd. 2. [STATE SPEED LIMIT.] Except as provided in section 9, it shall be unlawful for any type vehicle to travel at a rate in excess of ten miles per hour while within the limits of a ~~mobile~~ manufactured home park or recreational camping area ~~and such ten~~. The ten miles per hour limit shall be clearly posted throughout the ~~mobile~~ manufactured home park or recreational camping area, and may be enforced by the municipality in which the park or area is located.

Sec. 9. Minnesota Statutes 1980, Section 327.27, is amended by adding a subdivision to read:

Subd. 2a. [LOCAL SPEED LIMIT.] A municipality may, by ordinance, set and enforce in a manufactured home park a speed limit which is higher than ten miles per hour but which is not higher than 30 miles per hour. The local speed limit shall be clearly posted throughout the manufactured home park.

Sec. 10. Minnesota Statutes 1980, Section 327.62, Subdivision 2, is amended to read:

Subd. 2. "~~Mobile~~ "Manufactured home" means a ~~mobile~~ manufactured home, as defined in section 327.31, subdivision 6, which is located in this state, which is subject to a security interest or other valid encumbrance, and which is the principal residence of the ~~mobile~~ manufactured home's occupant; provided, that when used in section 11, subdivision 2, the term also includes a manufactured home which is not the principal residence of the occupant.

Sec. 11. Minnesota Statutes 1980, Section 327.63, is amended to read:

327.63 [APPLICABILITY.]

Subdivision 1. [U.C.C. AND CHAPTER 565.] To the extent that the procedures established by sections 327.61 to 327.67 differ from the procedures established or authorized for repossession of a mobile home under the uniform commercial code of this state, the provisions of sections 327.61 to 327.67 shall supersede the code and shall govern the repossession of the mobile home. The procedures established by sections 327.61 to 327.64 and sections 327.66 to 327.67 must be satisfied before a secured party may take any action pursuant to chapter 565.

Subd. 2. [IMPROVEMENTS TO REAL PROPERTY.] Affixing a manufactured home to real estate does not extinguish an otherwise valid security interest in the home. A manufactured home which is affixed to real estate while not encumbered by a valid security interest shall be treated as an improvement to real estate and sections 327.61 to 327.67 shall not apply to it. If real estate to which an unencumbered manufactured home has been affixed as an improvement is subject to proceedings under section 559.21 or chapters 580 or 581, the presence of the home on the real estate does not necessitate any changed or additional procedures.

Sec. 12. Minnesota Statutes 1980, Section 327.65, is amended to read:

327.65 [COURT ORDER.]

Upon expiration of the 30 day period specified in the notices required by section 327.64, a secured party may apply to a competent court of any jurisdiction within this state for an order pursuant to chapter 565 directing the debtor to peacefully return full possession of the mobile home to the secured party seizure and delivery of the manufactured home. The application shall be accompanied by a copy of the security agreement entitling the secured party to repossession of the mobile manufactured home and by the affidavit required by section 327.64 if notice is mailed to the debtor. The action shall proceed in the same manner as other actions for repossessing personal property, and The notices required by section 327.64 shall not be considered as satisfying any of the notice requirements under those procedures. If the occupant of a mobile home does not comply with a court's order of repossession within five days of its issuance, the sheriff of the county in which the mobile home is located or his deputy shall remove the occupant and his possessions from the mobile home chapter 565.

Sec. 13. Minnesota Statutes 1980, Section 327.66, is amended to read:

327.66 [CURE OF DEFAULT.]

A debtor, or an occupant of a mobile manufactured home acting on behalf of a debtor, may within the 30 day period specified in the notices required by section 327.64, cure a default by tendering full payment of the sums then in arrears under the terms of the security agreement, or by otherwise remedying the default, and by paying the reasonable costs, not to exceed the sum of \$15, incurred by the secured party to enforce the security agreement. Cure of a default in accordance with the provisions of this section shall suspend the secured party's right to seek repossession of the mobile manufactured home under the provisions of sections 327.61 to 327.67. If default arises under the security agreement because of damage to or other waste of the collateral committed or allowed by the debtor, a court may order repossession of the mobile

~~home notwithstanding cure of the default.~~

Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 4 and 6 to 13 are effective August 1, 1982. Section 5 is effective January 1, 1983.

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

H.F. No. 1580: A bill for an act relating to state lands; providing for the conveyance of certain tax forfeited lands.

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

Page 1, delete lines 7 to 11 and insert:

"St. Louis County may sell to G. R. Fredrickson, Route 2, Pequot Lakes, Minnesota, at private sale but otherwise in the manner provided for appraisal, sale and conveyance of tax-forfeited land in Minnesota Statutes, Chapter 282, the following described real property in St. Louis County:"

Page 1, line 15, delete "attorney general" and insert "county"

Page 1, line 16, delete "he" and insert "it"

Page 1, after line 16, insert:

"Sec. 2. [STATE LAND CONVEYANCE.]

"St. Louis County may sell to James Madzey, at private sale but otherwise in the manner provided for appraisal, sale and conveyance of tax-forfeited land in Minnesota Statutes, Chapter 282, the following described real property in St. Louis County:

N. 100' of the E. 187' of NE-SW, Section 24, Township 63, Range 20.

The county shall provide a more accurate legal description of the property if it finds it appropriate."

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

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

S.F. No. 1826: A bill for an act relating to agriculture; setting a standard of proof and procedures for decision and appeal for claims of damage to livestock by endangered species; amending Minnesota Statutes 1980, Section 3.737, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 3.737, is amended by adding

a subdivision to read:

Subd. 4. [COMMISSIONER'S DETERMINATION; APPEALS.] If the commissioner finds that the livestock owner has shown that the loss of his livestock was caused more probably than not by an animal classified as an endangered species, the commissioner shall pay compensation as provided in this section and in the rules of the department.

If the commissioner denies any compensation claimed by a livestock owner under this section, the commissioner shall issue a written decision based upon the available evidence which shall include specification of the facts upon which the decision is based and the conclusions on the material issues of the claim. A copy of the decision shall be transmitted to the livestock owner by first class mail.

A decision denying compensation claimed under this section is not subject to the contested case review procedures of chapter 15 but may be reviewed upon a trial de novo in the county court in the county where the loss occurred. The decision of the county court may be appealed to the district court and supreme court in the same manner as any civil action is appealed. Review in the county court may be obtained by the filing of a petition for review with the clerk of the county court within 60 days following receipt of a decision under this section. Upon the filing of a petition, the clerk of the county court shall mail a copy thereof to the commissioner and set a time for hearing which shall be held within 90 days of the filing of the petition.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

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

H.F. No. 1231: A bill for an act relating to state lands; directing conveyance of certain lands in Washington County.

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

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

S.F. No. 1900: A bill for an act relating to waters; making the water well contractors and exploratory borers advisory council permanent; amending Minnesota Statutes 1980, Section 156A.06, Subdivision 1.

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

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

S.F. No. 2090: A bill for an act relating to state lands; authorizing sale and conveyance of a certain tract in order to correct a survey error.

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

adopted.

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

S.F. No. 1269: A bill for an act relating to agriculture; consolidating existing laws; providing for agricultural commodity research and promotion councils; establishing procedures; providing penalties; amending Minnesota Statutes 1980, Sections 17.53; 17.54; 17.56; 17.57; 17.58; 17.59; 17.60; 17.62; 17.63; 17.64; and 17.67; repealing Minnesota Statutes 1980, Sections 17.55; 17.601; 17.65; 17.68; 21A.01 to 21A.19; 29.14 to 29.19; 30.461 to 30.479; and 32B.01 to 32B.13.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 17.53, is amended to read:

17.53 [DEFINITIONS.]

Subdivision 1. [SCOPE OF APPLICATION.] As used in sections 17.51 to 17.69, the terms defined in this section shall have the following meanings:

Subd. 2. [AGRICULTURAL COMMODITY.] "Agricultural commodity" means any agricultural product, including without limitation animals and animal products, grown, raised, produced or fed within the state of Minnesota for use as food, feed, seed or any industrial or chemurgic purpose.

Subd. 3. [COMMERCIAL CHANNELS.] "Commercial channels" means the processes of sale of any agricultural commodity to any commercial buyer, dealer, processor, cooperative or to any person, public or private, who resells such commodity or any product produced from such commodity for slaughter, storage, processing or distribution.

Subd. 4. [COMMISSIONER.] "~~Person~~" means ~~any individual, corporation, association, cooperative or partnership~~ "Commissioner" means the commissioner of agriculture or his designee.

Subd. 5. [COOPERATIVE.] "*Cooperative*" means a nonprofit association legally constituted under the laws of Minnesota or of another state of producers who have gathered together for purposes of bargaining for a price for marketing their commodity. This includes all cooperatives domiciled inside or outside of the state which buy commodities from Minnesota producers.

Subd. 5 6. [COUNCIL.] "Council" means ~~the research and promotion a council created under the provisions of sections 17.51 to 17.69 in connection with the organization of the producers of a particular commodity as herein provided.~~

Subd. 7. [FIRST HANDLER.] "*First handler*" means a person, whether he is an owner, agent or other person, who initially places a commodity into commercial channels, or who is engaged in the processing of the commodity into food for human consumption in any form, except for potato flour or potato starch.

Subd. 6 8. [FIRST PURCHASER.] "First purchaser" means any person that buys agricultural commodities for movement into commercial channels

from the producer; or any lienholder, secured party or pledgee, public or private, or assignee of said lienholder, secured party or pledgee, who gains title to the agricultural commodity from the producer as the result of exercising any legal rights by the lienholder, secured party, pledgee, or assignee thereof, regardless of when the lien, security interest or pledge was created *and regardless of whether the first purchaser is domiciled within the state or without. First purchaser does not mean the commodity credit corporation when a commodity is used as collateral for a federal non-recourse loan unless the commissioner determines otherwise.*

Subd. 7. "Commissioner" means the commissioner of agriculture of the state of Minnesota.

Subd. 9. [MARKETING YEAR.] "Marketing year" means a one year period from July 1 through June 30, or any other one year period determined by the promotion order of a specific council.

Subd. 10. [PARTICIPATING PRODUCER.] "Participating producer" means a producer of an agricultural commodity for which a promotional order has been issued and exists, who produces that commodity in the organized area and meets the minimal requirements established by the council to qualify as a producer.

Subd. 11. [PERSON.] "Person" means an individual, corporation, association, cooperative or partnership.

Subd. 12. [PRIVATE PROCESSOR.] "Private processor" means a privately owned commodity processor legally constituted under the laws of Minnesota for the purpose of buying or marketing the commodity and commodity products, whether the processor is domiciled within the state or without.

Subd. 13. [PRODUCER.] "Producer" means any person who owns or operates an agricultural producing or growing facility for ~~the~~ an agricultural commodity ~~under consideration for referendum~~ and shares in the profits and risk of loss from such facility operation, and who grows, raises, feeds or produces ~~said~~ the agricultural commodity in Minnesota during the current or preceding marketing year.

Subd. 9. "Qualified voter" means any producer defined above who would be subject to the payment of fees to finance the activities described in sections 17.51 to 17.69.

Subd. 14. [PRODUCER-PROCESSOR.] "Producer-processor" means a producer who processes and markets his own product. For the purpose of collecting the check-off fee, a producer-processor is the first purchaser.

Subd. 15. [PROMOTIONAL ORDER.] "Promotional order" means an order issued by the commissioner, with the advice and consent of ~~the~~ a council *and after a referendum* pursuant to this chapter, which establishes a program for promotion, advertising, production, market research, and market development of the growing, processing, distributing, sale ~~of~~ or handling of an agricultural ~~products covered by referendum~~ commodity and provides for the collection of check-off fees ~~and financing the same.~~

Subd. 16. [QUALIFIED VOTER.] "Qualified voter" means a producer who would be subject to the payment of fees to finance the activities described in sections 17.51 to 17.69 and who shares directly in the profits and risk of loss

from the agricultural operation which produces or grows the commodity.

Subd. 17. [RETAILER.] "Retailer" means a person who sells directly to the consumer in small quantities or broken lots.

Subd. 18. [SALE.] "Sale" means any passing of title from the producer to the first purchaser. Sale includes any pledge, security interest or lien after harvest.

Subd. 12. "Participating producer" means any producer of an agricultural commodity for which a promotional order has been issued and exists, who produces that commodity in the organized area and meets the minimal requirements established by the council to qualify as a producer.

Sec. 2. Minnesota Statutes 1980, Section 17.54, is amended to read:

17.54 [COUNCILS; MEMBERSHIP; ELECTION; TERM.]

Subdivision 1. [CREATION.] A commodity research and promotion council is hereby may be created for the producers of each agricultural commodity who file by filing with the commissioner a petition requesting that the producers of such commodity be subjected to the provisions of sections 17.51 to 17.69; which. The petition is must be signed by 500 1,000 producers or 15 percent of the producers proposed to be covered by the promotion order, whichever is less; of the producers of such commodity. Such petition shall be certified by At least two producers. to have shall certify under oath that the petition has been signed only by producers of the commodity involved.

Subd. 2. [MEMBERSHIP.] Upon petition of the required number of producers the commissioner shall, after consultation with the various producer or commodity organizations of the particular commodity petitioning for a referendum, determine the size of the council and distribution of the council membership. The council may designate industry and university of Minnesota personnel, either by name or by office, to serve as consultants to the council.

Subd. 3. [ELECTION NOMINATING COMMITTEE.] Within 30 days after the filing of the petition by the required number of the producers of an agricultural commodity the commissioner shall appoint a nominating committee of at least five producers of that commodity who shall, within 60 days from the filing of such the petition, nominate at least two producer candidates for each council position and certify the names of such nominees to the commissioner. Nominees shall be selected with a view to establishing a fair representation of all producers of the particular commodity throughout the area to be organized, which shall comprise the entire state unless the commissioner determines that at least 95 percent of the production of the subject commodity is in a lesser area, in which event he shall define such the area following county lines. Whenever possible, the areas represented by council members shall correspond to state crop reporting districts as defined by the Minnesota crop and livestock reporting service.

Subd. 4. [ELECTION.] Upon receipt of the nominations the commissioner shall promptly arrange an election to be held at places designated by him reasonably convenient to all producers in the organized area and give at least seven days' provide notice of such the election in legal newspapers to all of the media having a general circulation in the organized area. Ballots setting forth the names of the nominated candidates and providing for write in write-in

candidates shall be made available at all polling places. Only producers of the agricultural commodity involved shall be qualified to vote; and . General polling procedures shall be established by the commissioner by rule pursuant to chapter 15 to avoid voting by others other than qualified producers, but the selection of specific polling places shall not be subject to chapter 15. An impartial committee appointed by the commissioner shall tabulate the votes, and the candidates receiving the most votes shall be declared elected to the first council. In each calendar year following the one in which

After the first council for a commodity is elected candidates shall be selected and , an election shall be held annually to elect a successor or successors to members of the council member or members whose term or terms expire in that year. Nominations shall be made and the elections The election shall be held in the same manner as prescribed for the first council election except that the choice of manner of choosing nominating committee members, the time of nominations and the time and place of elections shall be fixed by the commissioner with the consent of the council. Mail balloting may be permitted by the commissioner.

Subd. 4 5. [TERMS.] At the first meeting of the first council for each commodity the commissioner shall determine by lot one-third of the council members whose terms shall expire June 30 in the calendar year following the year of the first election, one-third of the council members whose terms shall expire June 30 in the second calendar year and the remaining council members whose terms shall expire June 30 in the third calendar year. In the event the commissioner has designated specific areas for representation on the council, the terms of council members in any one area shall not expire in the same year. All elected successor council members elected in succeeding elections shall be elected for serve three year terms and each shall serve until his successor is their successors are elected and qualified. All terms shall expire on June 30 of the last year of the term unless another date is established by the commissioner for specific councils. In the event a council member ceases to have any of the qualifications herein established, his office shall be deemed vacant. Any An interim vacancy on the council shall be filled by the council for the remainder of the term vacated. The successor so appointed shall be a commodity producer residing in the same crop reporting district as the former member.

Subd. 5 6. [ORGANIZATION.] The commissioner shall serve as chairman a member of the each council without vote. The Each council shall elect from its own membership elect a chairman, a vice-chairman, who shall act in the absence of the commissioner, a secretary, and such other officers as the council may deem deems appropriate. The An executive committee of no more than five members including the officers may also be elected. Terms of such the officers shall expire on June 30 of each year and their successors shall be elected at the first meeting following that date; however, they may serve until their successors have been elected but not beyond July 15.

Subd. 7. [MEETINGS; QUORUM.] Subject to the requirements of sections 17.51 to 17.69, a council shall meet at times and places as it may determine or upon call of the chairman or of any three members or one-third of the council, whichever is greater. A majority of the voting members of a council shall constitute a quorum for the transaction of all business in carrying out the duties of the council.

Subd. 8. [EXISTING COUNCILS.] Any council established pursuant to

any act on or before the effective date of sections 1 to 11 may maintain the number and regional distribution of council members in effect at that time and council members elected under the provisions of any act in effect prior to the effective date of sections 1 to 11 may serve out their terms according to those provisions. Any promotional order in effect prior to the effective date of sections 1 to 11 shall remain in effect until the promotional order would terminate under the terms of the promotional order itself, or under the provisions of the legislation authorizing that promotional order, or until the promotional order is terminated pursuant to section 17.64, whichever occurs first. No referendum need be held by the commissioner to establish any promotion order in effect prior to the effective date of sections 1 to 11. No referendum need be held by the commissioner to bring any promotion order into early compliance with sections 1 to 11 when the proposed changes in the promotion order are requested by the council members and approved by the commissioner.

Subd. 9. [POTATO INDUSTRY PROMOTION.] For the purpose of the administration of sections 17.51 to 17.69 as they pertain to a Minnesota area potato research and promotion council established pursuant to Laws 1967, Chapter 417, as amended, the state is divided into four areas. Area number one includes the counties of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Mahnomen, Clay, Wilkin, Roseau, Lake of the Woods, Beltrami, Clearwater, Hubbard, Becker, Ottertail and Wadena. Area number two includes the counties of Itasca, Koochiching, St. Louis, Carlton, Lake, and Cook. Area number three includes the counties of Traverse, Grant, Douglas, Big Stone, Stevens, Pope, Swift, Kandiyohi, Lac qui Parle, Chippewa, Yellow Medicine, Renville, McLeod, Carver, Scott, Dakota, Lincoln, Lyon, Redwood, Sibley, Le Sueur, Rice, Goodhue, Nicollet, Wabasha, Pipestone, Murray, Brown, Waseca, Steele, Dodge, Olmsted, Winona, Cottonwood, Watonwan, Blue Earth, Rock, Nobles, Jackson, Martin, Faribault, Freeborn, Mower, Fillmore, and Houston. Area number four includes the counties of Cass, Aitkin, Crow Wing, Pine, Todd, Morrison, Mille Lacs, Kanabec, Stearns, Benton, Isanti, Chisago, Sherburne, Anoka, Meeker, Wright, Washington, Hennepin, and Ramsey. Sections 17.51 to 17.69 shall apply to any of the above areas of the state where the commissioner has determined that the area was organized prior to July 1, 1982, pursuant to section 30.464, subdivision 3, as amended through June 30, 1982.

Subd. 10. [EXISTING AREA POTATO COUNCILS.] For the purposes of sections 17.51 to 17.69, any area potato council established pursuant to section 30.465, prior to the effective date of sections 1 to 11 shall maintain the number and distribution of council members in effect at that time. Council members elected or appointed under the provisions of section 30.465 may serve out their terms. For the purposes of sections 17.51 to 17.69, the provisions of sections 30.462, 30.463, 30.467, 30.469 and 30.472 as amended through June 30, 1982, shall be considered to be the promotional order for an area potato council, and shall remain in effect as a promotional order until terminated or modified by referendum.

Subd. 11. [MEMBERSHIP AND TERMS; AREA POTATO COUNCILS.] Notwithstanding subdivisions 3, 4, and 5, any area potato council which continues in existence pursuant to subdivision 10 shall include one voting member who is a private processor of potatoes and one voting member who represents potato wash plants. These two members shall be appointed by the

governor for four-year terms coterminous with that of the governor.

Subd. 12. [DAIRY INDUSTRY PROMOTION.] For the purpose of the administration of sections 17.51 to 17.69 as they pertain to the dairy research and promotion council established pursuant to Laws 1969, Chapter 851, as amended, the vote in the name of a cooperative association of producers may be deemed the vote of all members of that cooperative association. The commissioner shall schedule and specify procedures for bloc voting by a cooperative. A ballot prepared by the council and the commissioner shall be sent by each cooperative to all member and nonmember producers with a return envelope addressed to the commissioner. The ballot shall indicate that the cooperative association intends to vote in favor of or in opposition to the question. In the case of members the ballot shall indicate the expiration date of the ballot and state that if the ballot is not returned by that date the ballot shall be considered to be in favor of the vote of the association. The cooperative shall return the completed bloc vote ballot to the commissioner. A cooperative association shall not be required to bloc vote its producers but in that event it shall inform each producer of its decision and provide each producer with an individual referendum ballot with a return envelope addressed to the commissioner.

Each private processor of dairy products and each cooperative shall file with the commissioner a list of producers who market the bulk of their production with that private processor or cooperative. The polling procedures established by the commissioner pursuant to section 17.54, subdivision 4, shall ensure that dairy producers marketing the bulk of their production with a private processor have the option to vote in any referendum held pursuant to sections 1 to 11.

Subd. 13. [TERMS; DAIRY COUNCIL.] Notwithstanding subdivision 5, the term of office of members of any council established for the producers of cows' milk or products derived from cows' milk shall be as provided in this subdivision. The term of office shall be two years, with the terms of half the council members expiring June 30 in odd-numbered years, and the terms of the remaining council members expiring June 30 in even-numbered years.

Sec. 3. Minnesota Statutes 1980, Section 17.56, is amended to read:

17.56 [COUNCIL TO FORMULATE AND SUBMIT PROMOTIONAL ORDER.]

Subdivision 1. [FORMULATION.] Within 15 days after certification by the commissioner of its election the first council for producers of a particular commodity shall meet and formulate a promotional order establishing a program for development, promotion, advertising, research, distribution and the expansion of the sale, use and consumption of the commodity it represents and establishing fees a check-off fee to be paid by producers to finance the proposed activities.

Subd. 2. [HEARINGS.] The commissioner, after consultation with the advice and consent of the council, shall hold a public hearing or public hearings on the proposed promotional order in an area or areas and at a time or times affording reasonable opportunities to for producers to attend. These hearings shall not be subject to the administrative procedure act of chapter 15. After such hearings and after consultation with the council, the council together with

the commissioner shall determine ~~after such hearings~~ whether or not the promotional order shall be amended, modified or supplemented. If changes or additions of substance are made, ~~the council and the~~ commissioner shall hold like public hearings on the amended or supplemented promotional order.

Subd. 3. [REFERENDUM.] Following the ~~hearing, or~~ hearings, the ~~council and~~ commissioner shall conduct a referendum on the proposed final promotional order. At least ten days' notice of the time and places of such referendum shall be published in a legal newspaper of general circulation in each county affected. ~~In addition, direct written notice thereof shall likewise be given to each county extension office in any county involved in the referendum. Such notice shall include details of the promotional order to afford all producers of the subject commodity access to complete information about the promotional order. Notice shall also be given to other media in each county affected. A complete copy of the promotional order shall be given to each county extension office in any county involved in the referendum to afford all producers of the commodity access to complete information about the promotional order and the referendum.~~

Subd. 4. [ADOPTION.] The promotional order shall become effective if approved by a majority of those voting in the referendum; ~~and such order shall be applicable only to those producers of the subject commodity within the area of the state organized pursuant to sections 17.51 to 17.69. Upon completion of the referendum the commissioner shall make findings and issue an appropriate order based on said findings.~~

Subd. 5. [FAILED REFERENDUM.] *If a referendum is conducted and a proposed promotional order is not approved, the commissioner shall not conduct another referendum on any promotional order for the same commodity until one year has elapsed.*

Sec. 4. Minnesota Statutes 1980, Section 17.57, is amended to read:

17.57 [ADDITIONAL POWERS AND DUTIES OF COUNCIL.]

Subdivision 1. [ADOPTION OF REGULATIONS AND BUDGET RULES.] ~~The Each council shall (a) at its regular meetings adopt and administer rules and regulations consistent with sections 17.51 to 17.69 for the administration of the promotional order, including among other things, minimal requirements to qualify as a producer; (b) recommend amendments to the order, such amendments to be adopted only after a producer referendum in which a majority of the producers favor such adoption; (c) prepare an annual estimated budget for the operation of the promotional order; and (d) prepare an annual report on the programs of the order, said report to be made available to the producers concerned. These rules are not subject to the administrative procedure act of chapter 15.~~

Subd. 2. [BUDGET.] *Each council shall prepare and submit to the commissioner on a date he determines an estimated budget for the operation of the promotional order.*

Subd. 3. [REPORT.] *Each council shall prepare an annual report on the programs pursuant to its promotional order for the previous operating year. The report shall be mailed to each county extension office in any county involved in the promotional order.*

Subd. 2 4. [COLLECTION OF ASSESSMENTS CHECK-OFF FEES AND

DATA.] The ~~council~~ promotion order shall provide a procedure for the collection of the ~~producer assessments~~ check-off fee by each council to finance the promotional order orders and for the collection of such necessary information and data as is which are necessary for the proper administration of the order orders.

Subd. 3. [REFUNDS OF FEES.] The council shall provide for the refund of any fees paid by the producer who objects to payment of fees.

Subd. 4 5. [DONATIONS.] The Each council is authorized to accept donations of funds, property, services or other assistance from public or private sources for the purpose of furthering the objectives of sections 17.51 to 17.69.

Subd. 5 6. [RIGHT TO SUE AND BE SUED.] The Each council shall have the right to investigate and prosecute in the name of the state of Minnesota any action or suit to enforce the collection or insure payment of the check-off fees authorized by the provisions of sections 17.51 to 17.69 and, to sue and be sued in the name of the council; to hire attorneys as necessary and to do all other things necessary to the administration and implementation of sections 17.51 to 17.69.

Subd. 6 7. [COLLECTION AND EXPENDITURE OF FUNDS; AUDIT FINANCIAL STATEMENT.] The council shall be responsible for the collection and expenditure of all funds provided for under sections 17.51 to 17.69 and shall provide for an annual audit of funds to be made by a certified auditing firm. Each council shall make available an annual financial statement shall be available of the council to any producer upon request.

Sec. 5. Minnesota Statutes 1980, Section 17.58, is amended to read:

17.58 [POWERS AND DUTIES OF COMMISSIONER.]

Subdivision 1. [CONTRACTS.] The commissioner, with the advice and consent of the A council, with the approval of the commissioner, may contract and cooperate with any person, firm, corporation or association, or with any local, state, federal or international agency or institution, for market development, education, publicity, promotion, research, transportation and advertising within the purposes of sections 17.51 to 17.69.

Subd. 2. [PERSONNEL.] The commissioner council, with the advice and consent of the with the approval of the commissioner council, may shall appoint, employ, provide necessary bond, discharge, fix compensation for and prescribe the duties of such the first chief administrative officer of any council established after the effective date of sections 1 to 11. The council, after consultation with the commissioner, shall appoint, employ, provide necessary bond, discharge, fix compensation for and provide duties of subsequent chief administrative officers administrative, clerical, technical and . A council may employ other personnel and agencies as may be deemed as it deems necessary.

Subd. 3. [GENERAL POWERS.] In administering sections 17.51 to 17.69, the commissioner shall have such other powers as may be conferred upon him by law not inconsistent with the provisions of sections 17.51 to 17.69. The commissioner is authorized to cooperate with any appropriate agency of any state for the purpose of carrying out the provisions of sections 17.51 to 17.69, and in securing uniformity of administration and enforcement.

Subd. 4. [REGULATIONS RULES.] In The organization, conduct of elec-

tions, referenda, and meetings of a council and ~~operation~~ the administration of a promotional order for any commodity coming under sections 17.51 to 17.69, the commissioner shall follow the be governed by rules and regulations as developed promulgated by the council commissioner pursuant to the provisions of sections 17.51 to 17.69 chapter 15.

Subd. 5. [AUDITS.] Each year the commissioner shall conduct a fiscal audit, and at least every three years the commissioner shall conduct a compliance audit of each council. A compliance audit is an audit to determine that a council has complied with the terms of sections 17.51 to 17.69, with all other applicable federal or state laws, and with the terms of any promotional orders established.

Sec. 6. Minnesota Statutes 1980, Section 17.59, Subdivision 1, is amended to read:

Subdivision 1. [ASSESSMENT CHECK-OFF FEES.] For the purpose of providing funds to defray the necessary expenses incurred by the commissioner and the council in formulating, submitting to referendum, issuing, administering and enforcing a promotional order, the promotional order shall provide for assessing and collecting check-off fees in amounts sufficient to defray such expenses, and shall indicate the maximum assessment check-off rate which shall not exceed one percent of the market value of the year's production of participating producers. Any increase in the maximum assessment check-off provided for in the promotional order must be within the limit herein prescribed and must be approved by the majority of voting participating producers in a referendum held for that purpose after reasonable notice of such proposed increase.

Sec. 7. Minnesota Statutes 1980, Section 17.59, Subdivision 2, is amended to read:

Subd. 2. [PAYMENT.] The council together with the commissioner shall establish the procedure for the timely payment of the assessment check-off fee by the producer, and such to the council. The procedure shall be clearly outlined in the proposed promotional order. Such The procedure must be fair, reasonable and whenever possible the check-off fee shall be deducted by the first purchaser at the time of sale. The first purchaser shall submit to the council through the commissioner's office any check-off fees so deducted once every 30 days in accordance with the commissioner's rules. When proof of payment of the fee assessed can be furnished, it shall not be necessary for any subsequent buyer to deduct the fee at time of purchase.

Sec. 8. Minnesota Statutes 1981 Supplement, Section 17.59, Subdivision 4, is amended to read:

Subd. 4. [DEPOSIT AND USE OF CHECK-OFF FEES.] Check-off fees collected pursuant to sections 17.51 to 17.69 shall be deposited in a federally insured depository institution and shall be disbursed by the officers and employees approved by the council for the necessary expenses incurred in the administration of sections 17.51 to 17.69. Check-off fees collected shall be used exclusively for the purpose collected and not for legislative or political activities to support or oppose a political party or a candidate for nomination or election to a public office.

Sec. 9. Minnesota Statutes 1980, Section 17.60, is amended to read:

17.60 [COMPENSATION AND EXPENSES.]

Each member of ~~the~~ a council, except the commissioner, shall be entitled to a reasonable per diem ~~to be fixed in the promotional order, not exceeding the same rate of compensation per day as is authorized for payment to members of advisory councils and committees pursuant to section 15.059, subdivision 3, while engaged in the performance of his duties, and actual expenses incurred while attending council meetings ; but only actual expenses incurred while engaged in other official business of the council or executive committee meetings.~~ Payments to council members for other official business of the council require approval by the council.

Sec. 10. Minnesota Statutes 1980, Section 17.62, is amended to read:

17.62 [RECORDS OF THE COUNCIL.]

All of the records of ~~the~~ a council , *except as otherwise provided in this section*, shall be open to the public records and shall be available for inspection by any person for any lawful purpose, provided, however, that the council shall be empowered to make reasonable rules and regulations concerning the inspection of the records, the time or place of such inspection, or the manner in which the information shall be made available. *Financial information pertaining to individual participating producers shall not be open to the public.*

Sec. 11. Minnesota Statutes 1980, Section 17.63, is amended to read:

17.63 [REFUND OF FEES.]

Any producer may, by the use of forms to be provided by the commissioner and upon presentation of such proof as the commissioner ~~and council may require~~ *requires by rule or regulation*, have the check-off fee paid pursuant to sections 17.51 to 17.69 refunded to him, *provided the check-off fee was remitted on a timely basis.* ~~Such~~ The request for refund must be received in the office of the commissioner ~~or the council~~ within ~~60 days~~ *the time specified in the promotion order* following the payment of ~~such the check-off fee, but~~. In no event shall these requests for refund be accepted more often than 12 times per year ~~and must be made at least once each year~~. Refund shall be made by the commissioner ~~or and~~ council within 30 days of the request for refund provided that the check-off fee sought to be refunded has been received. Rules and regulations governing the refund of check-off fees for ~~the commodity involved all commodities~~ shall be formulated by the council ~~together with the commissioner and~~, shall be fully outlined ~~at the hearing, or hearings in the promotion order, and shall be available for the information of all producers concerned with the referendum.~~

Sec. 12. Minnesota Statutes 1980, Section 17.64, is amended to read:

17.64 [TERMINATION OF THE ORDER.]

Subdivision 1. [BY COUNCIL.] The council *after consultation with the commissioner and by a majority vote* shall suspend or terminate a promotional order whenever it finds, after a public hearing ~~or hearings~~, that an order is contrary to or does not ~~tend to~~ effectuate the purposes or provisions of sections 17.51 to 17.69, provided that ~~such the~~ suspension or termination shall not become effective until the expiration of the current marketing year. ~~The current marketing year for any commodity under sections 17.51 to 17.69 shall be determined by the council together with the commissioner.~~

Subd. 2. [BY REFERENDUM.] Upon petition of the same number of producers as required to initiate the promotional order, the commissioner ~~with the advice and consent of the council~~ shall within 60 days conduct a referendum to determine whether or not the promotional order shall be continued. He shall terminate the order at the end of the current marketing year if a majority of the producers voting in the referendum vote in favor of termination. ~~Such~~ The petition of producers shall include a ~~certification~~ statement certifying that the signatures are those of qualified producers of the commodity involved. ~~The commissioner shall not conduct a referendum for termination of a promotional order if a referendum for termination of the same promotional order has been conducted within the preceding year. A hearing for a termination of an order need not be held as provided in chapter 15.~~

Sec. 13. Minnesota Statutes 1980, Section 17.67, is amended to read:

17.67 [PENALTY FOR VIOLATIONS.]

Any person who violates any provision of sections 17.51 to 17.69 or any rule ~~or regulation~~ of the ~~council~~ commissioner promulgated pursuant to sections 17.51 to 17.69 is guilty of a misdemeanor. *Any first handler who fails to make collections or to file a return or to pay any assessment within the time required by sections 17.51 to 17.69, or who files a falsified return, shall be liable to the council for the amount due, plus a penalty of six percent of the amount due, plus one percent of the amount for each month of delay. If satisfied that the delay was excusable, the council may return all or any part of the penalty. Penalties shall be paid to the council and disposed of as provided with respect to other money collected under sections 17.51 to 17.69.*

Sec. 14. [REPEALER.]

Minnesota Statutes 1980, Sections 17.55; 17.601; 17.65; 17.68; 21A.01; 21A.02; 21A.03; 21A.04; 21A.05; 21A.06; 21A.07; 21A.08; 21A.09 as amended by Laws 1981, Chapter 41, Section 4; 21A.10; 21A.11; 21A.115; 21A.12; 21A.13; 21A.14; 21A.15; 21A.16; 21A.17; 21A.19; 29.14; 29.15; 29.16; 29.18; 29.19; 30.461; 30.462; 30.463; 30.464, as amended by Laws 1981, Chapter 11, Section 1; 30.465; 30.466; 30.467; 30.468; 30.472; 30.473; 30.474; 30.475; 30.476; 30.477; 30.479; 32B.01; 32B.02; 32B.03; 32B.04; 32B.05; 32B.06; 32B.08; 32B.09; 32B.10; 32B.11; 32B.13; Minnesota Statutes 1981 Supplement, Sections 29.17; 30.469; 30.47; 32B.07; and 32B.12, are repealed.

Sec. 15. [EFFECTIVE DATE.]

This act is effective July 1, 1982."

Delete the title and insert:

"A bill for an act relating to agriculture; consolidating existing laws; providing for agricultural commodity research and promotion councils; establishing procedures; providing penalties; amending Minnesota Statutes 1980, Sections 17.53; 17.54; 17.56; 17.57; 17.58; 17.59, Subdivisions 1, and 2; 17.60; 17.62; 17.63; 17.64; and 17.67; Minnesota Statutes 1981 Supplement, Section 17.59, Subdivision 4; repealing Minnesota Statutes 1980, Sections 17.55; 17.601; 17.65; 17.68; 21A.01 to 21A.19, as amended; 29.14 to 29.16; 29.18; 29.19; 30.461 to 30.468, as amended; 30.472 to 30.479; 32B.01 to 32B.06; 32B.08 to 32B.11; 32B.13; Minnesota Statutes 1981 Supplement, Sections

29.17; 30.469; 30.47; 32B.07; and 32B.12.”

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

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

S.F. No. 1633: A bill for an act relating to transportation; directing the commissioner of transportation to construct a freeway along a certain route in the city of St. Paul; requiring the posting of bond in certain proceedings; amending Minnesota Statutes 1980, Section 161.1245, Subdivision 1; repealing Minnesota Statutes 1980, Section 161.1245, Subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Transportation, shown in the Journal for March 4, 1982, be adopted; that committee recommendation being

“the bill be amended and when so amended the bill do pass and be 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. 1906, 1701, 1625 and 1235 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.
1701	1629			1906	1801
1625	1548			1235	1130

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 was referred

H.F. No. 1794 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
				1794	1775

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1794 be amended as follows:

Page 1, line 9, delete “[145.88]” and insert “[145.881]”

Page 2, line 13, before the headnote insert “[145.882]”

Page 2, line 16, delete “who will”

Page 2, delete lines 16 to 23 and insert "*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.*"

Page 3, line 21, after "1983" insert a comma

Page 3, line 23, before the headnote insert "[145.883]"

Page 3, line 32, after the period insert "*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.*"

And when so amended H.F. No. 1794 will be identical to S.F. No. 1775, and further recommends that H.F. No. 1794 be given its second reading and substituted for S.F. No. 1775, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1707 for comparison with companion Senate File; reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
				1707	1662

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1707 be amended as follows:

Page 2, line 23, after "crossing" insert a comma

Page 2, line 24, after "equipment" insert "*set forth in this section*"

Page 2, line 36, after "installed" insert a comma

Amend the title as follows:

Page 1, line 4, delete everything after "removing"

Page 1, line 5, after "certain" insert "*geographical operating limitations on passenger motor*"

Page 1, line 5, after the semicolon insert "*removing the requirement for designated routes for intercity buses;*"

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

And when so amended H.F. No. 1707 will be identical to S.F. No. 1662, and further recommends that H.F. No. 1707 be given its second reading and substituted for S.F. No. 1662, and that the Senate File be indefinitely post-

poned.

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

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

H.F. No. 2073 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
				2073	2055

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2073 be amended as follows:

Page 1, line 9, delete everything after the headnote

Page 1, delete line 10

Page 1, line 12, delete everything after "the"

Page 1, delete line 13

Page 1, line 14, delete "*motor vehicles and*" and insert "*original purpose for which it was intended*"

Page 2, line 3, delete "[LIMITATIONS.]" and insert "[PROHIBITION.]"

Page 2, line 5, after "*with*" delete "*the*" and delete "*contained in*" and insert "*for waste oil which may be burned under the*"

Page 2, line 6, after "*agency*" insert "*as may be*" and delete "*under*" and insert "*for the regulation of hazardous waste pursuant to*"

Amend the title as follows:

Page 1, line 3, delete "certain"

Page 1, line 4, before "garages;" insert "commercial"

And when so amended H.F. No. 2073 will be identical to S.F. No. 2055, and further recommends that H.F. No. 2073 be given its second reading and substituted for S.F. No. 2055, and that the Senate File be indefinitely postponed.

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

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

H.F. Nos. 1993, 1795 and 1863 for comparison with companion Senate Files, reports the following House Files were found not 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.
1993	1979			1795	1718
				1863	1761

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1993 be amended as follows:

Page 1, line 21, strike "Such a" and insert "The"

Page 1, lines 22 and 23, strike "shall" and insert "must"

Page 1, line 25, strike "such"

Page 2, line 22, strike "which" and insert "that"

Amend the title as follows:

Page 1, line 2, delete "veteran's" and insert "veterans"

And when so amended H.F. No. 1993 will be identical to S.F. No. 1979, and further recommends that H.F. No. 1993 be given its second reading and substituted for S.F. No. 1979, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1795 be amended as follows:

Page 1, line 15, after the period insert: *"In addition to the limitations of sections 462C.03, subdivision 10, and 462C.05, subdivision 2, at least 30 percent of the dwelling units financed with bonds issued pursuant to chapter 462C and located in a development district within the city of Minneapolis shall be held for occupancy by persons and families of moderate income."*

And when so amended H.F. No. 1795 will be identical to S.F. No. 1718, and further recommends that H.F. No. 1795 be given its second reading and substituted for S.F. No. 1718, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1863 be amended as follows:

Page 3, line 15, delete the underscoring from "three members,"

Page 4, line 27, delete "clause (13)" and insert "paragraph (13) of this subdivision"

And when so amended H.F. No. 1863 will be identical to S.F. No. 1761, and further recommends that H.F. No. 1863 be given its second reading and substituted for S.F. No. 1761, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 2011 for comparison with companion Senate File, reports the

following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2011	1963				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2011 be amended as follows:

Page 5, line 1, after "*items*" delete the comma and insert "*and*"

Page 5, line 11, delete "*section 80E.09,*"

Page 5, line 19, delete the third comma

Page 5, line 20, delete the comma

Page 5, line 23, after "*distributor*" insert a comma

Page 6, line 33, delete "*shall*" and insert "*do*"

Page 6, line 35, delete "*Any such*" and insert "*An*"

Page 6, line 36, delete "*shall be*" and insert "*is*" and delete "*and*"

Page 7, line 1, delete "*regulations*"

Page 7, line 2, delete "*was*" and insert "*is*"

Amend the title as follows:

Page 1, line 12, after "*2;*" delete "*and*"

And when so amended H.F. No. 2011 will be identical to S.F. No. 1963, and further recommends that H.F. No. 2011 be given its second reading and substituted for S.F. No. 1963, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1499 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				1499	1459

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1499 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1499, the third engrossment, and insert the language after the enacting clause of S.F. No. 1459, the second engrossment. Further, delete the title of H.F. No. 1499, the third engrossment, and insert the title of S.F. No. 1459, the second engrossment.

And when so amended H.F. No. 1499 will be identical to S.F. No. 1459, and further recommends that H.F. No. 1499 be given its second reading and substituted for S.F. No. 1459, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1663 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
1663	1611				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1663 be amended as follows:

Page 1, line 19, after "by" delete "the" and insert "a"

Page 2, line 5, strike "so"

Page 2, line 5, strike "either"

Page 2, line 9, strike "or such person as"

Page 2, line 9, delete "he or"

Page 2, line 10, delete "she" and strike "may select"

Page 2, line 11, strike the second "the" and insert "its"

Page 2, line 12, strike "thereof"

Page 2, line 14, strike "member of the state bar association" and insert "*attorney admitted to the practice of law*"

Page 2, line 15, strike "members of the state bar association who"

Page 2, line 16, strike "reside in" and after "county" insert "attorney"

Page 2, line 17, after "trustees" insert a comma

Page 2, line 21, after "trustees" insert a comma

Page 2, line 23, delete "BYLAWS" and insert "MEMBERSHIP CHANGES"

Page 2, line 29, delete "*such person as he or she*" and insert "*his designee*"

Page 2, line 30, delete "may select"

Page 2, line 31, delete "or such person as he"

Page 2, line 32, delete "or she may select" and insert "or his designee"

Page 3, line 11, strike "At its first meeting and"

Page 3, line 12, strike "annual" and "thereafter"

Page 3, line 14, after "member" insert "or"

Page 3, line 25, strike "same" and insert "them"

Page 3, line 28, delete "such" and "as are"

Page 3, line 35, strike ", the"

Page 3, line 36, strike "purchase price to be paid out of" and insert "with money from"

Page 4, line 6, after "and" delete "the" and insert "its"

Page 4, line 6, delete "thereof, except"

Page 4, line 7, delete "such books as are leased or loaned to it,"

Page 4, line 12, strike "The board of"

Page 4, lines 13 to 17, strike the old language, delete the new language and insert "The county auditor shall file with the board of trustees an annual report containing a detailed statement of the receipts and disbursements of the library for the preceding year. The board of trustees shall file an inventory with the county auditor showing the property belonging to the library or loaned or leased to the library."

Page 4, line 26, delete "shall" and insert "may"

Page 4, line 27, delete "have authority to"

Page 4, line 27, delete "such" and insert "necessary"

Page 4, line 28, delete "as may be necessary" and "to"

Page 4, line 30, after "county" insert a comma

Page 4, line 30, delete "shall have" and insert "may"

Page 4, line 31, delete "authority to"

Page 4, line 31, after the first "and" insert "necessary"

Page 4, line 32, delete "as may be necessary"

Page 4, line 33, delete "to"

Page 4, delete lines 34 to 36

Page 5, delete line 1 and insert "In all counties where services cannot be provided by the Minnesota state law library, the board of trustees may contract with regional library systems for services."

Page 5, line 5, after "Counties" insert a comma and delete "it shall be the duty of"

Page 5, line 6, delete "or her designate to" and insert "designee shall"

Page 5, line 14, delete "shall appear" and insert "appears"

Page 5, line 17, delete "or her"

Page 5, line 18, delete "It shall be the duty of"

Page 5, line 19, delete "or her designate to" and insert "designee shall"

Page 5, line 23, delete "therein"

Page 5, line 26, delete "therefor"

Page 5, line 34, delete "*not*" and insert "*other*"

Page 5, delete line 35 and insert "*than Hennepin and Ramsey,*"

Page 5, line 36, delete "*to*" and insert "*shall*"

Page 6, line 8, delete "*shall appear*" and insert "*appears*"

Page 6, line 11, delete "*or her*"

Page 6, line 12, delete "*It shall be the duty of*"

Page 6, line 14, delete "*to*" and insert "*shall*"

Page 6, line 18, delete "*therein*"

Page 6, line 20, delete "*therefor*"

Page 6, line 28, delete "*now or hereafter*"

Page 7, line 1, delete the second comma

Page 7, line 2, delete everything before the period

Page 7, lines 20 and 21, delete "*or her*"

Page 7, strike lines 28 and 29

Page 7, line 30, strike "*established, but such*" and insert "*By July 1, 1982, all county law*"

Page 8, line 23, delete "*Section 17*" and insert "*This act*"

And when so amended H.F. No. 1663 will be identical to S.F. No. 1611, and further recommends that H.F. No. 1663 be given its second reading and substituted for S.F. No. 1611, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1492 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
1492	1418				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1492 be amended as follows:

Page 1, line 9, delete "*The lands described in this*"

Page 1, delete lines 10 and 11

Page 1, line 14, delete "*as described*" and after "*added*" insert "*as described in subdivision 2*"

And when so amended H.F. No. 1492 will be identical to S.F. No. 1418, and further recommends that H.F. No. 1492 be given its second reading and

substituted for S.F. No. 1418, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1365 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
1365	1228				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1365 be amended as follows:

Page 2, line 13, delete " , if the city has adopted a comprehensive plan,"

Page 2, line 24, delete "small and medium sized"

Page 3, line 26, delete "\$200,000" and insert "\$100,000"

Page 4, line 3, delete "or county"

Page 4, lines 4 and 5, delete "sections 1 to 3" and insert "this act"

Page 6, line 17, delete "sections 1 to 3" and insert "this act"

Page 6, line 19, delete "Sec. 4. [459.34]" and insert " Subd. 5."

Page 6, line 20, delete "sections 1 to 3" and insert "this act"

Delete everything after page 6, line 21

Amend the title as follows:

Page 1, line 2, delete "rehabilitation" and insert "rehabilitation"

Page 1, lines 5 to 9 delete " authorizing a housing and commercial rehabilitation interest reduction program; amending Minnesota Statutes 1980, Sections 462.421, Subdivision 14; 462.445, by adding subdivisions; and 462.545, Subdivision 1;"

And when so amended H.F. No. 1365 will be identical to S.F. No. 1228, and further recommends that H.F. No. 1365 be given its second reading and substituted for S.F. No. 1228, 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. 1504, 1887, 1661, 1826, 1900, 2090 and 1269 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 942, 1668, 1580, 1231, 1906, 1701, 1625, 1235, 1794, 1707, 2073, 1993, 1795, 1863, 2011, 1499, 1663, 1492 and 1365 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Spear moved that the name of Mr. Sikorski be added as a co-author to S.F. No. 1459. The motion prevailed.

Ms. Berglin moved that the name of Mr. Sikorski be added as a co-author to S.F. No. 1561. The motion prevailed.

Mr. Willet moved that the names of Messrs. Moe, R.D. and Sikorski be added as co-authors to S.F. No. 1747. The motion prevailed.

Mr. Dahl moved that the name of Mr. Sikorski be added as a co-author to S.F. No. 1886. The motion prevailed.

Mr. Waldorf moved that the name of Mr. Sikorski be added as a co-author to S.F. No. 1894. The motion prevailed.

Mr. Hanson moved that the names of Messrs. Sikorski and Moe, R.D. be added as co-authors to S.F. No. 2064. The motion prevailed.

Mr. Moe, D.M. moved that S.F. No. 1613 be taken from the table. The motion prevailed.

S.F. No. 1613: A bill for an act relating to state departments and agencies; regulating the disposition of certain land within the capitol area; amending Minnesota Statutes 1981 Supplement, Section 15.50, Subdivision 6.

CONCURRENCE AND REPASSAGE

Mr. Moe, D.M. moved that the Senate concur in the amendments by the House to S.F. No. 1613 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1613 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved to take up the Senate Calendar. The motion prevailed.

CALENDAR

S.F. No. 1588: A bill for an act relating to state and local government organization and relations; creating an advisory council on local government; prescribing its duties; proposing new law coded as Minnesota Statutes, Chapter 15B.

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 38 and nays 20, as follows:

Those who voted in the affirmative were:

Belanger	Engler	Lessard	Peterson, R.W.	Stern
Bernhagen	Frederickson	Menning	Purfeerst	Stumpf
Bertram	Hanson	Moe, D. M.	Ramstad	Tennessen
Brataas	Hughes	Moe, R. D.	Renneke	Vega
Chmielewski	Humphrey	Olhoft	Rued	Wegener
Dahl	Johnson	Pehler	Schmitz	Willet
Davies	Knutson	Penny	Setzepfandt	
Davis	Lantry	Peterson, C.C.	Sikorski	

Those who voted in the negative were:

Ashbach	Dicklich	Kronebusch	Peterson, D.L.	Stokowski
Bang	Frank	Langseth	Petty	Taylor
Benson	Kamrath	Lindgren	Pillsbury	Ulland
Berg	Kroening	Luther	Spear	Waldorf

So the bill passed and its title was agreed to.

H.F. No. 1795: A bill for an act relating to the city of Minneapolis; changing limitations on housing programs in two Minneapolis development districts; amending Laws 1971, Chapter 677.

Mrs. Stokowski moved that H.F. No. 1795, No. 3 on the Calendar, be stricken and placed on the top of General Orders. The motion prevailed.

S.F. No. 1949: A bill for an act relating to state departments and agencies; secretary of state; eliminating and simplifying certain filings; amending Minnesota Statutes 1980, Sections 300.06; 300.14, Subdivision 2; 300.45; 301.42, Subdivision 4; 303.14, Subdivision 3, as amended; 333.001, Subdivisions 2 and 3; Minnesota Statutes 1981 Supplement, Sections 301.071, Subdivision 2; 303.05, Subdivision 1; and 322A.16; repealing Minnesota Statutes 1980, Sections 300.07; 301.06, Subdivision 3; 301.07; 301.071, Subdivision 1; and 301.33, Subdivision 3.

With the unanimous consent of the Senate, Mr. Petty moved to amend S. F. No. 1949 as follows:

Page 3, lines 4, 5, and 6, reinstate the stricken language

The motion prevailed. So the amendment was adopted.

S.F. No. 1949 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

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

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CONSENT CALENDAR

S.F. No. 1487: A bill for an act relating to taxation; allowing the town of Rice Lake to levy in excess of its levy limitation for taxes payable in 1982 without penalty.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Wegener; Moe, R.D. and Lessard introduced—

S.F. No. 2213: A bill for an act relating to watercraft; requiring titling for certain vessels; regulating perfection of security interests in vessels; proposing new law coded in Minnesota Statutes, Chapter 361.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Peterson, C.C.; Johnson; Frank; Langseth and Davis introduced—

S.F. No. 2214: A bill for an act relating to taxation; income; providing that the deduction for federal income taxes may be apportioned between spouses filing a joint federal return as they elect; altering the method by which certain federal income taxes are deducted; amending Minnesota Statutes 1981 Supplement, Section 290.18, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Mr. Bertram introduced—

S.F. No. 2215: A bill for an act relating to drainage; authorizing property owners to repair drainage systems located on their property and to credit the value of the repairs against a repair assessment; changing requirements for drainage system repairs without contracts; amending Minnesota Statutes 1980, Section 106.471, Subdivisions 2 and 8.

Referred to the Committee on Agriculture and Natural Resources.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to General Orders. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Olhoft

in the chair.

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

H.F. Nos. 1720, 1735, 1234 and 1786, which the committee recommends to pass.

H.F. No. 1795, which the committee recommends to pass, subject to the following motion:

Mrs. Stokowski moved that the amendment made to H.F. No. 1795 by the Committee on Rules and Administration in the report adopted March 6, 1982, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1804, which the committee recommends to pass with the following amendment offered by Mr. Willet:

Amend H.F. No. 1804, as amended pursuant to Rule 49, adopted by the Senate March 4, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 1819.)

Page 1, delete lines 7 to 10

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

S.F. No. 1698, which the committee recommends to pass, subject to the following motions:

Mr. Dieterich moved to amend S.F. No. 1698 as follows:

Page 2, delete lines 31 to 36.

Page 3, delete line 1

Page 3, lines 2, 16, 18, 20 and 26, reinstate the stricken language and delete the new language.

Amend the title as follows:

Page 1, line 8, delete "authorizing the"

Page 1, line 9, delete "use of capital expenditure funds;"

The motion prevailed. So the amendment was adopted.

Mr. Lindgren moved to amend S.F. No. 1698 as follows:

Page 2, line 13, strike "and" and insert a comma

Page 2, line 13, after "equipment" insert "*and the purchase of textbooks*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 34, as follows:

Those who voted in the affirmative were:

Ashbach	Bertram	Kamrath	Ramstad	Taylor
Benson	Davis	Knutson	Renneke	Ulland
Berg	Engler	Lindgren	Rued	
Bernhagen	Frederickson	Peterson, D.L.	Sieloff	

Those who voted in the negative were:

Berglin
Dahl
Davies
Dicklich
Dieterich
Hanson
Humphrey

Johnson
Knoll
Kroening
Langseth
Lantry
Luther
Menning

Moe, D. M.
Moe, R. D.
Olhoft
Pehler
Peterson, C.C.
Peterson, R.W.
Petty

Purfeerst
Schmitz
Setzepfandt
Sikorski
Spear
Stern
Stokowski

Stumpf
Tennessee
Vega
Waldorf
Wegener
Willet

The motion did not prevail. So the amendment was not adopted.

H.F. No. 1817, which the committee recommends to pass with the following amendments offered by Messrs. Peterson, C.C.; Knutson; Penny; Pehler and Engler:

Mr. Peterson, C.C. moved to amend H.F. No. 1817, as amended pursuant to Rule 49, adopted by the Senate March 5, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 1700.)

Page 1, after line 27, insert:

“Section 1. Minnesota Statutes 1980, Section 160.283, Subdivision 3, is amended to read:

Subd. 3. For the purposes of sections 160.283 to 160.285 the term “resort” shall be as defined in Minnesota Statutes 1969, Section 157.01 *or a golf course.*”

Page 15, line 30, delete “14” and insert “15”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, after the semicolon, insert “expanding the definition of “resort” for purposes of advertising device authorization:”

Page 1, line 19, after “Sections” insert “160.283, Subdivision 3;”

The motion prevailed. So the amendment was adopted.

Mr. Knutson moved to amend H.F. No. 1817, as amended pursuant to Rule 49, adopted by the Senate March 5, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 1700.)

Page 7, after line 5, insert:

“Sec. 6. Minnesota Statutes 1980, Section 169.81, Subdivision 1, is amended to read:

Subdivision 1. [HEIGHT.] (a) *Except as provided in paragraph (b), no vehicle unladen or with load shall exceed a height of 13 feet six inches.*

(b) *A double-deck bus may not exceed a height of 14 feet three inches. Any carrier operating a double-deck bus exceeding 13 feet six inches shall obtain from the commissioner, with respect to highways under the commissioner's jurisdiction, and from local authorities, with respect to highways under their jurisdiction, an annual permit to operate the bus upon any highway under the jurisdiction of the party granting the permit. Annual permits shall be issued in accordance with applicable provisions of section 169.86. The fee for an annual permit issued by the commissioner is as provided in section 169.86.*

subdivision 5.

Sec. 7. Minnesota Statutes 1981 Supplement, Section 169.86, Subdivision 5, is amended to read:

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

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

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

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

(1) truck cranes;

(2) construction equipment, machinery, and supplies;

(3) mobile homes;

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

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

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

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

(8) *double-deck buses.*"

Page 15, line 30, delete "14" and insert "16"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, after the semicolon, insert "regulating the height of vehicles; establishing a height limitation for certain buses; providing for an annual permit fee for certain over-height buses;"

Page 1, line 20, after "1;" insert "169.81, Subdivision 1;"

Page 1, line 23, after "Sections" insert "169.86, Subdivision 5;"

The motion prevailed. So the amendment was adopted.

Mr. Penny moved to amend H.F. No. 1817, as amended pursuant to Rule 49, adopted by the Senate March 5, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 1700.)

Page 7, after line 15, insert:

"Sec. 7. Minnesota Statutes 1981 Supplement, Section 173.17, is amended to read:

173.17 [REMOVAL OF DEVICES, TIME FOR REMOVAL; COMPENSATION.]

It is hereby declared that where in order to carry out the provisions of this chapter it is necessary that property rights be acquired, such acquisition is for a public purpose and is necessary for a highway purpose. The commissioner of transportation is authorized to acquire by purchase, gift or condemnation all advertising devices and all property rights pertaining thereto which are prohibited under the provisions of this chapter, and any rules or regulations promulgated pursuant thereto, provided that such advertising devices were in lawful existence on June 8, 1971. In any such acquisition, purchase or condemnation, just compensation shall be paid for:

(1) The taking from the owner of such sign, display or device of all right, title, leasehold and interest in such sign, display or device; and

(2) The taking from the owner of the real property on which such advertising device is located immediately prior to its removal or relocation, the right to erect and maintain thereon advertising devices, and full compensation therefor, including severance damage and damage to the remainder of the outdoor advertising plant regardless of whether it is located on property contiguous to or a part of that on which such sign is located, shall be included in the amounts paid to the respective owners. Provided, however, that no compensation shall be paid for severance damage and damage to the remainder of the outdoor advertising plant unless federal laws, or rules and regulations promulgated by the United States Department of Transportation provide for federal participation in the cost of such severance damage and damage to the remainder of the outdoor advertising plant.

(3) Compensation required herein shall be paid to the person or persons entitled thereto. Notwithstanding any other provisions of ~~Laws 1971, Chapter 883~~ *this chapter*, no advertising device shall be required to be removed or relocated unless and until the commissioner of transportation shall tender payment to the owner of the advertising device and the owner of real property upon which the same is located, in cash or check drawn on the state treasury, of 100 percent of the amount of just compensation required herein, as determined by the commissioner of transportation; provided that the acceptance of said tendered amount by the person or persons to be compensated shall be without prejudice to his or their further rights to have just compensation finally determined in accordance with the provisions of Laws 1971, Chapter 883, and to receive any greater or additional amount under chapter 117.

(4) Notwithstanding any other provision of this chapter, including section 173.20, no advertising device which was lawfully erected *along an interstate or trunk highway* shall be removed until all rights in the property, personal or real, have been acquired by purchase, gift, or eminent domain proceedings under chapter 117, whether or not the advertising device is removed pursuant to this chapter or any other statute, ordinance, or regulation of any political subdivision of the state or local zoning authority.

The Minnesota department of transportation with the assistance and cooperation of the department of economic development shall make recommenda-

tions to the standing committees on transportation of both houses of the legislature by February 1, 1982 for a comprehensive directional signing program."

Page 15, line 30, delete "14" and insert "15"

Renumber the sections in sequence

Page 1, line 11, after the semicolon, insert "requiring just compensation to be paid for the removal of advertising devices along interstate and trunk highways;"

Page 1, line 23, after "Sections" insert "173.17;"

The motion prevailed. So the amendment was adopted.

Mr. Pehler moved to amend H.F. No. 1817, as amended pursuant to Rule 49, adopted by the Senate March 5, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 1700.)

Page 15, after line 23, insert:

"Sec. 13. Laws 1979, Chapter 280, Section 2, Subdivision 2, is amended to read:

Subd. 2. \$50,000,000, or so much thereof as is needed, is available for expenditure at a rate not exceeding \$12,500,000 per fiscal year for grants to political subdivisions for construction and reconstruction of key bridges on highways, streets and roads under their jurisdiction. The grants shall not exceed the following aggregate amounts:

(1) To counties \$8,500,000

(2) To home rule charter and statutory cities \$1,000,000

(3) To towns \$21,000,000

Additional grants may be made in an aggregate amount not to exceed \$19,500,000 to the political subdivisions to match federal-aid grants for construction and reconstruction of key bridges under their jurisdiction. *Appropriations made in subdivisions 1, 2, or 3 may also be used for the following purposes:*

(1) The costs of abandoning an existing bridge that is deficient and is in need of replacement, but where no replacement will be made.

(2) The costs of constructing a road or street that would facilitate the abandonment of an existing bridge determined to be deficient. The construction of the road or street must be judged to be more cost efficient than the reconstruction or replacement of the existing bridge."

Page 15, line 30, delete "14" and insert "15"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 18, after the semicolon, insert "providing for additional uses of certain moneys appropriated for construction and reconstruction of bridges;"

Page 1, line 24, after the semicolon, insert "Laws 1979, Chapter 280, Section 2, Subdivision 2;"

The motion prevailed. So the amendment was adopted.

Mr. Engler moved to amend H.F. No. 1817, as amended pursuant to Rule 49, adopted by the Senate March 5, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 1700.)

Page 14, after line 5, insert:

"Sec. 12. Minnesota Statutes 1980, Section 222.50, Subdivision 3, is amended to read:

Subd. 3. The commissioner shall have the power to:

(a) Set priorities for the allocation and expenditure of money or in kind contributions authorized under the rail service improvement program and develop criteria for eligibility and approval of projects under the program. The criteria shall include the anticipated economic and social benefits to the state and to the area being served and the economic viability of the project;

(b) Negotiate and enter into contracts for rail line rehabilitation or other rail service improvement;

(c) Disburse state and federal money for rail service improvements; and

(d) *Provide funds for the state share of the operation of the Northstar service between Duluth and the Twin Cities ; and*

~~(d)~~ (e) Adopt rules necessary to carry out the purposes of sections 222.46 to 222.54."

Page 15, line 30, delete "14" and insert "15"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 16, after the semicolon, insert "providing additional powers to the commissioner of transportation;"

Page 1, line 21, after the second semicolon insert "222.50, Subdivision 3,"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 34 and nays 25, as follows:

Those who voted in the affirmative were:

Berglin	Frank	Luther	Purfeerst	Stokowski
Dahl	Humphrey	Menning	Rued	Stumpf
Davies	Johnson	Merriam	Setzepfandt	Ulland
Davis	Knoll	Moe, D. M.	Sikorski	Vega
Dicklich	Kroening	Moe, R. D.	Solon	Wegener
Dieterich	Lantry	Pehler	Spear	Willet
Engler	Lessard	Petty	Stern	

Those who voted in the negative were:

Ashbach	Bernhagen	Kamrath	Penny	Renneke
Bang	Bertram	Knutson	Peterson, D.L.	Sieloff
Belanger	Brataas	Kronebusch	Peterson, R.W.	Taylor
Benson	Frederick	Lindgren	Pillsbury	Tennessen
Berg	Frederickson	Olhoft	Ramstad	Waldorf

The motion prevailed. So the amendment was adopted.

Mr. Engler then moved to amend H.F. No. 1817, as amended pursuant to Rule 49, adopted by the Senate March 5, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 1700.)

Page 10, line 19, after "mix" insert " , concrete ready mix, "

The motion prevailed. So the amendment was adopted.

H.F. No. 1456, which the committee recommends to pass with the following amendment offered by Mr. Sieloff:

Page 3, line 9, delete "Section 2" and insert "This act"

The motion prevailed. So the amendment was adopted.

S.F. No. 1859, which the committee recommends to pass with the following amendment offered by Mr. Willet:

Page 9, line 11, delete the semicolon and insert a period

Page 9, delete lines 12 to 14

Page 14, line 32, delete "\$1" and insert "\$50"

Page 14, delete lines 33 to 36

Page 15, delete line 1

Page 15, line 2, delete "4" and insert "3"

Page 31, line 18, delete "1982" and insert "1983"

Amend the title as follows:

Page 1, line 2, delete "research" and insert "resource"

The motion prevailed. So the amendment was adopted.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Tennesen moved that H.F. No. 1867 be withdrawn from the Committee on Commerce and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 1855. The motion prevailed.

Mr. Johnson moved that H.F. No. 612 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 1685. The motion prevailed.

Mr. Moe, R.D. moved that H.F. No. 1872 be taken from the table. The motion prevailed.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 1872 and that the rules of the Senate be so far suspended as to give H.F. No. 1872 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 1872: A bill for an act relating to the financing of government in this state; extending the effective date of residential energy credits; providing the interest rate maximum on certain public indebtedness; exempting certain towns from general levy limits; providing an action to enjoin certain tax return preparers from engaging in certain conduct or from preparing returns; making technical corrections and administrative changes to the income tax and property tax refund; clarifying the taxation of gravel and the distribution of revenue; validating certain tax collections by Clay County; providing for allocation of income for nonresident athletes and entertainers; providing for apportionment of income for athletic teams; permitting leases and installment purchases of equipment by local governments and providing for their tax and fiscal treatment; requiring notification to school districts of certain property tax assessment challenge proceedings; authorizing school districts to participate at certain hearings; providing for the collection of taxes; altering the date on which warrants are issued to the sheriff for collection of certain delinquent mobile home property taxes; clarifying the taxation of meals and food products for sales tax purposes; imposing a tax on on-sales of liquor and fermented malt beverages; providing for the financing of certain chemical dependency programs; providing for the lease of hydropower sites by the state or local governmental units; eliminating tax recapture or payment acceleration of deferred special assessments upon certain sales of qualifying agricultural property; providing for reassessment of homestead property damaged by a disaster; allowing the town of Rice Lake to levy in excess of its levy limitation for taxes payable in 1982; providing for withholding of income tax refunds from child support debtors; providing for taxation of certain motor vehicles and combinations in the ninth and succeeding years of vehicle life; permitting the towns of Erin, Forest, Webster, and Wheatland in Rice County to impose a special levy for fire protection purposes; adopting certain federal definitions for purposes of the credit for research and experimental expenditures; providing for homestead treatment of certain condominium leased land; clarifying the homestead classification in certain cases of joint tenancy; clarifying use of additional sales ratio study information; allowing disclosure of private data to permit vendor processing of income and sales tax returns; redefining rent constituting property taxes; providing for the rate and disposition of certain taconite credits; providing for school bonds and related taxation in certain school districts; providing that landowners in unorganized townships receive a property tax credit for certain high voltage transmission lines; providing for the imposition of sales tax on certain retail sales of manufactured homes; allowing a levy limit increase for Clearwater County; granting the city of Bloomington port authority certain redevelopment financing powers; requiring county auditors to combine certain legal descriptions for property tax purposes; providing for sales of unstamped cigarettes to members of Indian tribes; imposing a fee on completion of tax forfeited land sales; revising the metropolitan agricultural preserves act; adopting certain federal income tax amendments; adopting federal income tax treatment of unemployment compensation; increasing the rate of interest allowed on certain contracts for deed qualifying for an income tax exclusion; altering the adoption of accelerated cost recovery system; exempting plant material from the sales tax; providing a freeze on property taxes paid on the first \$50,000 of market value of homesteads owned by elderly persons; imposing penalties; appropriating money; amending Minnesota Statutes 1980, Sections 105.482, Subdivision 1, and by adding subdivisions; 168.012, by adding a subdivision; 270.06; 270.07, Subdivision 1; 270.10, Subdivision 1; 270.70, Subdivisions 1, 2, 3, and 5, and by adding subdivisions; 272.02, Subdivision 1; 273.111, Subdivisions 9, 11, and by adding a subdivision; 273.121; 273.13, Subdivision 7c; 273.42, as amended; 273.425; 274.19, Subdivision

3; 278.01; 278.05, Subdivisions 2 and 4; 282.014; 282.09, Subdivision 1; 290.01, by adding a subdivision; 290.012, Subdivision 2; 290.02; 290.03; 290.032, Subdivision 5; 290.06, Subdivisions 9 and 9a; 290.079, Subdivision 1; 290.09, Subdivisions 16 and 17; 290.095, Subdivision 4; 290.13, Subdivision 1; 290.133, Subdivision 1; 290.16, Subdivision 15, as amended, and 16, as amended; 290.19, Subdivision 1; 290.281, Subdivision 1; 290.31, Subdivisions 5 and 19; 290.36; 290.45, Subdivisions 1 and 2; 290.48, Subdivisions 3, 4, 6, and 8; 290.49, Subdivisions 3, 7, and by adding a subdivision; 290.50, by adding a subdivision; 290.53, Subdivisions 2 and 5, and by adding a subdivision; 290.54; 290.65, Subdivisions 9 and 11; 290.91; 290.92, Subdivisions 4a, 13, and 23; 290.93, Subdivision 9; 290.936; 290A.03, by adding a subdivision; 290A.11, by adding a subdivision; 296.01, Subdivision 8; 296.14, Subdivision 1; 296.17, Subdivision 11; 297A.33, Subdivision 2; 297A.39, Subdivisions 2 and 5; 297A.43; 297B.03; 465.71; 473H.02, Subdivision 2, and by adding a subdivision; 473H.04, Subdivisions 1 and 2; 473H.05, Subdivision 1, and by adding a subdivision; 473H.06, Subdivisions 1, 2, and 5; 473H.08, Subdivision 4; 473H.14; 473H.15, by adding a subdivision; 473H.16, Subdivision 3; 475.55, Subdivision 1, and by adding a subdivision; 508.25; 559.21, by adding a subdivision; 580.15; Minnesota Statutes 1981 Supplement, Sections 168.013, Subdivision 1e; 270.063; 270.66; 270.75, Subdivisions 4, as amended, and 5, as amended, and by adding a subdivision; 272.46; 273.11, Subdivision 1; 275.50, Subdivision 2; 290.01, Subdivisions 20, as amended, and 27; 290.05, Subdivisions 1 and 4; 290.06, Subdivision 14; 290.075; 290.081; 290.09, Subdivisions 4, 7, as amended, 15, and 29; 290.091, as amended; 290.095, Subdivision 11; 290.10; 290.131, Subdivision 1; 290.132, Subdivision 1; 290.136, Subdivision 1; 290.14; 290.17, Subdivision 2; 290.18, Subdivisions 1 and 2; 290.21, Subdivision 3; 290.23, Subdivision 3; 290.31, Subdivisions 3 and 4; 290.32; 290.37, Subdivision 1; 290.41, Subdivision 2; 290.42; 290.431; 290.61; 290.92, Subdivisions 2a, 5, 5a, 6 and 15; 290.93, Subdivisions 1 and 10; 290.934, Subdivision 4; 290.9725; 290.974; 290A.03, Subdivisions 3, 8, 11, and 13; 290A.07, Subdivision 2a; 290A.11, Subdivision 1; 296.12, Subdivision 4; 297A.01, Subdivision 3; 297A.25, Subdivision 1, as amended; 298.225; 298.24, Subdivision 3; 298.75; Laws 1980, Chapter 453, by adding a section; Laws 1981, Third Special Session Chapter 2, Article III, Section 6; proposing new law coded in Minnesota Statutes, Chapters 270, 273, 290, 295, 297, 297A, 340 and 473H; repealing Minnesota Statutes 1980, Sections 62E.03, Subdivision 2; 290.06, Subdivision 3c; 290.0781; 290.079, Subdivisions 2, 3, 4, and 5; 290.08, Subdivision 21; 290.09, Subdivision 24; 290.13, Subdivisions 2, 4, and 10; 290.136, Subdivision 8; 290.26, Subdivision 5; 290.281, Subdivisions 3, 4, and 6; 290.31, Subdivisions 7, 8, 12, 13, 14, 15, 16, 17, 18, 20, 22, 23, 24, 25, and 26; 290.48, Subdivisions 1 and 9; 290.51; 290.65, Subdivisions 2, 3, 4, 5, 6, and 7; 290.97; 290.973; 297A.33, Subdivision 6; 297A.36; 297A.39, Subdivision 6; 297A.40, Subdivision 2; Minnesota Statutes 1981 Supplement, Sections 290.079, Subdivision 6; 290.09, Subdivision 17a; 290.131, Subdivisions 2 and 3; 290.132, Subdivision 2; 290.133, Subdivision 2; 290.21, Subdivision 7; 290.26, Subdivisions 1 and 3; 290.281, Subdivision 2; 290.31, Subdivisions 6, 8a, 9, 10, 11, and 21; 290.48, Subdivision 2; 290.971, Subdivision 7; and 298.76.

H.F. No. 1872 was read the second time.

Mr. Johnson moved to amend H.F. No. 1872 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No.

1872, and insert the language after the enacting clause, and the title, of S.F. No. 2082, the First Engrossment.

The motion prevailed. So the amendment was adopted.

Mr. Johnson then moved to amend H.F. No. 1872, as amended by the Senate March 6, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 2082.)

Page 35, after line 25, insert:

"Sec. 3. The commissioner of revenue shall promulgate temporary and permanent rules pursuant to the provisions of chapter 15 to be used to determine whether the taxpayer or its affiliate is part of a unitary business subject to taxation pursuant to Laws 1981, Third Special Session Chapter 2, Article III, Sections 13 to 15. The rules shall include minimum percentages of intercompany transfers of property in the ordinary course of business and services required for a taxpayer or its affiliate to be found to be part of a unitary business."

Page 36, line 16, after the period, insert *"Sections 3 and 4 are effective the day following final enactment."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert *"requiring the commissioner of revenue to promulgate rules;"*

The motion prevailed. So the amendment was adopted.

Mr. Langseth moved to amend H.F. No. 1872, as amended by the Senate March 6, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 2082.)

Page 116, line 17, delete *"farm machinery"* and insert *"tangible personal property"*

The motion prevailed. So the amendment was adopted.

Mr. Peterson, C.C. moved to amend H.F. No. 1872, as amended by the Senate March 6, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 2082.)

Page 4, line 18, delete *"311, 312, 313, 314"* and insert *"311(g)(3), 313, 314(a)(1)."*

Page 8, line 5, delete *"and"*

Page 8, line 7, after *"1954"* insert *"; and"*

Page 8, after line 7, insert:

"(24) The amount of contributions to an individual retirement account, simplified employee pension plan, or self-employed retirement plan which is allowed under sections 311 and 312 of Public Law Number 97-34 to the extent those contributions were not an allowable deduction prior to the enactment of that law"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 28, as follows:

Those who voted in the affirmative were:

Berglin	Hanson	Lessard	Peterson, R. W.	Stokowski
Chmielewski	Hughes	Menning	Petty	Vega
Dahl	Johnson	Merriam	Purfeerst	Waldorf
Davies	Knoll	Moe, D. M.	Schmitz	Willet
Dicklich	Kroening	Nelson	Solon	
Dieterich	Langseth	Olhoft	Spear	
Frank	Lantry	Peterson, C. C.	Stern	

Those who voted in the negative were:

Asbath	Bertram	Kamrath	Peterson, D. L.	Sikorski
Bang	Brataas	Knutson	Pillsbury	Taylor
Belanger	Davis	Lindgren	Ramstad	Tennesen
Benson	Engler	Luther	Rued	Ulland
Berg	Frederick	Pehler	Setzepfandt	
Bernhagen	Humphrey	Penny	Sieloff	

The motion prevailed. So the amendment was adopted.

Mr. Frederick moved to amend H.F. No. 1872, as amended by the Senate March 6, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 2082.)

Page 116, line 20, after "transported" insert " , unless that state has no use tax, in which case the sale shall be taxed at the rate generally imposed by this state "

The motion prevailed. So the amendment was adopted.

Mrs. Kronebusch moved to amend H.F. No. 1872, as amended by the Senate March 6, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 2082.)

Page 155, after line 31, insert:

"ARTICLE XXX: WINONA, GOODVIEW LODGING TAX

Section 1. [WINONA, CITY OF; LODGING TAX.]

Subdivision 1. Notwithstanding Minnesota Statutes, Section 477A.01, Subdivision 18, or other law or ordinance, the city of Winona may by ordinance impose a tax of up to three percent on the gross receipts from the furnishing for consideration of lodging at a hotel, motel, rooming house, tourist court, or other use of space by a transient, other than the renting or leasing thereof for a continuous period of 30 days or more. Upon the petition of a number of voters resident in the city equal to ten percent of the number of votes cast for the office of governor at the last gubernatorial election, the question of whether a tax imposed pursuant to this section shall be reduced or removed shall be submitted to the people at a special election or the next general or primary election, as specified in the petition. The tax shall be reduced or removed in accordance with the result of the election. The question voted on shall be substantially in the following form:

"Shall the city lodging tax be reduced to percent (removed)?"

Yes
No"

Subd. 2. This section is effective the day after compliance by the governing body of the city of Winona with the provisions of Minnesota Statutes, Section 645.021, Subdivision 3.

Sec. 2. [GOODVIEW, CITY OF; LODGING TAX.]

Subdivision 1. Notwithstanding Minnesota Statutes, Section 477A.01, Subdivision 18, or other law or ordinance, the city of Goodview may by ordinance impose a tax of up to three percent on the gross receipts from the furnishing for consideration of lodging at a hotel, motel, rooming house, tourist court, or other use of space by a transient, other than the renting or leasing thereof for a continuous period of 30 days or more. Upon the petition of a number of voters resident in the city equal to ten percent of the number of votes cast for the office of governor at the last gubernatorial election, the question of whether a tax imposed pursuant to this section shall be reduced or removed shall be submitted to the people at a special election or the next general or primary election, as specified in the petition. The tax shall be reduced or removed in accordance with the result of the election. The question voted on shall be substantially in the following form:

"Shall the city lodging tax be reduced to percent (removed)?

Yes
No"

Subd. 2. This section is effective the day after compliance by the governing body of the city of Goodview with the provisions of Minnesota Statutes, Section 645.021, Subdivision 3."

Amend the title as follows:

Page 2, line 6, after the semicolon insert "permitting the cities of Winona and Goodview to impose a tax on the gross receipts from furnishing certain lodging;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 28, as follows:

Those who voted in the affirmative were:

Ashbach	Brataas	Knutson	Peterson, D.L.	Sieloff
Bang	Chmielewski	Kronebusch	Pillsbury	Solon
Benson	Engler	Lessard	Purfeerst	Ulland
Berg	Frederick	Lindgren	Ramstad	Waldorf
Bernhagen	Kamrath	Penny	Rued	

Those who voted in the negative were:

Berglin	Dieterich	Kroening	Peterson, R.W.	Stokowski
Bertram	Frank	Lantry	Petty	Stumpf
Dahl	Hanson	Luther	Schmitz	Tennessen
Davies	Hughes	Menning	Sikorski	Willet
Davis	Humphrey	Moe, D. M.	Spear	
Dicklich	Johnson	Olhoft	Stern	

The motion did not prevail. So the amendment was not adopted.

Mr. Luther moved to amend H.F. No. 1872, as amended by the Senate.

March 6, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 2082.)

Page 155, after line 31 insert:

“ARTICLE XXX

Section 1. Minnesota Statutes 1981 Supplement, Section 290.09, Subdivision 2, is amended to read:

Subd. 2. [TRADE OR BUSINESS EXPENSES; EXPENSES FOR PRODUCTION OF INCOME.] (a) In General. There shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including

(1) A reasonable allowance for salaries or other compensation for personal services actually rendered;

(2) Traveling expenses (including amounts expended for meals and lodging other than amounts which are lavish or extravagant under the circumstances) while away from home in the pursuit of a trade or business; and

(3) Rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity. For purposes of the preceding sentence, the place of residence of a member of congress within the state shall be considered his home, but amounts expended by such members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of \$3,000.

(b) Expenses for Production of Income. In the case of an individual, there shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year.

(1) For the production or collection of income;

(2) For the management, conservation, or maintenance of property held for the production of income; or

(3) In connection with the determination, collection, or refund of any tax.

(c) Campaign expenditures in an amount not to exceed ~~the limits set out in section 210A.22~~ *one-third of the salary of the office sought, for the year the election is held, by the candidate, but no less than \$100*, not subsequently reimbursed, which have been personally paid by a candidate for public office ~~if the candidate has complied with the expenditure limitations set out in section 210A.22, even though the candidate's expenditures are limited under other state or federal laws;~~

(d) No deduction shall be allowed under this subdivision for any contribution or gift which would be allowable as a deduction under section 290.21 were it not for the percentage limitations set forth in such section;

(e) All expense money paid by the legislature to legislators;

(f) The provisions of section 280A (disallowing certain expenses in connection with the business use of the home and rental of vacation homes) of the Internal Revenue Code of 1954, as amended through December 31, 1979, shall be applicable in determining the availability of any deduction under this sub-

division.

(g) Entertainment, amusement, or recreation expenses shall be allowed under this subdivision only to the extent that they qualify as a deduction under section 274 of the Internal Revenue Code of 1954, as amended through December 31, 1979.

Sec. 2. [REPEALER.]

Minnesota Statutes 1980, Section 210A.22, is repealed."

Amend the title as follows:

Page 2, line 26, after "1," insert "2,"

Page 2, line 38, delete "Section" and insert "Sections 210A.22;"

The motion prevailed. So the amendment was adopted.

Mr. Kamrath moved to amend H.F. No. 1872, as amended by the Senate March 6, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 2082.)

Page 155, after line 31, insert:

"ARTICLE XXXI: MADISON BUSINESS DEVELOPMENT LOANS

Section 1. [MADISON; PROMOTIONAL ACTIVITY.]

Subdivision 1. The city of Madison may, by ordinance, loan not to exceed 75 percent of its public electric utilities fund, and charge interest for the loan, to the Madison Business Development Corporation of Madison, Minnesota, a civic development corporation, for the purpose of promotion of economic development in the city when private financing is unavailable through normal banking channels or as a stimulant to encourage private development. All land, buildings, structures or equipment which are acquired through the use of money loaned from the fund may be sold or leased by the Madison Business Development Corporation only to a person, firm, association or corporation, public or private, operating a commercial business or industry within the city of Madison. The sale or lease may be secured by a mortgage or other interest in the property to be paid within not more than 15 years.

Sec. 2. [REFERENDUM.]

Prior to making a loan authorized by subdivision 1, the city council of Madison shall adopt a resolution stating their intention to make the loan, the amount and purpose of the loan, and shall publish the resolution once each week for two consecutive weeks in the medium of official and legal publication of the city. The loan may be authorized by ordinance of the Madison city council without a referendum 21 days after the second publication of the resolution unless within that time a petition requesting a referendum signed by at least ten percent of the registered voters of the city who voted in the last general election is filed with the city clerk. If a petition is filed, the loan may not be made unless approved by a majority of the voters of the city at a regular or special election. Any provision of the Madison city charter which otherwise provides for a referendum is superseded by this section.

Sec. 3. [REPEALER.]

Laws 1967, Chapter 239, is repealed.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3, by the city council of Madison."

Amend the title as follows:

Page 2, line 6, after the semicolon, insert "authorizing the city of Madison to make certain loans from its public utilities fund to promote economic development in the city;"

Page 2, line 40, before the period, insert "; and Laws 1967, Chapter 239"

The motion prevailed. So the amendment was adopted.

Mr. Solon moved to amend H.F. No. 1872, as amended by the Senate March 6, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 2082.)

Page 155, after line 31, insert:

"ARTICLE XXXII

Section 1. [DULUTH; BONDS; PURCHASE OF EQUIPMENT.]

The Duluth city council may by ordinance provide for the annual issuance of general obligation bonds in a principal amount not to exceed \$2,000,000 annually for three years to provide funds to purchase capital equipment for the city. For purposes of this law, "capital equipment" means any equipment having an estimated useful life of at least five years. The issuance of the bonds shall be subject to Minnesota Statutes, Chapter 475, except that no election shall be required except as provided in section 2, or as required by the Duluth City Charter, Section 52.

Sec. 2. [REVERSE REFERENDUM.]

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

Sec. 3. [LOCAL APPROVAL.]

Sections 1 and 2 are effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3, by the governing body of the city of Duluth but no bonds shall be issued pursuant to this act after April 1, 1985."

Amend the title as follows:

Page 2, line 6, after "County" insert "authorizing the sale of bonds to finance the purchase of certain equipment without an election for the city of Duluth; providing for a reverse referendum;"

The motion prevailed. So the amendment was adopted.

Mr. Lessard moved to amend H.F. No. 1872, as amended by the Senate March 6, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 2082.)

Page 155, after line 31, insert:

"ARTICLE 30

Section 1. [297A.253] [PAPER PLANT MATERIAL: EXEMPTIONS.]

Notwithstanding the provisions of this chapter, there shall be exempt from the tax imposed therein, all materials and supplies or equipment consumed in constructing or incorporated into the construction of a new paper plant or the expansion of an existing plant the construction of which is commenced after June 30, 1982, which are purchased and used or consumed in connection with such construction, provided that in the case of the expansion of an existing plant, such construction results in an increase in productive capacity of at least 25 percent.

Sec. 2.

This act expires June 30, 1986."

Amend the title as follows:

Page 2, line 6, after "County" insert "exempting paper plant material from the sales tax; proposing new law coded in Minnesota Statutes, Chapter 297A;"

The motion did not prevail. So the amendment was not adopted.

Mr. Taylor moved to amend H.F. No. 1872, as amended by the Senate March 6, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 2082.)

Page 140, line 21, after "Minneapolis" insert ", Mankato"

Page 148, lines 16 and 19, after "Minneapolis" insert ", Mankato"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 49 and nays 10, as follows:

Those who voted in the affirmative were:

Ashbach	Dahl	Knutson	Pehler	Sikorski
Bang	Davis	Kroening	Penny	Solon
Belanger	Dicklich	Kronebusch	Petty	Spear
Benson	Engler	Langseth	Pillsbury	Stern
Berg	Frank	Lantry	Purfeerst	Stokowski
Berglin	Frederick	Lessard	Ramstad	Stumpf
Bernhagen	Hughes	Menning	Rued	Taylor
Bertram	Johnson	Moe, D. M.	Schmitz	Uiland
Brataas	Kamrath	Moe, R. D.	Setzepfandt	Vega
Chmielewski	Knoll	Nelson	Sieloff	

Those who voted in the negative were:

Davies	Luther	Peterson, C. C.	Peterson, R. W.	Waldorf
Dieterich	Olhoft	Peterson, D. L.	Tennessen	Willet

The motion prevailed. So the amendment was adopted.

H.F. No. 1872 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 56 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berg	Frank	Kamrath	Olhoft	Pillsbury
Davies				

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Solon moved that S.F. No. 2123, No. 87 on General Orders, be stricken and returned to the Committee on Taxes and Taxes Laws. The motion prevailed.

Mr. Knutson moved that S.F. No. 1609, No. 28 on General Orders, be stricken and returned to the Committee on Transportation. The motion prevailed.

Ms. Berglin moved that S.F. No. 1993, No. 42 on General Orders, be stricken and returned to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Moe, R.D. moved that S.F. No. 2082 be stricken from General Orders and laid on the table. The motion prevailed.

Ms. Berglin moved that S.F. No. 1931, No. 61 on General Orders, be stricken and returned to the Committee on Taxes and Tax Laws. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

Mr. Willet, for the Committee on Finance, introduced—

S.F. No. 2216: A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public

improvements of a capital nature with certain conditions; authorizing inter-fund borrowing in anticipation of bond proceeds; providing for bond sale expenses; authorizing covenants to secure certificates of indebtedness; fixing the boundaries of state parks and routes of state trails; postponing the deadline for fencing certain open pit mines; appropriating money; amending Minnesota Statutes 1980, Sections 16A.63, Subdivision 2, as amended; 16A.64, Subdivision 4; 85.015, Subdivisions 8 and 13; 86.72, Subdivision 1; 121.21, Subdivision 4a; and 180.03, Subdivision 2; Minnesota Statutes 1981 Supplement, Section 16A.671, Subdivision 8; proposing new law coded in Minnesota Statutes, Chapter 85.

Under the rules of the Senate, laid over one day.

MEMBERS EXCUSED

Mr. Renneke was excused from the Session of today at 1:30 p.m.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, March 8, 1982. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate