

TWENTY-NINTH DAY

St. Paul, Minnesota, Wednesday, March 30, 1983

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. M. E. Sandness.

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

Adkins	Dicklich	Knutson	Nelson	Renneke
Anderson	Diessner	Kroening	Novak	Samuelson
Belanger	Dieterich	Kronebusch	Olson	Schmitz
Benson	Frank	Laidig	Pehler	Sieloff
Berg	Frederick	Langseth	Peterson, C.C.	Solon
Berglin	Frederickson	Lantry	Peterson, D.C.	Spear
Bernhagen	Freeman	Lessard	Peterson, D.L.	Storm
Bertram	Hughes	Luther	Peterson, R.W.	Stumpf
Brataas	Isackson	McQuaid	Petty	Taylor
Chmielewski	Johnson, D.E.	Mehrkens	Pogemiller	Ulland
Dahl	Johnson, D.J.	Merriam	Purfeerst	Vega
Davis	Kamrath	Moe, D.M.	Ramstad	Waldorf
DeCramer	Knaak	Moe, R.D.	Reichgott	Wegscheid

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Jude and Willet were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 23, 1983

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

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983

Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1983	Date Filed 1983
24		10	March 23	March 23
113		11	March 23	March 23
121		12	March 23	March 23
195		13	March 23	March 23

Sincerely,

Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 224.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 1983

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 10: A Senate concurrent resolution relating to adjournment for more than three days.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 1983

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution, herewith transmitted:

House Concurrent Resolution No. 2: A House concurrent resolution designating the "Red Ribbon" to commemorate Minnesota citizens who are still missing in action in Vietnam.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 28, 1983

Referred to the Committee on Rules and Administration.

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. 267: A bill for an act relating to taxation; increasing the amount

of reduced valuations required to be maintained as public record; allowing the commissioner discretion in apportioning levies; increasing the amount of reduction in valuation requiring an opportunity for hearing; allowing county auditors to combine legal descriptions over section lines; classifying farm rental value data; excluding certain corporations from receiving agricultural property tax valuation; providing for continuation of open space treatment; providing for the assessment of certain class 3 property based upon its use; requiring publication of certain requirements for obtaining a homestead after the assessment date; removing special taxing districts from levy limits; allowing counties to charge for NSF checks; providing for rounding of tax amounts on tax statements; directing the use of the previous years mill rate when distributing delinquent tax proceeds; changing the date for filing list of delinquent personal property taxes; extending application of the alternate sale procedure; increasing the fee for lost deeds; changing the process for distributing mortgage registration tax proceeds; raising the fee for trip permits; requiring filing of an amended estate tax return in certain situations; clarifying the date interest accrues on estate tax amounts due; providing for department action following the filing of an amended return; requiring state's share of federal credit to not be less than state's share of the estate; providing a definition of surviving spouse for estate tax purposes; requiring filing of final account to commissioner of revenue; changing the requirement for filing a declaration of estimated gross earnings tax; imposing a penalty for failure to pay estimated gross earnings tax; extending the time allowed to claim gasoline or special fuel tax refunds; changing the requirements relating to distribution of free samples of cigarettes; imposing a penalty for failure to pay the tax on wines and spirituous liquors; conforming penalties for nonpayment of tax on beer to penalties imposed on other taxes; delaying implementation of the assessment penalty; requiring payment of current taxes before a plat is recorded; amending Minnesota Statutes 1982, sections 270.10, subdivisions 1 and 3; 270.12, subdivision 3; 270.19; 272.46, subdivision 2; 273.11, subdivision 7; 273.111, subdivision 3; 273.112, subdivision 7, and by adding a subdivision; 273.13, subdivisions 4, and 16; 275.50, subdivision 2; 276.02; 276.04; 276.10; 277.02; 282.01, subdivision 7a; 282.33, subdivision 1; 287.08; 291.005, subdivision 1; 291.03, subdivision 1; 291.07, subdivision 1; 291.09, subdivision 3a; 291.131, subdivision 6; 291.132, subdivision 1; 291.215, subdivision 3; 295.365; 295.366, subdivision 1; 296.17, subdivisions 3 and 17; 297.03, subdivision 10; 340.485, subdivision 1, and by adding subdivisions; 340.492; 477A.04; 505.04; repealing Minnesota Statutes 1982, sections 272.022; 272.023; 272.024; 273.13, subdivision 18; 273.23; 273.24; 273.28; 273.29; 273.30; 273.31; 273.34; 273.44; 273.45; 273.52; 288.01; 288.02; 288.03; 288.04; 288.05; 291.07, subdivision 3; and 473F.04.

Senate File No. 267 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 1983

Mr. Pogemiller moved that the Senate do not concur in the amendments by the House to S. F. No. 267, 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 House Files, herewith transmitted: H.F. Nos. 90, 140, 157, 290, 365, 656, 684 and 758.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 28, 1983

FIRST READING OF HOUSE BILLS

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

H.F. No. 90: A bill for an act relating to highway traffic regulations; prescribing penalties for failure to place children under the age of four years in child passenger restraint systems when being transported on streets and highways; amending Minnesota Statutes 1982, section 169.685, subdivision 5.

Referred to the Committee on Transportation.

H.F. No. 140: A bill for an act relating to public utilities; requiring public utilities to consider customer schedule needs when reading nonaccessible meters; proposing new law coded in Minnesota Statutes, chapter 216B.

Referred to the Committee on Public Utilities and State Regulated Industries.

H.F. No. 157: A bill for an act relating to education; authorizing allowable service years to be used for the teacher early retirement incentive program; amending Minnesota Statutes 1982, section 125.611, subdivision 1.

Referred to the Committee on Governmental Operations.

H.F. No. 290: A bill for an act relating to health maintenance organizations; authorizing a local governmental unit to operate as a health maintenance organization; requiring the establishment of an advisory body to the organization; amending Minnesota Statutes 1982, sections 62D.02, subdivision 4, and by adding a subdivision; 62D.03, subdivisions 1 and 4; 62D.05, subdivision 1; and 62D.06, subdivision 1.

Referred to the Committee on Health and Human Services.

H.F. No. 365: A bill for an act relating to health care facilities; clarifying the rights and responsibilities of patients and residents; amending Minnesota Statutes 1982, sections 144.651; and 144.652.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 333, now on General Orders.

H.F. No. 656: A bill for an act relating to intoxicating liquor; allowing the city of Marble to permit on-sales of intoxicating liquor on a certain date.

Referred to the Committee on Public Utilities and State Regulated Industries.

H.F. No. 684: A bill for an act relating to administrative procedures; exempting certain rules from the requirement of approval by the revisor of

statutes and related procedures; amending Minnesota Statutes 1982, section 14.38, subdivision 6.

Referred to the Committee on Governmental Operations.

H.F. No. 758: A bill for an act relating to mining; extending the time period within which certain idle open pit mines must be fenced; amending Minnesota Statutes 1982, section 180.03, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 591. The motion prevailed.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 560: A bill for an act relating to elections; recodifying the municipal elections law; amending Minnesota Statutes 1982, sections 205.02; 205.07, subdivision 1; 205.10; 205.13; 205.16; 205.17; 205.20; and 205.84; proposing new law coded in Minnesota Statutes, chapter 205; repealing Minnesota Statutes 1982, sections 205.03; 205.04; 205.11; 205.14; 205.15; 205.19; and 205.21.

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

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 494: A bill for an act relating to elections; changing certain registration procedures; requiring availability of certain public facilities as polling places; changing requirements that voting machines remain locked after elections; amending Minnesota Statutes 1982, sections 201.071, subdivisions 1, 3, and 6; 204B.16, by adding a subdivision; and 206.21, subdivision 3; repealing Minnesota Statutes 1982, section 201.071, subdivision 7.

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

Page 2, line 1, delete *“and”* and insert a comma

Page 2, line 1, after *“month”* insert *“, and year”*

Page 2, line 7, after *“day”* insert a comma

Page 2, line 7, reinstate *“that”*

Page 2, line 8, before *“am”* insert *“I”*

Page 2, line 11, delete *“this election, and”* and insert *“election day,”*

Page 2, line 12, before *“have”* insert *“that I”*

Page 2, line 14, delete *“and”* and insert *“that I”*

Pages 2 and 3, delete section 2 and insert:

“Sec. 2. Minnesota Statutes 1982, section 201.071, subdivision 3, is amended to read:

Subd. 3. [DEFICIENT REGISTRATION.] (a) ~~No~~ A registration card is deficient if it ~~contains~~ does not contain the voter's name, address, day, month, and year of birth, prior registration, if any, and signature. The absence of a zip code number does not cause the registration to be deficient. The election judges shall request an individual to correct a registration card if it is deficient or illegible. ~~No~~ An eligible voter ~~may~~ shall be prevented from voting ~~unless if his registration card is deficient or he is duly and successfully challenged in accordance with sections 201.195 or 204C.12.~~

(b) *Notwithstanding the provisions of paragraph (a), a registration card completed by the voter and on file with the county or municipality prior to the effective date of this act is not deficient if it otherwise complies with the requirements of paragraph (a) except that it does not contain the voter's day, month, and year of birth. With respect to such registrations, the county or municipality may request at any time except at the polling place that the voter supply his day and month of birth. A voter who fails to supply this information after being requested to do so may not be prevented from voting for the reason of registration card deficiency.*”

Page 3, delete section 3

Page 4, line 13, delete “the” and insert “all automatic recounts have been verified by the appropriate election office and the time for filing a contest of election has passed. When a contest of election has been filed, the voting machines shall remain locked until the voting machine count has been verified in accordance with the orders of the appropriate court.”

Page 4, delete lines 14 to 21

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after “1” delete the comma and insert “and”

Page 1, line 7, after “3” delete “, and 6”

Page 1, line 8, delete “; repealing” and insert a period

Page 1, delete lines 9 and 10

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

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 714: A bill for an act relating to insurance; homeowner's; requiring notices of cancelation to be written in easily readable and understandable language; amending Minnesota Statutes 1982, section 65A.29, subdivision 4.

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

Amend the title as follows:

Page 1, line 2, delete "homeowner's;"

Page 1, line 2, after "requiring" insert "all"

Page 1, line 3, delete "cancelation" and insert "cancellation of homeowner's policies"

Page 1, line 3, delete "easily readable and"

Page 1, line 4, delete "understandable" and after "language" insert "that is easy to read and understandable"

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

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 854: A bill for an act relating to commerce; providing for the filing and recording of mortgages and deeds of trust of pipeline companies; amending Minnesota Statutes 1982, section 300.115.

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

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 591: A bill for an act relating to insurance; health and accident; prohibiting provider discrimination in insurance policies covering mental health services; amending Minnesota Statutes 1982, section 62A.152, by adding a subdivision.

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

Page 1, line 18, after the period, insert "*Reimbursement must be made to the person entitled to the benefits or the person performing the services.*"

And when so amended the bill do pass and be re-referred to the Committee on Health and Human Services. Ms. Berglin questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 534: A bill for an act relating to insurance; health and accident; providing coverage for adopted children from the date of placement for adoption; proposing new law coded in Minnesota Statutes, chapter 62A.

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

Page 1, line 9, after "individual" insert "or group"

Page 1, line 10, after "chapter" insert "or chapter 64A"

Page 1, line 15, after "*insured*" insert "*, subscriber, or enrollee*"

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

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 676: A bill for an act relating to commerce; uniform commercial code; extending the time period for the perfection of or priority over certain security interests; amending Minnesota Statutes 1982, sections 336.9-301; 336.9-302; 336.9-306; and 336.9-312.

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

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 287: A bill for an act relating to insurance; accident and health; extending the period of time during which group coverage is in force for terminated employees who elect this coverage; amending Minnesota Statutes 1982, section 62A.17, subdivisions 2 and 5.

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

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 662: A bill for an act relating to economic development; creating the office of tourism; appropriating money; amending Minnesota Statutes 1982, sections 116J.58, subdivisions 2 and 3; 116J.59; 116J.60; 116J.61; and 116J.63.

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

Page 2, line 3, after "*funds*" insert "*directly*"

Page 2, line 5, after "*shall*" insert "*recommend the*" and after "*transfer*" insert "*of*"

Page 2, line 6, delete "*office of tourism*" and insert "*legislature*"

Page 2, line 7, delete "*effective*" and insert "*by*"

Page 2, line 14, delete everything after "*state*"

Page 2, delete line 15

Page 2, line 16, delete "*116J.63*"

Pages 3 to 7, delete sections 4 to 9 and insert:

"Sec. 4. [4.52] [PROMOTIONAL CONTRACTS.]

In order to best carry out his or her duties and responsibilities and to serve the people of the state in the promotion of tourism, the director may engage in programs and projects jointly with a private person, firm, corporation, or

association and may enter into contracts under terms to be mutually agreed upon to carry out the programs and projects, not including acquisition of land or buildings. Contracts may be negotiated and are not subject to the provisions of chapter 16, insofar as the provisions relate to competitive bidding.

Sec. 5. [4.53] [DIRECTOR MAY ENTER INTO PROJECT AGREEMENTS.]

The director may enter into project agreements with organizations or corporations for the purpose of developing tourism in the state. If, in the judgment of the director, a project will make a meaningful contribution to the tourism development of the state, he or she may enter into local or regional agreements.

Sec. 6. [4.54] [IMPREST FUNDS, USE.]

The director of tourism may use the money in the imprest fund of his or her office in order to facilitate and expedite its business particularly in the making of advances of money to officers and employees of the office for the purpose of defraying the expenses of travel, subsistence, and other similar expenses, and in meeting emergencies, and in accordance with requirements prescribed by the commissioner of finance. The imprest fund shall be reimbursed for all money advanced in the manner prescribed by the rules of the commissioner of administration.

Sec. 7. [4.55] [PROMOTIONAL EXPENSES.]

In the promotion of tourism for the state of Minnesota, the director of tourism may expend from money appropriated by the legislature for these purposes in the same manner as private persons, firms, corporations, and associations make expenditures for these purposes. For purpose of allotment, encumbrance, and disbursement all transactions for promotional purposes shall be coded under the commissioner of finance's object of expenditure code for advertising. The encumbrance shall be made on a miscellaneous encumbrance requisition. An expenditure for food, lodging, or travel is not to be governed by travel rules of the commissioner of administration.

Sec. 8. [4.56] [SALE OF PAMPHLETS AND PUBLICATIONS; FEES; ADVERTISING.]

Subdivision 1. [SALE.] The director may sell reports, publications, or related publicity or promotional material of the office that in his or her judgment should not be supplied gratis to those who wish to employ them in the conduct of their business.

Subd. 2. [FEES; DEPOSIT OF FEES.] The director shall recommend a schedule of fees pursuant to section 16A.128 to be charged for these materials and for services rendered by the office in furnishing them. The fees prescribed by the director shall be commensurate with the distribution objective of the office for the material produced or with the cost of furnishing the services. Fees for materials and services shall be deposited in the general fund.

Subd. 3. [ADVERTISING; REVENUE.] Office publications may contain advertising and may receive advertising revenue from profit and nonprofit

organizations, associations, individuals, and corporations, and other state, federal, or local government agencies. Advertising revenues shall be deposited in the general fund. The director shall set advertising rates and fees commensurate with services rendered and distribution objectives.

Sec. 9. [4.57] [ART AND HISTORICAL EXHIBITIONS.]

In order to promote tourism, trade, and cultural enrichment, the director shall arrange for the exhibition of art collections and historical displays from other nations in the state capitol and in other public buildings throughout the state of Minnesota. The director of tourism shall cooperate with the state historical society in implementing this cultural exchange program and may enter into any contracts or joint ventures which are necessary to achieve the objectives of this section."

Page 7, line 33, delete "\$9,195,600" and insert "\$11,797,400"

Page 7, line 34, after the period, insert "Not more than \$100,000 may be expended from this appropriation for the purpose of section 9."

Pages 7 and 8, delete section 11

Page 8, line 13, delete "Sections 1 to 11 are" and insert "This act is"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "tourism;" insert "assigning powers and duties;"

Page 1, line 3, delete everything after the second semicolon

Page 1, delete lines 4 and 5, and insert "proposing new law coded in Minnesota Statutes, chapter 4."

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

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

S.F. No. 611: A bill for an act relating to occupations and professions; establishing licensing, bonding, and insurance requirements for tow truck operators; requiring the commissioner of transportation to adopt rules; providing for the revocation, suspension, and denial of a license; prohibiting local regulation; proposing new law coded in Minnesota Statutes, chapter 221.

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

Delete everything after the enacting clause and insert:

"Section 1. [465.74] [REGULATION OF VEHICLE TOWERS LIMITED.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them:

(a) "Vehicle tower" means a person engaged in the business of towing or

recovering vehicles by means of a crane, hoist, tow bar, tow line, or dolly for the purpose of moving or transporting wrecked, damaged, disabled, replacement, or abandoned vehicles; and

(b) "Municipality" means a statutory or home rule charter city or a town.

Subd. 2. [REQUEST BY OWNER.] No municipality may prohibit the operation within its boundaries of a vehicle tower who is not licensed by that municipality and who is responding to a service request from a person who is the owner or operator or the agent of the owner or operator of the motor vehicle for which vehicle towing service is requested.

Subd. 3. [PRIVATE PROPERTY.] No vehicle tower may remove a motor vehicle by towing, carrying, hauling or pushing from private property at the request of a person who is neither the owner or operator nor the agent of the owner or operator of the vehicle except in compliance with local ordinances."

Delete the title and insert:

"A bill for an act relating to occupations and professions; limiting municipal regulation of tow truck operators; limiting removal of tow trucks from private property; proposing new law coded in Minnesota Statutes, chapter 465."

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

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 644: A bill for an act relating to labor; providing funds for labor education; appropriating money.

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

Page 1, line 17, delete "education" and insert "labor and industry"

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

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

S.F. No. 375: A bill for an act relating to local government; providing authority for cities and counties to establish and maintain district heating systems; proposing new law coded in Minnesota Statutes, chapter 444.

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

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

S.F. No. 689: A bill for an act relating to the town of St. Cloud; permitting its division into urban and rural service districts.

Reports the same back with the recommendation that the bill do pass and

be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

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

S.F. No. 690: A bill for an act relating to the town of St. Cloud; permitting the town property tax to exceed statutory levy limits.

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

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

H.F. No. 413: A bill for an act relating to the city of Edina; allowing the city to make special assessments against certain benefited property.

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

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

S.F. No. 664: A bill for an act relating to the city of St. Cloud; authorizing the creation of a downtown parking district; providing for its finances.

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

Page 3, line 1, delete "*recoreds*" and insert "*records*"

Page 3, line 25, delete "*governig*" and insert "*governing*"

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

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 238: A bill for an act relating to mining; including peat within the provisions of mineland reclamation laws; requiring adoption of certain reclamation rules prior to issuance of metallic mining permits; amending Minnesota Statutes 1982, sections 93.44; 93.46, subdivisions 2 and 6; and 93.481, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 93.

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

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 411: A bill for an act relating to energy; requiring certain conservation investments by regulated utilities; amending Minnesota Statutes 1982, sections 116J.09; 116J.18, subdivision 1a; 216A.07, subdivision 3; 216B.03; 216B.16, subdivision 1; and 216B.241, subdivisions 1, 2, and 3.

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

as follows:

Page 2, line 32, delete “; and” and insert a period

Page 2, line 33, delete “(m)” and insert “*Further, the commissioner may*”

Page 3, line 26, delete “*The*”

Page 3, lines 27 to 29, delete the new language

Page 4, line 3, delete “*practicable*” and insert “*reasonable*”

Page 5, line 2, strike “residential”

Page 5, line 14, before the period, insert “, *providing the device or method conforms with national or state performance and quality standards whenever applicable*”

Page 5, lines 29 and 34, reinstate the stricken language and delete the new language

Page 6, line 5, strike “order” and insert “orders”

Page 6, line 10, reinstate the stricken language and delete the new language

Page 6, lines 15 to 21, delete the new language and insert “*The commission shall nevertheless insure that every public utility with operating revenues in excess of \$5,000,000 operate one or more programs under periodic review by the commission, which make significant investments in and expenditures for energy conservation improvements. The commission shall give special consideration to the needs of renters and low income families and individuals. Provisions of the previous two sentences shall expire on January 1, 1993.*”

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

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

S.F. No. 652: A bill for an act relating to agriculture; requiring the commissioner of agriculture to make certain rules relating to milk for manufacturing purposes; establishing a loan guarantee program; appropriating money; proposing new law coded in Minnesota Statutes, chapter 32.

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

Delete everything after the enacting clause and insert:

“Section 1. [32.415] [MILK FOR MANUFACTURING; QUALITY STANDARDS.]

In order to provide uniform quality standards, producers of milk used for manufacturing purposes shall conform to the standards contained in Subparts D and F of the United States Department of Agriculture Consumer and

Marketing Service Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing, Vol. 37 Federal Register, No. 68, Part II, April 7, 1972, with the following exceptions:

(a) *Inspections of producers shall begin not later than July 1, 1984;*

(b) *Producers shall comply with the standards not later than July 1, 1986, except as otherwise allowed under the standards; and*

(c) *The commissioner shall develop methods by which producers can substantially comply with the standards without violation of religious beliefs. The commissioner may adopt rules, including temporary rules, for the purpose of this clause.*

The commissioner of agriculture shall perform or contract for the performance of the inspections necessary to implement this section or shall certify dairy industry personnel to perform the inspections.

The commissioner of agriculture shall consult with producers, processors and others involved in the dairy industry in order to prepare for the implementation of this section including development of informational and educational materials, meetings and other methods of informing producers about the implementation of standards under this section.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, delete "requiring the commissioner of"

Page 1, line 3, delete "agriculture to make certain" and insert "adopting recommended federal"

Page 1, line 3, after "milk" insert "quality"

Page 1, line 4, delete everything after the semicolon

Page 1, line 5, delete everything before "proposing" and insert "providing for phase in of inspections and compliance;"

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

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

S.F. No. 108: A bill for an act relating to state lands; authorizing the sale and conveyance of a certain tract of tax-forfeited land by Sherburne County.

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

Delete everything after the enacting clause and insert:

"Section 1. [CONVEYANCE OF TAX-FORFEITED LAND IN SHERBURN COUNTY.]

Notwithstanding the provisions of section 282.018, or any other contrary provision of Minnesota Statutes, chapter 282, Sherburne County, with the

approval of the commissioner of natural resources, may sell, at public or private sale, and at the appraised value, a lakeshore lot described as: Lot 40, Block 1, Second Fremont Lake Shores Addition to the City of Zimmerman. The property shall be appraised as provided in Minnesota Statutes, chapter 282, and if sold at public sale, shall be sold and conveyed as provided in that chapter. If sold at private sale, the property shall be sold and conveyed as far as practicable as provided in Minnesota Statutes, chapter 282.

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

S.F. No. 286: A bill for an act relating to game and fish; prohibiting harassment of hunters, trappers, and fishers; providing penalties; proposing new law coded in Minnesota Statutes, chapter 97.

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

Page 1, line 14, after "the" insert "lawful"

Page 1, delete lines 24 and 25

Page 2, delete lines 1 to 3

Page 2, after line 7, insert:

"It is not a violation of this subdivision for any person to carry out any normal agricultural practice on land adjacent to public lands or waters where the taking of wild animals is permitted to the public."

Page 2, line 9, after "officer" insert "or conservation officer"

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

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 821: A bill for an act relating to economic development; creating the Minnesota enterprise agency; creating the Minnesota enterprise fund; transferring certain powers from the department of energy, planning and development; abolishing the small business finance agency; appropriating money; amending Minnesota Statutes 1982, section 116J.90, subdivision 5; proposing new law coded as chapter 266.

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

Delete everything after the enacting clause and insert:

"Section 1. [TRANSFER OF CERTAIN RESPONSIBILITIES FROM THE COMMISSIONER OF ENERGY, PLANNING AND DEVELOPMENT

TO THE MINNESOTA SMALL BUSINESS FINANCE AGENCY AND
THE MINNESOTA ENTERPRISE FUND.]

Subdivision 1. [AUTHORIZATION.] The Minnesota small business finance agency and the Minnesota enterprise fund are the successors to the commissioner of energy, planning and development as regards all responsibilities vested in or imposed on the commissioner that relate to the following:

- (a) community development corporation grants, as provided in 116J.65;*
- (b) the "503" certified state development company, as provided in section 116J.67;*
- (c) the issuance of industrial revenue bonds, as provided in chapter 474;*
- (d) the administration of the area redevelopment act and the federal revolving loan program as provided in chapter 472; and*
- (e) the authority to pass-through appropriations to the Duluth port authority, as provided by chapter 116J.*

The responsibilities of the commissioner of energy, planning and development that relate to clauses (a) to (e) are transferred to, vested in, and imposed on the Minnesota small business finance agency and the Minnesota enterprise fund. The agency and the fund are deemed to be the successors to these responsibilities as they were constituted immediately prior to the effective date of sections 1 to 33.

Subd. 2. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of sections 1 to 33 and undertaken or commenced by the commissioner of energy, planning and development under the authority of any responsibility transferred by this section to the Minnesota small business finance agency may be conducted and completed by the Minnesota small business finance agency in the same manner, under the same terms and conditions, and with the same effect as though no transfer was made.

Subd. 3. [TRANSFER OF CUSTODY OF DOCUMENTS.] An individual responsible under law for administration of a function transferred by this section to the Minnesota small business finance agency shall, upon request by the Minnesota small business finance agency or by a designated employee, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the transferred function and necessary or convenient for the proper discharge of the Minnesota small business finance agency's new duties. The transfer shall be made in accordance with the directions of the Minnesota small business finance agency.

Subd. 4. [RULES.] Rules adopted pursuant to responsibilities that have been transferred in this section remain effective and shall be enforced by the Minnesota small business finance agency. Rulemaking authority that existed to implement the responsibilities that are transferred in this section is hereby transferred to the Minnesota small business finance agency.

Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to the commissioner of energy, planning and development and the executive council for the purpose of performing the responsibilities that

are transferred by this section to the Minnesota small business finance agency are transferred to the Minnesota small business finance agency. If an unexpended appropriation must be allocated between the Minnesota small business finance agency and another individual, office, division, agency, or department to accurately reflect the division of responsibilities between those individuals, divisions, agencies, or departments and the Minnesota small business finance agency after the effective date of sections 1 to 33, the commissioner of administration shall allocate the unexpended appropriation as deemed appropriate.

Subd. 6. [TRANSFER OF POSITIONS.] Prior to the effective date of sections 1 to 33, the commissioner of energy, planning and development shall identify for the Minnesota small business finance agency the positions necessary to carry out the responsibilities transferred. The incumbents of those positions in the classified service which the Minnesota small business finance agency determines are needed to carry out those responsibilities are transferred to the employment of the Minnesota small business finance agency. The positions of all persons in the classified service that the Minnesota small business finance agency determines are not needed to carry out its responsibilities are abolished. The positions of all persons who are employed in the unclassified service by the department of energy, planning and development to perform the responsibilities that are transferred by this section to the Minnesota small business finance agency are abolished. Persons in unclassified and classified positions which have been abolished shall receive preferential treatment for positions with the Minnesota small business finance agency. Nothing in this subdivision shall be construed as abrogating or modifying rights now enjoyed by affected employees under the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

Sec. 2. Minnesota Statutes 1982, section 116J.62, is amended to read:

116J.62 [SMALL BUSINESS FINANCE AGENCY.]

The commissioner may enter into agreements or transactions with the small business finance agency created under section 116J.89 to perform any or all administrative tasks in connection with the exercise and implementation of the powers and programs of the small business finance agency. The physical premises, equipment, and other office materials used by the commissioner of energy, planning and development to administer the responsibilities transferred in section 1 shall be used by the Minnesota small business finance agency to continue the administration of the transferred responsibilities.

Sec. 3. Minnesota Statutes 1982, section 116J.67, is amended by adding a subdivision to read:

Subd. 3a. [BOARD OF DIRECTORS.] The board of directors of the certified development company shall consist of directors who are not members of the board of the Minnesota small business finance agency, as provided in section 17 and as required by the federal regulations governing certified development companies.

Sec. 4. Minnesota Statutes 1982, section 116J.88, subdivision 4, is amended to read:

Subd. 4. [ELIGIBLE SMALL BUSINESS.] "*Eligible small business*" means an enterprise determined by the agency to constitute a small business concern as defined in regulations of the United States small business administration pursuant to ~~45 U. S. Code~~ *United States Code, title 15*, sections 631 to 647, as in effect ~~March 1, 1980, which is engaged in any industrial or commercial activity except:~~

- (a) ~~banking or other financial service;~~
- (b) ~~real estate brokerage, management, sale, ownership, or leasing;~~
- (c) ~~legal, medical, dental, accounting, engineering, or any other professional or consulting service;~~
- (d) ~~furnishing recreational or athletic facilities; and~~
- (e) ~~serving food or beverages to be consumed on or adjacent to the premises where they are sold~~ *amended through December 31, 1982.*

Sec. 5. Minnesota Statutes 1982, section 116J.88, subdivision 5, is amended to read:

Subd. 5. [TARGETED SMALL BUSINESS.] "*Eligible Targeted small business*" for the purpose of section 116J.90, subdivision 5, means a business entity organized for profit, including but not limited to any individual, partnership, corporation, joint venture, association or cooperative, which entity:

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

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

~~"Farm business" means a business entity~~ "*Targeted small business*" ~~includes a farm business engaged in farming, agricultural production or processing, or storage of agricultural products, which otherwise qualifies as a small business.~~

Sec. 6. Minnesota Statutes 1982, section 116J.88, subdivision 6, is amended to read:

Subd. 6. [FINANCIAL INSTITUTION.] "*Financial institution*" means ~~any~~ a bank or other financial corporation described in chapter 47, ~~any~~ an insurance company licensed to do business under chapter 60A, ~~and any~~ a securities broker-dealer licensed under chapter 80A, *and financial organizations relating to commercial credit or venture capital.*

Sec. 7. Minnesota Statutes 1982, section 116J.88, subdivision 7, is amended to read:

Subd. 7. [BUSINESS LOAN.] "*Business loan*" means a loan, other than a pollution control loan, to the owner of ~~a~~ *an eligible* small business for the ~~interim or long term~~ financing of (a) capital expenditures for the acquisition or improvement of land, acquisition, construction, removal, or improve-

ment of buildings, or acquisition and installation of fixtures and equipment useful for the conduct of the business; or (b) *short-term costs of conducting an eligible small business.*

Subd. 7a. [FARM LOAN.] "Farm loan" means a loan to a farm business for the acquisition, installation, improvement, construction or removal of buildings, or acquisition and installation of fixtures or equipment, useful for the conduct of a farm business.

Sec. 8. Minnesota Statutes 1982, section 116J.88, subdivision 8, is amended to read:

Subd. 8. [POLLUTION CONTROL LOAN.] "Pollution control loan" means a loan to the owner of an eligible small business for the acquisition, construction, or improvement of pollution control facilities or operations. Pollution control facilities or operations may include real and personal property likely to help prevent, reduce, abate, or control noise, air, or water pollution or contamination by removing, altering, disposing, or storing pollutants, contaminants, wastes, or heat, and real and personal property to be used for the collection, storage, treatment, utilization, processing, or final disposal of solid or liquid waste.

Sec. 9. Minnesota Statutes 1982, section 116J.88, is amended by adding a subdivision to read:

Subd. 9. [FUND.] "Fund" means the Minnesota enterprise fund.

Sec. 10. Minnesota Statutes 1982, section 116J.88, is amended by adding a subdivision to read:

Subd. 10. [EXECUTIVE DIRECTOR.] "Executive director" means the executive director of the Minnesota small business finance agency.

Sec. 11. Minnesota Statutes 1982, section 116J.89, subdivision 1, is amended to read:

Subdivision 1. [CREATION; PURPOSES.] A small business finance agency is hereby created and is constituted as an authority to act on behalf of the state within the scope of the powers granted to it in sections ~~116J.63~~ 116J.62 and 116J.88 to 116J.91 to implement a loan program financing programs by which, in cooperation with cities, towns, counties, and private or public lenders, adequate funds may be provided on sufficiently favorable terms to assist and encourage the establishment, maintenance, and growth of eligible small business businesses in Minnesota and to reduce to a manageable level the cost of the control of pollution and disposal of waste resulting from the operations of small business businesses.

Because of its ability to pool or combine loans to be funded from one or more issues of bonds, ~~whether or not the interest on the bonds is exempt from federal income taxes,~~ the agency will be able to spread its financing costs among the *eligible small businesses* to which the agency makes loans, thereby reducing costs incurred by each *eligible small business.*

Sec. 12. Minnesota Statutes 1982, section 116J.89, subdivision 2, is amended to read:

Subd. 2. [PUBLIC PURPOSES.] Sections ~~116J.63~~ 116J.62 and 116J.88 to 116J.91 are enacted to promote the welfare and prosperity of the state by

maintaining and increasing the career and job opportunities of its citizens; by reducing, controlling, and preventing environmental pollution and waste of resources; and by protecting and enhancing the tax base on which state and local governments depend for the financing of public services.

Sec. 13. Minnesota Statutes 1982, section 116J.89, subdivision 7, is amended to read:

Subd. 7. [TAXATION OF AGENCY NOTES AND BONDS.] The state covenants with the purchasers and all subsequent holders and transferees of notes and bonds issued by the agency in consideration of the acceptance of and payment for the notes and bonds, that the notes and bonds of the agency issued pursuant to sections 116J.88 to 116J.91 and the income therefrom and all its fees, charges, gifts, grants, revenues, receipts, and other moneys received or to be received, pledges to pay or secure the payment of such notes or bonds shall at all times be free and exempt from all state, city, county or other taxation provided by the laws of the state, except for estate and gift taxes and taxes on transfers, and except for the Minnesota corporate franchise tax measured by income, so long as the interest on ~~federal~~ bonds is included in the income by which such tax is measured.

Sec. 14. Minnesota Statutes 1982, section 116J.89, is amended by adding a subdivision to read:

Subd. 1a. In addition, the Minnesota small business finance agency may use the Minnesota enterprise fund to provide financial assistance to eligible small businesses as follows:

- (a) to provide loan guarantees to eligible small businesses;*
- (b) to invest directly and indirectly in eligible small businesses or to participate with other financial resources;*
- (c) to provide direct loans to eligible small businesses;*
- (d) to participate in other investment programs as appropriate under the terms of sections 1 to 33;*
- (e) to purchase loan packages made to eligible small businesses by financial institutions in the state;*
- (f) to enter into or to pay fees on insurance contracts, letters of credit, municipal bond insurance, surety bonds, or other agreements or contracts with financial institutions;*
- (g) to guarantee bonds and notes of the agency, the proceeds of which are used to make business loans;*
- (h) to create accounts within the fund for the separate purposes listed in this section and in section 1, and including without limitation the payment of the cost of issuing agency bonds and notes;*
- (i) to enter into contract with note and bond holders or other persons interested in the disposition of the fund; and*
- (j) for any legal purpose or program of the agency.*

Sec. 15. Minnesota Statutes 1982, section 116J.89, is amended by adding a subdivision to read:

Subd. 1b. (a) The following eligible small businesses have preference among business applicants:

(1) businesses located in areas of the state that are experiencing the most severe unemployment rates in the state;

(2) eligible small businesses that are likely to expand and provide additional permanent employment;

(3) businesses located in border communities that experience a competitive disadvantage due to location;

(4) businesses that have been unable to obtain traditional financial assistance due to a disadvantageous location, minority ownership, or other factors rather than due to the business having been considered a poor financial risk;

(5) businesses that utilize state resources, thereby reducing state dependence on outside resources, and that produce products or services consistent with the long-term social and economic needs of the state; and

(6) businesses located in designated enterprise zones, as described in section 273.1312, subdivision 4.

(b) Direct equity or loan investments in particular businesses are not prohibited, but the agency shall prefer indirect investment such as loan guarantees or the purchase of loan packages. Except in the issuance of agency bonds or notes, the agency may not invest the fund in a program that does not have financial participation from the private sector, as determined by the agency.

Sec. 16. Minnesota Statutes 1982, section 116J.89, is amended by adding a subdivision to read:

Subd. 1c. [MINNESOTA ENTERPRISE FUND.] There is created the Minnesota enterprise fund to be administered by the Minnesota small business finance agency. The fund consists of the appropriation provided in section 31 to be used to effectuate the agency's corporate purposes as provided in sections 116J.89 to 116J.91 and sections 1 to 33.

Sec. 17. Minnesota Statutes 1982, section 116J.89, subdivision 8, is amended to read:

Subd. 8. [BOARD OF DIRECTORS.] The members and governing body of the agency shall be ~~the commissioner and six other members holding no other elective or appointive office of the state or any local government;~~ a nine-member board of directors, including a chairperson, all of whom shall be appointed by the governor with advice and consent of the senate. ~~The commissioner shall be vice chairman, and the governor shall designate the chairman from among the other members;~~ to serve as chairman at the pleasure of the governor. The board shall elect a secretary from among its members. The board shall be represented by members chosen from the following sectors: business, labor, and higher education. The members shall be selected to represent the various geographical areas of the state. Section 15.0575, governs the terms, compensation, removal, and filling of vacancies in the offices of board members ~~other than the commissioner~~. Section 471.87 does not apply to a board member who acts in the member's official capacity for

the agency.

Sec. 18. Minnesota Statutes 1982, section 116J.89, subdivision 10, is amended to read:

Subd. 10. [EXECUTIVE DIRECTOR; STAFF.] The commissioner shall ~~designate~~ *appoint* an employee *in the unclassified service* as executive director of the agency and may appoint permanent and temporary employees necessary for the administration of the agency. The governing body of the agency may enter into agreements under which the department will provide administrative support for the agency.

Sec. 19. Minnesota Statutes 1982, section 116J.90, subdivision 2, is amended to read:

Subd. 2. The agency may *make or purchase or* participate with financial institutions in making or purchasing business loans not exceeding \$1,000,000 in principal amount; ~~to be serviced by such institutions; provided that:~~

(a) The agency's share shall not exceed 90 percent of the total principal amount; and shall be payable with interest at the same times but not necessarily at the same interest rate as the share of the financial institution; and both shares shall be equally and ratably secured by a valid mortgage on or security interest in real or personal property or by any other security satisfactory to the agency to secure payment of the loan provided; that the agency's share may equal 100 percent of the total principal amount of the business loan if the financial institution participating in the making or purchasing of the business loan by servicing the loan; purchases 100 percent of the total amount of the bonds issued by the agency in connection with the loan;

(b) The total principal amount shall not exceed 90 percent of the value of the property securing the loan; unless the amount in excess of 90 percent is:

(1) Loaned from available funds which are not proceeds received directly from the sale of the agency's bonds or notes and are not restricted under the terms of any resolution or indenture securing bonds or notes; or

(2) Insured or guaranteed by a federal agency or by a private insurer qualified to write such insurance in the state; insuring a percentage of any claim for loss at least equal to that percentage of the value by which the loan exceeds 90 percent thereof;

(c) The value of the property securing the loan shall be certified by the participating financial institution; on the basis of such appraisals; bids; purchase orders; and engineers' certificates as the agency may require; provided that the value of items purchased and constructed from the proceeds of the loan shall not be deemed to exceed the contract price of purchase or construction;

(d) The agency shall not disburse funds under a commitment to participate in a loan for the construction or substantial improvement of property until the construction or improvement has been completed; unless a financial institution furnishes an irrevocable letter of credit or a qualified corporate surety furnishes payment and performance bonds; satisfactory to the agency and in an aggregate amount equal to the amount payable under the construction contract; and

(e) No other indebtedness may be secured by a mortgage on or security in-

interest in property securing a business loan made or purchased pursuant to this subdivision without the prior express written authorization of the agency.

Sec. 20. Minnesota Statutes 1982, section 116J.90, subdivision 4, is amended to read:

Subd. 4. The agency may make pollution control loans which are fully secured by the guarantee or insurance of any agency or instrumentality of the United States or by a private insurer qualified to write the insurance in the state, or by reserves provided by the agency or any combination of the foregoing.

Sec. 21. Minnesota Statutes 1982, section 116J.90, subdivision 5, is amended to read:

Subd. 5. The agency shall make every effort to assure that at least 50 percent of the principal amount of the loans made or purchased by the agency in each fiscal year consists of loans with a principal amount of \$100,000 or less to ~~eligible targeted~~ small businesses as defined in section 116J.88, subdivision 4 5, and shall provide technical assistance needed by ~~eligible targeted small business owners businesses~~ to complete applications and meet other requirements for those loans. The agency shall report to the legislature annually on or before October 1 as to its compliance with the requirements of this subdivision during the preceding fiscal year. *The inability of the agency to comply with this subdivision does not affect the validity of agency bonds and notes heretofore or hereafter issued.*

Sec. 22. Minnesota Statutes 1982, section 116J.91, subdivision 1, is amended to read:

Subdivision 1. In implementing its corporate purposes and the programs described in sections ~~116J.63~~ 116J.62 and 116J.88 to 116J.91, the agency shall have the powers and duties set forth in this section.

Sec. 23. Minnesota Statutes 1982, section 116J.91, subdivision 4, is amended to read:

Subd. 4. It may adopt, amend and repeal rules not inconsistent with the provisions of sections ~~116J.63~~ 116J.62 and 116J.88 to 116J.91 as necessary to effectuate its corporate purposes.

Sec. 24. Minnesota Statutes 1982, section 116J.91, subdivision 10, is amended to read:

Subd. 10. It may consent, whenever it deems it necessary or desirable in the fulfillment of its corporate purpose, to the modification of the rate of interest, time of payment, or any installment of principal or interest, or any other term, of ~~any mortgage loan, mortgage loan commitment, construction loan, temporary loan,~~ a contract or agreement of any kind to which the agency is a party.

Sec. 25. Minnesota Statutes 1982, section 116J.91, subdivision 11, is amended to read:

Subd. 11. It may borrow money to carry out and effectuate its corporate purpose and may issue its negotiable bonds or notes as evidence of any such borrowing in accordance with sections 462A.08 to 462A.13, 462A.16 and 462A.17, all with the force and effect stated and the incidental powers granted and duties imposed in those sections. *The agency may refund bonds*

and notes and may guarantee its bonds and notes with money from the enterprise fund. The aggregate principal amount of the agency's bonds and notes outstanding at any one time, excluding the amount satisfied and discharged by payment or provision for payment in accordance with their terms, and deducting amounts held in debt service reserve funds therefor and amounts used to make loans guaranteed or insured by an agency or instrumentality of the federal government or by private insurer or guarantor authorized to do business in the state of Minnesota and acceptable to the agency, shall not exceed \$30,000,000 unless authorized by another law.

Sec. 26. Minnesota Statutes 1982, section 116J.91, subdivision 12, is amended to read:

Subd. 12. It may issue and sell bonds, notes, and other obligations payable solely from particular moneys, assets, or revenues derived from its programs notwithstanding section 462A.08, subdivision 3. Obligations issued to participate in making or purchasing business loans ~~pursuant to section 116J.90, subdivision 2,~~ shall be payable solely from revenues derived by the agency from repayments of such loans and from enforcement of the security therefor, or from a debt service reserve fund or funds, or from a general reserve fund or from a segregated portion thereof, irrevocably pledged and appropriated to pay principal and interest due, for which other funds are not available. A general reserve fund is hereby created and is eligible to receive direct appropriations from the state treasury *or a transfer from the enterprise fund as the agency may provide by resolution.* The agency may irrevocably pledge and appropriate all or a segregated portion of the general reserve fund to pay principal and interest due on all or one or more series of its obligations for which other funds are not available, pursuant to the terms and conditions that the agency shall determine. Until so pledged and appropriated by the agency the general reserve fund shall not be available to pay principal and interest on the agency's obligations. ~~No obligations shall be issued to participate in making or purchasing business loans pursuant to section 116J.90, subdivision 2, unless the obligations are secured at the time of issuance by a debt service reserve fund; a portion of the general reserve fund segregated to secure one or more series of bonds; or the portion of the general reserve fund not segregated to secure one or more series of bonds; and unless the amount then held or then deposited in the fund or segregated portion is at least equal to ten percent of the aggregate principal amount of all obligations secured by the fund or segregated portion thereof. The agency may at its option provide by resolution that obligations issued to participate in making or purchasing business loans be secured at the time of issuance in whole or in part by a debt service reserve fund or funds, a portion of the general reserve fund segregated to secure one or more series of bonds, or the portion of the general reserve fund not segregated to secure one or more series of bonds. The operation of the debt service reserve fund or funds and other relevant terms or provisions shall be determined by resolution of the agency.~~

Sec. 27. Minnesota Statutes 1982, section 116J.91, subdivision 14, is amended to read:

Subd. 14. It may establish and collect reasonable interest and amortization payments on loans, and in connection therewith may establish and collect or authorize the collection of reasonable fees and charges or require

funds to be placed in escrow, sufficient to provide for the payment and security of its bonds, notes, commitments and other obligations and for the servicing thereof, to provide reasonable allowances for or insurance against losses which may be incurred and to cover the cost of issuance of obligations and technical, consultative, and project assistance services. ~~It shall require the payment of all processing, administrative and guarantee fees and the deposit in escrow of all funds required by the small business administration or other federal agency or instrumentality guaranteeing any loan and shall comply and enforce compliance with all terms and conditions of each guarantee, and the prompt filing of all claims which may arise thereunder.~~

Sec. 28. Minnesota Statutes 1982, section 116J.91, subdivision 16, is amended to read:

Subd. 16. It may provide general consultative and technical services to assist in financing small business facilities for which loans may be made ~~pursuant to section 116J.90~~. It may enter into agreements or other transactions concerning the receipt or provision of those services.

Sec. 29. Minnesota Statutes 1982, section 116J.91, subdivision 19, is amended to read:

Subd. 19. ~~All~~ Proceeds of the agency's bonds, notes, and other obligations; ~~any~~ amounts granted or appropriated to the agency for the making or purchase or the insurance or guaranty of loans or for bond reserves; ~~all~~ income from ~~their~~ investment; ~~money in the enterprise fund~~; and all revenues from loans, fees, and charges of the agency are annually appropriated to the agency for the accomplishment of its corporate purposes and shall be expended, administered, and accounted for in accordance with the applicable provisions of all bond and note resolutions, indentures, and other instruments, contracts, and agreements of the agency. Notwithstanding section 16A.28, these appropriations are available until expended.

Sec. 30. Minnesota Statutes 1982, section 116J.91, is amended by adding a subdivision to read:

Subd. 20. The agency may do all things necessary and proper to fulfill its purpose and the purposes of the enterprise fund as provided in sections 1 to 33.

Sec. 31. [APPROPRIATION.]

There is appropriated from the general fund to the Minnesota enterprise fund the total sum of \$30,000,000 for the biennium ending June 30, 1985, to hire staff, consultants, and other necessities of administration of the agency and for the purposes provided in sections 1 to 33. The appropriation is deemed expended upon deposit in the Minnesota enterprise fund.

Sec. 32. [INSTRUCTION TO REVISOR.]

Subdivision 1. [SUBSTITUTION OF TERMS.] The revisor of statutes is directed to change the words "commissioner," "commissioner of energy, planning and development," "agency," "state agency," or similar terms to "the Minnesota small business finance agency" wherever it appears in sections 116J.65 and 116J.67; and in chapters 472 and 474.

The revisor of statutes is directed to change "development revolving fund"

or similar terms to "Minnesota enterprise fund" wherever it appears in section 472.13.

Sec. 33. [REPEALER.]

Minnesota Statutes 1982, section 116J.88, subdivision 3, is repealed.

Sec. 34. [EFFECTIVE DATE.]

Sections 1 to 33 are effective July 1, 1983."

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete "Minnesota enterprise agency;"

Page 1, delete line 6

Page 1, delete lines 8 and 9 and insert "sections 116J.62; 116J.67, by adding a subdivision; 116J.88, subdivisions 4, 5, 6, 7, 8, and by adding subdivisions; 116J.89, subdivisions 1, 2, 7, 8, 10, and by adding subdivisions; 116J.90, subdivisions 2, 4, and 5; 116J.91, subdivisions 1, 4, 10, 11, 12, 14, 16, 19, and by adding a subdivision; repealing Minnesota Statutes 1982, section 116J.88, subdivision 3."

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

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 609: A bill for an act relating to financial institutions; industrial loan and thrift companies; regulated loans; enlarging the group of institutions which may utilize electronic fund transfer facilities; modifying the capital and reserve limitation on loans by industrial loan and thrift companies; regulating loan splitting; eliminating the receipt requirement for money orders; standardizing certain penalties; excepting loan and thrifts and regulated lenders from the licensing requirements for real estate brokers and salespersons; amending Minnesota Statutes 1982, sections 47.61, subdivision 4; 47.64, subdivision 1; 48.196; 53.03, subdivision 5; 53.05; 56.131, subdivision 3; 56.14; and 82.18; repealing Minnesota Statutes 1982, section 56.19, subdivision 1.

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

Page 3, line 19, strike "shall" and insert "may"

Page 3, line 25, strike "Where" and insert "If"

Page 3, line 26, strike "such" and insert "the"

Page 3, line 28, strike "such" and insert "a"

Page 3, line 30, before "which" insert a comma

Page 3, line 31, strike "such"

Page 3, line 35, strike "shall" and insert "must"

Page 4, line 1, strike "Any such" and insert "A"

Page 4, after line 3, insert:

“Sec. 5. Minnesota Statutes 1982, section 53.04, subdivision 3a, is amended to read:

Subd. 3a. (a) The right to make loans, secured or unsecured, at the rates and on the terms and other conditions permitted licensees under chapter 56. The right to extend credit or lend money and to collect and receive charges therefor as provided by chapter 334, or in lieu thereof to charge, collect, and receive interest at the rate of 21.75 percent per annum. The provisions of sections 47.20 and 47.21 do not apply to loans made under this section, except as specifically provided in this subdivision. Nothing in this subdivision shall be deemed to supersede, repeal, or amend any provision of section 53.05. A licensee making a loan under this chapter secured by a lien on real estate shall comply with the requirements of section 47.20, subdivision 8.

(b) Loans made under this section at a rate of interest not in excess of that provided for in paragraph (a) may be secured by real or personal property, or both. If the proceeds of a loan made after August 1, 1984 are used in whole or in part to satisfy the balance owed on a contract for deed, the rate of interest charged on the loan shall not exceed the rate provided in section 47.20, subdivision 4a. If the proceeds of a loan secured by a first lien on the borrower's primary residence are used to finance the purchase of the borrower's primary residence, the loan must comply with the provisions of section 47.20.

(c) A loan made under this section that is secured by real estate may contain a provision permitting discount points, if the loan does not provide a loan yield in excess of the maximum rate of interest permitted by this subdivision. Loan yield means the annual rate of return obtained by a licensee computed as the annual percentage rate is computed under Federal Regulation Z. If the loan is prepaid in full, the licensee must make a refund to the borrower to the extent that the loan yield will exceed the maximum rate of interest provided by this subdivision when such prepayment is taken into account.

Sec. 6. Minnesota Statutes 1982, section 53.04, subdivision 5, is amended to read:

Subd. 5. The right, with the consent of the department of commerce, to (1) sell and issue for investment certificates of indebtedness, under any descriptive name, which may bear interest, if any, as their terms provide, and which may require the payment to the company of amounts, from time to time as their terms provide, and permit the withdrawal of amounts paid on them, in whole or in part, from time to time, and the credit of amounts thereon upon conditions set forth therein; and (2) *receive savings accounts or savings deposits*. No certificate of indebtedness shall have a surrender value which is less than the total amount paid to the company therefor.”

Page 4, line 10, strike “receive”

Page 4, line 11, strike “savings accounts”

Page 4, line 11, strike “or”

Page 4, line 13, after “indebtedness” insert “, *savings accounts, and savings deposits*”

Page 5, line 4, after "*appropriated*" insert "*reserves*"

Page 5, line 5, delete "*licensed*" and insert "*authorized*"

Page 5, after line 10, insert:

"Sec. 8. Minnesota Statutes 1982, section 53.07, subdivision 2, is amended to read:

Subd. 2. [TEMPORARY RESERVE MINIMUM.] Until an industrial loan and thrift company obtains a commitment for insurance or guarantee of accounts acceptable to the commissioner as required by section 53.10, it shall establish a minimum reserve against the certificates of indebtedness, *savings accounts*, and *savings deposits* described in section 53.04, subdivision 5, of not less than ten percent of the amount of indebtedness thus created. Three percent of this indebtedness shall be in cash in the actual possession of the industrial loan company or on demand deposit in approved banks of this state, and seven percent of the total indebtedness may be in bonds admissible for investment by mutual savings banks under the laws of this state.

Sec. 9. Minnesota Statutes 1982, section 53.10, is amended to read:

53.10 [MANDATORY INSURANCE OR GUARANTEE OF CERTIFICATES HELD FOR INVESTMENT.]

Subdivision 1. [REQUIREMENT.] Not later than July 1, 1983, every industrial loan and thrift company operating under this chapter with consent or holding a certificate of authorization, which includes the right to sell and issue for investment certificates of indebtedness, *savings accounts*, and *savings deposits*, other than those to be pledged as security for a loan made contemporaneously therewith, shall obtain a commitment for insurance or guarantee of the certificates, *accounts*, or *deposits* by or through an insurance company or guarantee fund acceptable to the commissioner of banks. The insurance or guarantee shall provide for the redemption of the investment of certificate, *account*, or *deposit* holders in the event of liquidation, insolvency or bankruptcy of the industrial loan and thrift company. The amount of insurance or guarantee benefit to each certificate, *account*, or *deposit* holder, as an individual or multi-party account, shall at all times be in full force and equal to the lesser of the industrial loan and thrift company's liability under a certificate, *account*, or *deposit* or \$100,000. For purposes of this section, an insurance company or guarantee fund includes an insurance company authorized to do business in this state, an insurance or guarantee fund organized under the laws of the United States, this state or any other state with the expressed purpose or authority to guarantee the accounts of industrial loan and thrift companies or any other person who contracts with industrial loan and thrift companies to guarantee accounts.

Subd. 2. The commissioner of banks shall grant additional time or times to obtain the commitment for insurance or guarantee upon satisfactory evidence that the industrial loan and thrift company has made or is making a substantial effort to achieve the conditions precedent to issuance of the commitment. Additional time or times shall not extend later than July 1, 1985.

Subd. 3. No industrial loan and thrift company shall hereafter be granted

consent, or issued a certificate of authorization which includes the right to issue for investment certificates of indebtedness, *savings accounts, and savings deposits*, other than those to be pledged as security for a loan made contemporaneously therewith, unless the industrial loan and thrift company has obtained a commitment for insurance or guarantee of such certificates which meets the conditions of subdivision 1.”

Page 5, line 14, reinstate the stricken language

Page 5, line 15, reinstate the stricken “to become obligated” and “under”

Page 5, line 16, reinstate the stricken language

Page 5, line 16, after “loan” insert “for the same purpose or”

Page 5, lines 18 to 21, delete the new language and insert “*However, if a person becomes obligated on a contract of loan as an accommodation party, a preceding or subsequent loan to that person is not a violation of this subdivision nor shall such loans be aggregated in determining the applicable rate of charge.*”

Page 5, after line 21, insert:

“Sec. 11. Minnesota Statutes 1982, section 56.131, is amended by adding a subdivision to read:

Subd. 6. [DISCOUNT POINTS.] A loan made under this section that is secured by real estate may contain a provision permitting discount points, if the loan does not provide a loan yield in excess of the maximum rate of interest permitted by this section. Loan yield means the annual rate of return obtained by a licensee computed as the annual percentage rate is computed under Federal Regulation Z. If the loan is prepaid in full, the licensee must make a refund to the borrower to the extent that the loan yield will exceed the maximum rate of interest provided by this section when such prepayment is taken into account.”

Page 6, after line 33, insert:

“Sec. 13. Minnesota Statutes 1982, section 56.19, subdivision 1, is amended to read:

Subdivision 1. [CRIMINAL PENALTY.] Any person and the several members, officers, directors, agents, and employees thereof, who ~~shall violate~~ violates or ~~participate~~ participates in the violation of any of the provisions of sections 56.01, 56.12, 56.13, 56.14, 56.17, and 56.18 ~~shall be~~ is guilty of a gross misdemeanor.

Sec. 14. Minnesota Statutes 1982, section 80A.15, subdivision 1, is amended to read:

Subdivision 1. The following securities are exempted from sections 80A.08 and 80A.16:

(a) Any security, including a revenue obligation, issued or guaranteed by the United States, any state, any political subdivision of a state or any corporate or other instrumentality of one or more of the foregoing; but this exemption shall not include any industrial revenue bond.

(b) Any security issued or guaranteed by Canada, any Canadian province,

any political subdivision of any province, any agency or corporate or other instrumentality of one or more of the foregoing, if the security is recognized as a valid obligation by the issuer or guarantor; but this exemption shall not include any revenue obligation payable solely from payments to be made in respect of property or money used under a lease, sale or loan arrangement by or for a nongovernmental industrial or commercial enterprise.

(c) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, or any bank, savings institution or trust company organized under the laws of any state and subject to regulation in respect of the issuance or guarantee of its securities by a governmental authority of that state.

(d) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized under the laws of any state and authorized to do business in this state.

(e) Any security issued or guaranteed by any federal credit union or any credit union, or similar association organized and supervised under the laws of this state.

(f) Any security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, the Midwest Stock Exchange, the Pacific Stock Exchange, or the Chicago Board Options Exchange; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing.

(g) Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of the paper which is likewise limited, or any guarantee of the paper or of any renewal which are not advertised for sale to the general public in newspapers or other publications of general circulation or otherwise, or by radio, television or direct mailing.

(h) Any interest in any employee's savings, stock purchase, pension, profit sharing or similar benefit plan, or a self-employed person's retirement plan.

(i) Any security issued or guaranteed by any railroad, other common carrier or public utility which is subject to regulation in respect to the issuance or guarantee of its securities by a governmental authority of the United States.

(j) Any interest in a common trust fund or similar fund maintained by a state bank or trust company organized and operating under the laws of Minnesota, or a national bank wherever located, for the collective investment and reinvestment of funds contributed thereto by the bank or trust company in its capacity as trustee, executor, administrator, or guardian; and any interest in a collective investment fund or similar fund maintained by the bank or trust company, or in a separate account maintained by an insurance company, for the collective investment and reinvestment of funds

contributed thereto by the bank, trust company or insurance company in its capacity as trustee or agent, which interest is issued in connection with an employee's savings, pension, profitsharing or similar benefit plan, or a self-employed person's retirement plan.

(k) Any security which meets all of the following conditions:

(1) If the issuer is not organized under the laws of the United States or a state, it has appointed a duly authorized agent in the United States for service of process and has set forth the name and address of the agent in its prospectus;

(2) A class of the issuer's securities is required to be and is registered under section 12 of the Securities Exchange Act of 1934, and has been so registered for the three years immediately preceding the offering date;

(3) Neither the issuer nor a significant subsidiary has had a material default during the last seven years, or for the period of the issuer's existence if less than seven years, in the payment of (i) principal, interest, dividend, or sinking fund installment on preferred stock or indebtedness for borrowed money, or (ii) rentals under leases with terms of three years or more;

(4) The issuer has had consolidated net income, before extraordinary items and the cumulative effect of accounting changes, of at least \$1,000,000 in four of its last five fiscal years including its last fiscal year; and if the offering is of interest bearing securities, has had for its last fiscal year, net income, before deduction for income taxes and depreciation, of at least 1-1/2 times the issuer's annual interest expense, giving effect to the proposed offering and the intended use of the proceeds. For the purposes of this clause "last fiscal year" means the most recent year for which audited financial statements are available, provided that such statements cover a fiscal period ended not more than 15 months from the commencement of the offering;

(5) If the offering is of stock or shares other than preferred stock or shares, the securities have voting rights and the rights include (i) the right to have at least as many votes per share, and (ii) the right to vote on at least as many general corporate decisions, as each of the issuer's outstanding classes of stock or shares, except as otherwise required by law; and

(6) If the offering is of stock or shares, other than preferred stock or shares, the securities are owned beneficially or of record, on any date within six months prior to the commencement of the offering, by at least 1,200 persons, and on that date there are at least 750,000 such shares outstanding with an aggregate market value, based on the average bid price for that day, of at least \$3,750,000. In connection with the determination of the number of persons who are beneficial owners of the stock or shares of an issuer, the issuer or broker-dealer may rely in good faith for the purposes of this clause upon written information furnished by the record owners.

(l) Any certificate of indebtedness sold or issued for investment, other than a certificate of indebtedness pledged as a security for a loan made contemporaneously therewith, *and any savings account or savings deposit issued, by an industrial loan and thrift company.*"

Page 7, line 15, strike "such" and insert "the"

Page 7, line 17, delete "or"

Page 7, line 18, strike "any"

Page 7, line 28, strike "such"

Page 7, line 31, strike ", provided that" and insert "if"

Page 7, line 33, strike "that"

Page 8, line 1, strike "such" and insert "those"

Page 8, line 11, delete "1" and insert "2"

Page 8, line 14, delete "Sections 1 to 9 are" and insert "This act is"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the first semicolon, insert "permitting loan and thrifts and regulated lenders to take discount points in certain circumstances; authorizing loan and thrifts to receive savings accounts and savings deposits subject to certain prescribed conditions;"

Page 1, line 14, after the first semicolon, insert "53.04, subdivisions 3a and 5;"

Page 1, line 14, after "53.05;" insert "53.07, subdivision 2; 53.10;" and after "subdivision 3" insert ", and by adding a subdivision"

Page 1, line 14, after "56.14;" insert "56.19, subdivision 1; 80A.15, subdivision 1;"

Page 1, line 16, delete "1" and insert "2"

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

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

S.F. No. 553: A bill for an act relating to agriculture; providing for the promotion of Minnesota agricultural products; appropriating money; amending Minnesota Statutes 1982, section 17.101.

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

Delete everything after the enacting clause and insert:

"Section 1. [17.70] [DEFINITIONS.]

Subdivision 1. [SCOPE.] As used in sections 1 to 5, the terms defined in this section have the meanings given them.

Subd. 2. [COUNCIL.] "Council" means the program advisory council established in section 2.

Subd. 3. [AGRICULTURAL COMMODITY ORGANIZATION.] "Agricultural commodity organization" means an agricultural commodity re-

search and promotion council as defined in section 17.53, subdivision 6, or any other formally organized nonprofit organization of Minnesota producers the purpose of which is the promotion of Minnesota agricultural products. Only one organization will be recognized as representing any one commodity.

Subd. 4. [COMMISSIONER.] "Commissioner" means the commissioner of agriculture or his designee.

Sec. 2. [17.71] [ADVISORY COUNCIL.]

Subdivision 1. [MEMBERSHIP.] There is established a program advisory council composed of members appointed by the commissioner from nominees submitted by the agricultural commodity organizations. Membership shall be as follows:

(a) one representative from each council as defined in section 17.53, subdivision 6.

(b) two representatives of agricultural commodity organizations eligible to receive financial assistance which are not councils as defined in section 17.53, subdivision 6.

Subd. 2. [TERMS AND COMPENSATION.] The replacement of members of the council is governed by section 15.059. The compensation of council members shall be made by their respective organizations.

The terms of the first council shall end as indicated in clauses (a) and (b). The terms of individual members shall be decided by lot. All successors shall be appointed for two year terms.

(a) The terms of one half of all representatives of commodity research and promotion councils shall end on June 30, 1984, and the terms of the remaining representatives shall end on June 30, 1985.

(b) The term of one representative of organizations other than commodity research and promotion councils shall end on June 30, 1984, and the term of the other representative shall end on June 30, 1985.

Subd. 3. [CHAIRMAN.] The members of the council shall annually elect a chairman and other necessary officers.

Subd. 4. [DUTIES.] The council shall:

(a) recommend procedures and methods to the commissioner for the administration of the program of financial assistance;

(b) review all proposals for assistance and make recommendations to the commissioner as to their disposition; and

(c) report to the commissioner on or before September 1 of each odd numbered year regarding the accomplishments of the program and policy or program changes needed to foster and promote the use of Minnesota commodities in domestic and foreign markets.

Subd. 5. [STAFF.] The commissioner shall provide the council with necessary staff, office space, and administrative services.

Sec. 3. [17.72] [GRANTS.]

Subdivision 1. [COMMISSIONER'S DETERMINATION.] The commis-

sioner shall determine the amount of grants and make grants to agricultural commodity organizations from appropriations made available for that purpose. In making his decision, the commissioner shall consider the recommendations of the advisory council.

Subd. 2. [CONTRACTS.] The commissioner may enter into contracts with an agricultural commodity organization if the applicant has submitted a proposal to the commissioner by May 15 according to the format established by the commissioner.

Subd. 3. [RULES.] The commissioner shall adopt permanent or temporary rules for the administration of sections 1 to 5. The rules shall establish and contain at a minimum:

- (a) specific procedures for proposal applications;*
- (b) conditions and procedures for the administration of grants;*
- (c) eligibility criteria for grants including those specified in sections 1 to 5; and*
- (d) other matters the council and commissioner find reasonably necessary to properly administer the grant program.*

Subd. 4. [LIMITATION.] Grants made by the commissioner under this section may not exceed two-thirds of the total cost of the program proposed to be undertaken by the commodity organization.

Subd. 5. [PARTIAL ADVANCE PAYMENTS.] The commissioner may direct that partial advance payments be made to an agricultural commodity organization.

Sec. 4. [17.73] [REPORTS.]

Each agricultural commodity organization receiving a grant shall submit to the commissioner a report assessing the accomplishments and effectiveness of the program.

Sec. 5. [17.74] [STATE AUDITS.]

The books, records, documents, and accounting procedures and practices of an agricultural commodity organization relevant to the contract are subject to examination and audit by the commissioner. The commissioner may prescribe uniform forms and methods of accounting to be used by those organizations for the purpose of the contract.

Sec. 6. [APPROPRIATIONS.]

Subdivision 1. There is appropriated from the general fund to the commissioner of agriculture the sum of \$..... for grants to agricultural commodity organizations to further the promotion of Minnesota produced commodities in domestic and foreign markets. The appropriations shall remain available for encumbrance until June 30, 1985.

Subd. 2. The commissioner may retain up to \$..... annually from the appropriation in subdivision 1 to pay the costs of administering sections 1 to 5 and conducting related promotional activities associated with fulfilling the purposes of this act.

Subd. 3. The complement of the department of agriculture is increased by

..... classified positions. The positions are authorized to assist the commissioner in carrying out the provisions of this act.

Sec. 7. [EFFECTIVE DATE.]

This act is effective July 1, 1983, except that section 3, subdivision 3, is effective the day after final enactment."

Delete the title and insert:

"A bill for an act relating to agriculture; establishing a program of financial assistance for agricultural commodity promotion organizations; appropriating money; proposing new law coded in Minnesota Statutes, chapter 17."

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

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

S.F. No. 844: A bill for an act relating to crimes; changing the penalty for the theft of controlled substances; amending Minnesota Statutes 1982, section 609.52, subdivision 3.

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

Page 1, line 14, delete "*as defined*" and insert "*listed*" and after "*in*" insert "*schedule 1 or 2 pursuant to section 152.02*"

Page 1, line 15, delete the new language

Page 1, line 19, before the semicolon, insert "*, or if the property stolen was a controlled substance listed in schedule 3, 4, or 5 pursuant to section 152.02*"

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

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

S.F. No. 708: A bill for an act relating to the court system; removing obsolete references to justice of the peace and magistrate; amending Minnesota Statutes 1982, sections 72A.12, subdivision 5; 72A.30; 88.645; 88.78; 97.50, subdivisions 1 and 7; 115.32, subdivision 3; 127.09; 144.12, subdivision 1; 168.46; 169.42, subdivision 5; 169.91; 169.95; 169.965, subdivision 3; 169.966, subdivision 3; 169.971, subdivision 4; 171.08; 171.16, subdivision 1; 181.09; 181.17; 219.32; 219.97, subdivision 13; 290.58; 297A.42, subdivision 2; 299F.40, subdivision 5; 340.85, subdivision 2; 340.91; 345.02; 345.03; 345.14; 346.03; 346.04; 346.09, subdivision 1; 347.04; 351.03; 357.12; 357.16; 357.22; 357.27; 358.15; 359.061; 359.11; 361.27, subdivision 2; 365.52; 366.20; 367.11; 367.25, subdivision 1; 368.01, subdivision 20; 373.09; 390.15; 390.20; 390.31, subdivision 2; 390.33, subdivisions 2 and 6; 395.23; 412.02, subdivision 1; 412.021, subdivision 2; 412.023, subdivision 5; 412.111; 412.861, subdivision 3; 473.608, subdivision 17; 485.07; 488A.021, subdivision 4; 488A.09, subdivision 7; 488A.19, subdivision 5; 490.18; 492.02, subdivi-

sion 3; 509.04; 514.29; 514.34; 542.05; 549.03; 550.17; 571.50; 571.58; 571.64; 574.18; 574.20; 574.35; 588.01, subdivision 3; 593.21; 609.27, subdivision 1; 609.415, subdivision 1; 609.66, subdivision 1; 611.07, subdivision 1; 611.17; 611.18; 617.27; 624.62; 625.01; 625.02; 625.03; 625.04; 625.05; 625.06; 625.07; 625.08; 625.09; 625.10; 625.11; 625.12; 625.13; 625.14; 625.15; 625.17; 625.18; 626.04; 626.05, subdivision 1; 626.06; 626.09; 626.11; 626.14; 626.15; 626.17; 626.66; 629.03; 629.13; 629.14; 629.15; 629.16; 629.17; 629.18; 629.23, subdivision 3; 629.31; 629.36; 629.363; 629.364; 629.39; 629.39; 629.401; 629.403; 629.41; 629.44; 629.45; 629.53; 629.54; 629.55; 629.60; 629.62; 630.17; 630.37; 631.04; 636.08; 641.07; 641.25; and 648.39, subdivisions 2 and 3; repealing Minnesota Statutes 1982, sections 357.14; 367.03, subdivision 4; 367.21; 388.02; 412.02, subdivision 5; 412.171; 487.01, subdivision 8; 488A.283; 488A.284; 492.02, subdivision 2; 542.15; 549.16; 599.21; 599.24; 609.46; 629.56; 629.66; and 629.71.

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

Pages 4 and 5, delete section 4

Page 5, line 32, strike everything after the period

Page 5, line 33, strike everything before "The"

Page 5, line 34, after "form" insert "*and has the effect*"

Page 6, line 13, delete "*it*" and insert "*the notice or summons*" and strike the second "*the*"

Page 6, line 14, strike "*notice or summons*" and insert "*it*"

Page 7, after line 24, insert:

"Sec. 8. Minnesota Statutes 1982, section 127.17, subdivision 4, is amended to read:

Subd. 4. [~~"RUSHING"~~ OR SOLICITING FORBIDDEN.] It is ~~hereby made~~ a misdemeanor for any person, not a pupil of ~~such the~~ schools, to be upon the school grounds, or to enter any school building, for the purpose of "rushing" or soliciting; ~~while there,~~ any pupil of ~~such the~~ schools to join any fraternity, society, or association organized outside of the schools. All Municipal and county courts ~~and justice courts in this state shall~~ have jurisdiction of all offenses committed under this subdivision ~~and~~ . All persons found guilty of ~~such offenses~~ shall be fined not less than \$2, nor more than \$10, to be paid to the city treasurer, ~~when such schools are situated inside of the corporate limits of any city, and to the county treasurer, when situated outside of the corporate limits of any city,~~ or, upon failure to pay ~~such the~~ fine, to be imprisoned for not more than ten days."

Page 8, line 21, reinstate "*in case of*" and delete "*with*"

Page 11, line 4, delete "*the*" and strike "*judicial officer*" and insert "*the judge*"

Page 13, line 31, strike "*judge*" and strike "*and*"

Page 13, line 32, strike "*every*" and strike the comma

Page 19, line 18, strike the second "*the*"

Page 20, after line 34, insert:

“Sec. 30. Minnesota Statutes 1982, section 345.04, is amended to read:

345.04 [INVENTORY; ORDER OF SALE.]

Upon the delivery to him of ~~such the~~ affidavit, the justice or judge shall cause the property to be opened and examined in his presence and a true inventory ~~thereof made, and of it.~~ He shall annex to ~~such the~~ inventory an order, ~~under his hand,~~ that the property ~~therein~~ described be sold, at public auction, by any constable or police ~~peace~~ officer of the municipality or town where ~~the same shall be it is located.~~

Sec. 31. Minnesota Statutes 1982, section 345.05, is amended to read:

345.05 [NOTICE AND RETURN OF SALE.]

The constable or police officer receiving ~~such the~~ inventory and order shall sell the property, at public auction, to the highest bidder, in the manner provided by law for constables' sales under execution, upon ten days' posted notice. When the sale is completed, he shall endorse upon the order ~~aforesaid~~ a return of his proceedings ~~thereon on it,~~ and return ~~the same it~~ to the justice or clerk of ~~the municipal~~ court, together with the inventory and the proceeds of the sale, less his fees.

Sec. 32. Minnesota Statutes 1982, section 345.06, is amended to read:

345.06 [DISPOSITION OF PROCEEDS.]

From the proceeds of ~~such the~~ sale the justice or clerk of ~~the municipal~~ court shall pay all legal charges incurred in relation to the property; or, if the proceeds are not sufficient to pay all the charges, a ratable proportion of each, ~~and~~. The balance, if any, ~~he shall immediately pay be paid~~ to the treasurer of the county where ~~such the~~ sale took place ~~and deliver~~. ~~The clerk shall provide the treasurer with a statement therewith,~~ containing a description of the property sold, the gross amount of the sale, and the amount of costs, charges, and expenses paid to each person. The treasurer shall file ~~such the~~ statement in his office, and make an entry of the amount received by him and the time when received.”

Page 22, line 19, after “damages” strike the old language and delete “judge”

Page 22, line 20, strike everything before the period

Page 23, delete section 35 and insert:

“Sec. 38. Minnesota Statutes 1982, section 347.05, is amended to read:

347.05 [OWNER NOT KNOWN.]

If it appears from the complaint that the owner is not known, ten days' posted notice, containing a description of the dog as given in the complaint, and stating that ~~such a~~ complaint has been made, and the time and place of hearing ~~thereon on it,~~ shall be given in the town where ~~such justice resides the judge presides.~~

Sec. 39. Minnesota Statutes 1982, section 347.06, is amended to read:

347.06 [HEARING; JUDGMENT; EXECUTION.]

~~On the day of hearing~~ The justice judge shall hear the evidence in the case, ~~and, . If he shall find therefrom finds that such the dog is a public nuisance, he shall enter judgment accordingly, and thereupon shall order the constable to kill and bury dispose of the dog, which order the constable shall forthwith execute.~~

Page 25, line 10, reinstate "where he crossed"

Page 25, line 11, before the first comma insert "it"

Page 25, after line 33, insert:

"Sec. 44. Minnesota Statutes 1982, section 357.29, is amended to read:

357.29 [SERVICES NOT RENDERED; ILLEGAL FEES.]

No judge, ~~justice~~, sheriff, or other officer, or any other person to whom any fee or compensation is allowed by law for any service, shall take or receive any other or greater fee or reward for ~~such the~~ service than ~~he is~~ allowed by law, ~~and~~ . No fee or compensation shall be demanded or received by any officer or person for any service unless ~~the same~~ it was actually rendered, except in the case of prospective costs, ~~as hereinafter specified~~. Any person violating either of ~~the foregoing these~~ provisions ~~shall be~~ is liable to the party aggrieved for treble the damages sustained by him."

Page 26, line 24, strike "book" and insert "record"

Page 26, line 26, strike "same" in both places and delete "as were"

Page 26, strike line 27

Page 26, line 28, strike everything before the period and insert "*prescribed by statute or court rule*"

Page 26, line 32, strike "same"

Page 26, line 34, delete "were" and strike the rest of the line

Page 26, line 35, before the period insert "*provided by statute or court rule*"

Page 27, line 8, delete "county or" and strike "municipal" and insert "clerk of"

Page 31, after line 31, insert:

"Sec. 55. Minnesota Statutes 1982, section 375.24, is amended to read:

375.24 [APPOINTMENT OF JUSTICES OF THE PEACE AND CONSTABLES IN CERTAIN UNORGANIZED TERRITORY.]

In any county ~~of this state~~ having no organized townships or in which ~~the distance from any a~~ full and fractional unorganized township is more than 20 miles from the nearest town or municipality or ~~county seat, county seat and which full and fractional unorganized township~~ is entirely separated from the town or municipality or ~~county seat~~ *county seat* by water, the county board of ~~such the~~ county may appoint ~~one or more justices of the peace and one or more constables for such the unorganized township, who . The constables shall have the same powers and duties as like officers~~ constables in towns in the county.

Before entering upon their duties ~~such officers~~ , *the constables* shall give

bond to the county in ~~such a~~ penal sum as the county board ~~shall determine, which determines.~~ The bonds shall be otherwise conditioned as bonds for such officers in towns in the county. ~~Such~~ The bonds shall be approved by the county board and filed with the clerk of ~~the~~ district court."

Page 32, lines 2, 3, and 4, strike "same"

Page 32, line 4, strike "if they" and delete "had" and strike "been served"

Page 32, strike line 5

Page 32, line 6, strike "a" and delete "county or municipal judge" and insert "provided by statute or the rules of criminal procedure"

Page 33, line 2, strike "probate" and "shall have" and insert "has" and strike "same" and strike "as a"

Page 33, line 3, delete "county or municipal judge"

Page 33, line 6, strike ", who" and insert ". The court"

Page 33, line 17, delete "judge" in both places and insert "court"

Page 38, line 26, strike "in which every" and insert "for each" and delete "is"

Page 38, line 27, strike "entered" and insert "rendered"

Page 39, line 4, delete "formerly" and strike everything after "in"

Page 39, line 5, strike "peace or magistrates" and insert "it by statute or court rule"

Page 40, line 1, delete "formerly" and strike everything after "in"

Page 40, line 2, strike "peace or magistrates" and insert "it by statute or court rule"

Page 40, delete section 67

Pages 44 and 45, delete sections 76 and 77 and insert:

"Sec. 81. Minnesota Statutes 1982, section 571.65, is amended to read:

571.65 [IMPLIED REPEALS.]

The purpose of this chapter is to provide a uniform system of garnishment disclosure in all ~~districts~~ district, municipal and ~~justice~~ county courts, and all ~~statutes or parts thereof~~ laws inconsistent ~~herewith~~ with this chapter are hereby amended to conform to this chapter superseded."

Page 47, after line 25, insert:

"Sec. 85. Minnesota Statutes 1982, section 588.02, is amended to read:

588.02 [POWER TO PUNISH; LIMITATION.]

Every court of ~~justice~~ and every judicial officer may punish a contempt by fine or imprisonment, or both; ~~and~~ . In addition ~~thereto~~, when the contempt involves the ~~willful~~ willful disobedience of an order of the court requiring the payment of money for the support or maintenance of a minor child, the court may require the payment of the costs and a reasonable attorney's fee, in-

curring in the prosecution of ~~such~~ *the* contempt, to be paid by the guilty party; ~~but~~ . When it is a constructive contempt, it must appear that the right or remedy of a party to an action or special proceeding was defeated or prejudiced ~~thereby~~ *by it* before the contempt can be punished by imprisonment or by a fine exceeding \$50."

Page 49, line 10, strike "juror,"

Pages 51 and 52, delete section 87

Page 53, line 15, strike "MAGISTRATE" and insert "JUDGE"

Page 55, line 4, strike "magistrate" and insert "judge"

Page 59, line 4, delete "judge" and insert "court"

Page 59, line 10, delete "immediately"

Page 60, lines 29 and 36, strike "magistrate" and insert " court"

Page 65, line 35, strike "MAGISTRATE" and insert "JUDGE"

Page 66, line 27, strike "MAGISTRATE" and insert "JUDGE"

Page 73, delete section 145

Page 73, line 17, after "357.14;" insert "357.15;"

Page 73, line 20, delete "599.24;" and insert "599.22; 599.23;"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "88.78;"

Page 1, line 6, after "127.09;" insert "127.17, subdivision 4;"

Page 1, line 13, after "345.03;" insert "345.04; 345.05; 345.06;"

Page 1, line 14, delete "351.03;" and insert "347.05; 347.06;"

Page 1, line 15, after "357.27;" insert "357.29;"

Page 1, line 17, after "373.09;" insert "375.24;"

Page 1, line 23, delete "492.02, subdivision 3;"

Page 1, line 25, delete "571.64; 574.18;" and insert "571.65;"

Page 1, line 26, after "3;" insert "588.02;"

Page 1, line 28, delete "611.18;"

Page 1, line 38, delete "subdivisions 2 and" and insert "subdivision"

Page 1, line 39, after "357.14;" insert "357.15;"

Page 1, line 42, delete "599.24;" and insert "599.22; 599.23;"

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

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 392: A bill for an act relating to labor; creating an exemption to the minimum wage overtime provisions for silo builders; amending Minnesota Statutes 1982, section 177.25, by adding a subdivision.

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

Page 1, line 11, delete "farm" and insert "on-farm"

Page 1, line 11, after "silos" insert "or the installation of appurtenant equipment"

Page 1, after line 15, insert:

"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. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 574: A bill for an act relating to education; providing for the inclusion of certain community college and state university faculty members in the definition of an employee under the public employment labor relations act; amending Minnesota Statutes 1982, section 179.63, subdivision 7.

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

Page 2, after line 18, insert:

"(g) employees providing services for not more than two consecutive quarters to the state university board or the community college board under the terms of a professional/technical services contract as defined in section 16.098;"

Page 2, line 19, strike "(g)" and insert "(h)"

Page 2, line 21, strike "(h)" and insert "(i)"

Page 2, line 25, strike "(i)" and insert "(j)"

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

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 869: A bill for an act relating to labor; providing funds for job training; appropriating money.

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

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

S.F. No. 511: A bill for an act relating to low-level radioactive waste;

entering the Midwest Interstate Low-Level Radioactive Waste Compact; assessing certain low-level radioactive waste generators; providing for enforcement of the compact; providing for civil and criminal penalties; creating an advisory committee; appropriating money; proposing new law coded in Minnesota Statutes, chapter 116C.

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

Page 16, line 3, after "*effective*" insert "*July 1, 1983, or at any date subsequent to July 1, 1983.*"

Page 16, line 4, delete "*and consent to this compact by*"

Page 16, line 5, delete the first "*Congress*" and after the period, insert "*However, Article IX, Section (b) shall not take effect until the Congress has by law consented to this compact.*"

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

Mr. Pehler from the Committee on Education, to which was re-referred

S.F. No. 192: A bill for an act relating to safety; establishing a traffic safety education improvement program; imposing an additional fee for driver's license for the traffic safety education improvement fund; appropriating money; amending Minnesota Statutes 1982, section 171.06, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 126.

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

Mr. Pehler from the Committee on Education, to which was referred

H.F. No. 468: A bill for an act relating to education; authorizing the commissioner to approve one additional application for the part-time teaching program for fiscal year 1982 under certain conditions.

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

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

H.F. No. 330: A bill for an act relating to courts; providing for the appeal of various matters to the court of appeals; providing for the manner of election of court of appeals judges; amending Minnesota Statutes 1982, sections 2.724, subdivision 2; 3.737, subdivision 4; 3.751, subdivision 4; 5.08, subdivision 2; 10A.01, subdivisions 5 and 19; 14.45; 14.62, subdivision 2; 14.63; 14.64; 14.65; 14.66; 14.68; 15A.18; 16.863; 25.43, subdivision 5; 32A.09, subdivision 5; 43A.02, subdivision 25; 43A.24, subdivision 2; 43A.27, subdivision 4; 44.09, subdivision 3; 45.07; 45.17, subdivision 5; 47.54, subdivision 5; 49.18; 52.063; 56.23; 60A.05; 60A.15, subdivisions 11 and 12; 72A.27; 84.59; 88.78; 97.481, subdivision 2; 97.50, subdivision 6; 105.462; 106.631, subdivisions 5 and 6; 110A.36; 111.42; 112.82, subdivisions 1 and 2; 114.13, subdivision 4; 115.49, subdivision 5; 116.07,

subdivision 7; 116.11; 116A.19, subdivision 4; 116C.65; 120.17, subdivision 3b; 122.23, subdivision 16c; 123.32, subdivision 25; 127.25, subdivision 3; 127.33; 141.29, subdivision 2; 145.698, subdivision 2; 155A.11, subdivision 2; 156A.071, subdivision 9; 161.34, subdivision 4; 168.68; 169.123, subdivision 7; 177.29, subdivision 2; 178.09, subdivision 2; 179.64, subdivision 5; 179.741, subdivision 3; 181A.10, subdivision 2; 185.15; 192A.255, subdivision 1; 197.481, subdivision 6; 204B.06, subdivisions 4 and 6; 204B.11, subdivision 1; 204B.34, subdivision 3; 204B.36, subdivision 4; 204D.02, subdivision 1; 204D.08, subdivision 6; 204D.11, subdivision 1; 209.09; 210A.01, subdivision 3; 216.25; 216B.52, subdivision 5; 231.33; 237.20; 237.25; 237.27; 237.39; 244.11; 246.55; 252A.21, subdivision 1; 253B.19, subdivision 5; 253B.23, subdivision 7; 256.045, subdivisions 9 and 10; 259.32; 260.291, subdivision 2; 268.06, subdivision 20; 268.10, subdivision 8; 268.12, subdivision 13; 270.22; 270.23; 270.26; 270.68, subdivision 2; 273.16; 279.21; 282.01, subdivision 3; 290.48, subdivision 6; 290.92, subdivision 6; 294.09, subdivision 3; 297.08, subdivisions 3 and 4; 297A.15, subdivision 4; 298.09, subdivision 3; 299F.25; 299F.26, subdivision 3; 327B.05, subdivision 2; 340.404, subdivision 7; 340.54, subdivision 2; 351.03; 352.01, subdivision 2B; 352D.02, subdivision 1; 357.07; 357.08; 363.072, subdivisions 1 and 2; 373.11; 375.67, subdivision 3; 387.41; 412.092, subdivision 1; 414.07, subdivision 2; 414.08; 419.12; 420.13; 430.03; 430.031, subdivision 4; 462.14, subdivision 12; 462.715; 465.43; 473.675, subdivision 4; 480.054; 480.055, subdivision 1; 480.061, subdivision 8; 480.062; 480.07; 480.19; 480A.02 by adding a subdivision; 480A.06, subdivision 1; 481.02, subdivisions 3 and 6; 482.07, subdivision 8; 485.16; 487.39; 488A.01, subdivision 14; 488A.17, subdivision 12; 488A.18, subdivision 14; 488A.34, subdivision 11; 501.35; 508.29; 508A.29; 525.71; 525.714; 525.73; 548.29, subdivision 2; 558.215; 562.04; 571.64; 574.18; 582.11; 586.09; 586.11; 586.12; 589.02; 589.29; 589.30; 590.01, subdivision 1; 590.04, subdivision 3; 590.06; 595.024, subdivision 3; 595.025, subdivision 3; 609.39; 611.07, subdivisions 2 and 3; 611.071, subdivisions 1 and 2; 611.14; 611.18; 611.25; and 648.39, subdivision 1; and Laws 1982, chapter 501, section 27; repealing Minnesota Statutes 1982, sections 14.70; 80A.24, subdivision 3; 363.10; 484.63; 525.711; 525.74; and Laws 1982, chapter 501, sections 17, 18, 19, and 25.

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 1982, section 2.724, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE.] To promote and secure more efficient administration of justice, the chief justice of the supreme court of the state shall supervise and coordinate the work of the courts of the state. The supreme court may provide by rule that the chief justice not be required to write opinions as a member of the supreme court. Its rules may further provide for it to hear and consider cases in divisions, ~~and~~ . It may by rule assign temporarily any retired justice of the supreme court or one *judge of the court of appeals* or district court judge at a time to act as a justice of the supreme court or any number of justices or retired justices of the supreme court to act

as judges of the court of appeals. Upon the assignment of a *court of appeals judge or a district court judge* to act as a justice of the supreme court, a ~~district court~~ judge previously acting as a justice may ~~continue to so act to~~ complete his duties. Any number of justices may disqualify themselves from hearing and considering a case, in which event the supreme court may assign temporarily a retired justice of the supreme court ~~or~~, a *court of appeals judge, or a district court judge* to hear and consider the case in place of each disqualified justice. At any time that a retired justice is acting as a justice of the supreme court *or judge of the court of appeals* under this section, he shall receive, in addition to his retirement pay, a ~~further sum, to be paid~~ out of the general fund of the state, ~~as shall afford him an amount to make his total compensation equal to the same salary as an associate a justice or judge of the supreme court on which he is acting.~~

Sec. 2. Minnesota Statutes 1982, section 3.737, subdivision 4, is amended 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 14, 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 in other civil action is appealed cases.~~ 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 of it~~ to the commissioner and set a time for hearing which shall be held within 90 days of the filing of the petition.

Sec. 3. Minnesota Statutes 1982, section 3.751, subdivision 4, is amended to read:

Subd. 4. [APPEAL.] An appeal from any final order or judgment in ~~such the action may be taken to the supreme court in the same manner as appeals in ordinary other civil actions cases.~~

Sec. 4. Minnesota Statutes 1982, section 5.08, subdivision 2, is amended to read:

Subd. 2. [DISTRIBUTION.] 15,000 copies of the legislative manual shall be printed and distributed as follows:

- (1) Up to 25 copies shall be available to each member of the legislature on

request;

(2) 50 copies to the state historical society;

(3) 25 copies to the state university;

(4) 60 copies to the state library;

(5) Two copies each to the library of Congress, the Minnesota veterans home, the state universities, the state high schools, the public academies, seminaries, and colleges of the state, and the free public libraries of the state;

(6) One copy each to ~~the other~~ state institutions ~~not hereinbefore mentioned~~, the elective state officials, the appointed heads of departments, the officers and employees of the legislature, the justices of the supreme court, the judges of the *court of appeals and the* district court, the senators and representatives in Congress from this state, and the county auditors;

(7) One copy to each public school, to be distributed through the superintendent of each school district; and

(8) The remainder may be disposed of as the secretary of state deems best.

Sec. 5. Minnesota Statutes 1982, section 10A.01, subdivision 5, is amended to read:

Subd. 5. [CANDIDATE.] "Candidate" means an individual who seeks nomination or election to any statewide or legislative office for which reporting is not required under federal laws. The term candidate shall also include an individual who seeks nomination or election to supreme court, *court of appeals*, district court, county court, probate court, or county municipal court judgeships of the state. An individual shall be deemed to seek nomination or election if he has taken the action necessary under the law of the state of Minnesota to qualify himself for nomination or election, has received contributions or made expenditures in excess of \$100, or has given his implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100, for the purpose of bringing about his nomination or election. A candidate remains a candidate until his principal campaign committee is dissolved as provided in section 10A.24.

Sec. 6. Minnesota Statutes 1982, section 10A.01, subdivision 19, is amended to read:

Subd. 19. [OFFICE HOLDER.] "Office holder" means an individual who holds any statewide or legislative office, except a federal office for which candidates are required to report under federal laws, state supreme court justice ~~or~~, and judges of the *court of appeals*, district court ~~judge~~, county court, probate court, or county municipal court.

Sec. 7. Minnesota Statutes 1982, section 14.45, is amended to read:

14.45 [RULE DECLARED INVALID.]

In proceedings under section 14.44, the court shall declare the rule invalid if it finds that it violates constitutional provisions or exceeds the statutory authority of the agency or was adopted without compliance with statutory rulemaking procedures. Any party to proceedings under section 14.44, including the agency, may appeal an adverse decision of the district court to

the ~~supreme court~~ *court of appeals as in other civil cases.*

Sec. 8. Minnesota Statutes 1982, section 14.62, subdivision 2, is amended to read:

Subd. 2. [FAILURE TO MAKE DECISION.] Unless otherwise provided by law, if an agency fails to render a decision and order in a contested case within 90 days after the submission of the final hearing examiner report and subsequent exceptions and arguments under section 14.61, if any, any party may petition the ~~district court~~ *court of appeals* for an order requiring the agency to render a decision and order on the contested case within such time as the court determines to be appropriate. The order shall be issued unless the agency shows that further delay is reasonable.

Sec. 9. Minnesota Statutes 1982, section 14.63, is amended to read:

14.63 [APPLICATION.]

Any person aggrieved by a final decision in a contested case is entitled to judicial review of the decision under the provisions of sections 14.63 to 14.68, but nothing in sections 14.63 to 14.68 shall be deemed to prevent resort to other means of review, redress, relief, or trial de novo provided by law ~~now or hereafter enacted~~. A petition for a writ of certiorari by an aggrieved person for judicial review under sections 14.63 to 14.68 must be filed with the ~~district court~~ *court of appeals* and served on the agency not more than 30 days after the party receives the final decision and order of the agency.

Sec. 10. Minnesota Statutes 1982, section 14.64, is amended to read:

14.64 [PETITION; SERVICE.]

Proceedings for review under sections 14.63 to 14.68 shall be instituted by serving a petition for a writ of certiorari personally or by certified mail upon the agency and by promptly filing the ~~petition proof of service~~ in the office of the clerk of ~~district court for the county where the agency has its principal office or the county of residence of the petitioners~~ *the appellate courts and the matter shall proceed in the manner provided by the rules of civil appellate procedure.*

~~In case~~ If a request for ~~rehearing or reconsideration shall have been~~ is made within ten days after the decision and order of the agency, the 30-day period provided in section 14.63 shall not begin to run until service of the order finally disposing of the application for ~~rehearing or reconsideration; but~~. Nothing herein shall be construed as requiring that an application for ~~rehearing or reconsideration~~ be filed with and disposed of by the agency as a prerequisite to the institution of a review proceeding under sections 14.63 to 14.68.

The petition shall state the nature of the petitioner's interest, the facts showing the petitioner is aggrieved and is affected by the decision, and the ground or grounds upon which the petitioner contends that the decision should be reversed or modified. The petition may be amended by leave of court although the time for serving the petition has expired. The petition shall be entitled in the name of the person serving the petition as petitioner and the name of the agency whose decision is sought to be reviewed as respondent. Copies of the petition writ shall be served, personally or by certified mail, ~~not later than 30 days~~

~~after the institution of the proceeding, upon all parties who appeared to the proceeding before the agency in the proceeding in which the order sought to be reviewed was made; and . For the purpose of such service, the agency upon request shall certify to the petitioner the names and addresses of all such parties as disclosed by its records; which . The agency's certification shall be conclusive. The agency and all parties to the proceeding before it shall have the right to participate in the proceedings for review. The court in its discretion may permit other interested parties to intervene A copy of the petition shall be provided to the attorney general at the time of service of the parties.~~

~~Every person served with the petition for review as provided in sections 14.63 to 14.68 and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance stating his position with reference to the affirmance, vacation, reversal or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general and shall be filed, together with proof of service thereof, with the clerk of the reviewing court within ten days after such service. Service of all subsequent papers or notices in such proceedings need be made only upon the petitioner, the named respondent, the attorney general, and such other persons as have served and filed the notice as herein provided, or have been permitted to intervene in said proceedings as parties thereto by order of the reviewing court.~~

Sec. 11. Minnesota Statutes 1982, section 14.65, is amended to read:

14.65 [STAY OF DECISION; STAY OF OTHER APPEALS.]

The filing of the ~~petition~~ writ of certiorari shall not stay the enforcement of the agency decision; but the agency may do so, or the reviewing court of appeals may order a stay upon such terms as it deems proper. When review of or an appeal from a final decision is commenced under sections 14.63 to 14.68 in ~~any district the court of this state appeals~~, any other later appeal under sections 14.63 to 14.68 from ~~such~~ the final decision involving the same subject matter shall be stayed until final decision of the first appeal.

Sec. 12. Minnesota Statutes 1982, section 14.66, is amended to read:

14.66 [TRANSMITTAL OF RECORD.]

Within 30 days after service of the ~~petition~~ writ of certiorari, or within ~~such~~ a further time as the court ~~may allow~~ allows, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review; ~~but, .~~ By stipulation of all parties to the review proceeding, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

Sec. 13. Minnesota Statutes 1982, section 14.67, is amended to read:

14.67 [NEW EVIDENCE, HEARING BY AGENCY.]

If, before the date set for hearing, application is made to the court of appeals for leave to present additional evidence on the issues in the case, and it is shown to the satisfaction of the court that the additional evidence is

material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon such conditions as the court deems proper. The agency may modify its findings and decision by reason of the additional evidence and shall file with the reviewing court, to become a part of the record, the additional evidence, together with any modifications or new findings or decision.

Sec. 14. Minnesota Statutes 1982, section 14.68, is amended to read:

14.68 [PROCEDURE ON REVIEW.]

The review shall be ~~conducted by the court without a jury and shall be~~ confined to the record, except that in cases of alleged irregularities in procedure, not shown in the record, ~~testimony thereon may be taken in the court of appeals may transfer the case to the district court for the county in which the agency has its principal office or the county in which the contested case hearing was held.~~ The district court shall, ~~upon request, hear oral argument and receive written briefs.~~ ~~Except as otherwise provided all proceedings shall be conducted according to the rules of civil procedure have jurisdiction to hear and determine the alleged irregularities in procedure. Appeal from the district court determination may be taken to the court of appeals as in other civil cases.~~

Sec. 15. Minnesota Statutes 1982, section 15A.18, is amended to read:

15A.18 [SUPREME COURT APPELLATE COURTS EMPLOYEES.]

Within the limits of ~~the their~~ appropriations for ~~the salaries thereof~~ and subject to the conditions of ~~such the~~ appropriations, the ~~supreme court appellate courts~~ may employ a ~~supreme court reporter, a marshal, and such additional~~ technical, clerical, stenographic, and other personnel as is necessary.

Sec. 16. Minnesota Statutes 1982, section 16.863, is amended to read:

16.863 [APPEALS.]

Any person aggrieved by the final decision of any municipality as to the application of the code, including any rules promulgated pursuant to sections 471.465 to 471.469, may, within 30 days of ~~said the~~ decision, appeal to the commissioner. Appellant shall submit a fee of \$20, payable to the commissioner, with his request for appeal. The final decision of the involved municipality shall be subject to review de novo by the commissioner or his designee, ~~and~~ . The commissioner shall submit his written findings to the ~~involved parties.~~ Any person aggrieved by any ruling of the commissioner may appeal to ~~the district court in the county in which the dispute arose in accordance with chapter 14.~~ For the purpose of this section "any person aggrieved" ~~shall include~~ includes the state council for the handicapped. No fee shall be required when the council for the handicapped is the appellant.

Sec. 17. Minnesota Statutes 1982, section 25.43, subdivision 5, is amended to read:

Subd. 5. [APPEAL.] Any person adversely affected by an act, order, or ruling made pursuant to the provisions of sections 25.31 to 25.44 may ~~bring action in the district court for seek~~ judicial review of such actions in accor-

dance with ~~sections 14.63 to 14.70~~ chapter 14.

Sec. 18. Minnesota Statutes 1982, section 32A.09, subdivision 5, is amended to read:

Subd. 5. [HEARING; ORDER; APPEAL.] (a) Whenever the commissioner ~~shall have~~ *has* reason to believe that any person is violating any of the provisions of sections 32A.01 to 32A.09, ~~and acts amendatory thereof,~~ or any promulgated rule, and it ~~shall appear~~ *appears* to the commissioner that ~~a proceeding in respect thereof~~ *action* is warranted, he shall serve upon ~~such the person or persons~~ a complaint stating his charges ~~in that respect containing~~ . *The complaint shall contain* a notice of hearing upon a day and at a place ~~therein~~ fixed at least twenty days after the service of ~~said the~~ complaint. The person ~~or persons~~ so complained of ~~shall have~~ *has* the right to appear at the place and time so fixed and show cause why an order should not be entered by the commissioner requiring ~~such the person or persons~~ to cease and desist from the violation of the law ~~so~~ charged in ~~said the~~ complaint. Any person may ~~make application~~ *apply*, and upon good cause shown, ~~may be~~ allowed by the commissioner to intervene and appear in ~~said the~~ proceeding by counsel or in person. The testimony in ~~any such the~~ proceeding shall be reduced to writing and filed in the office of the commissioner. If, upon ~~such~~ hearing, the commissioner ~~shall be~~ *is* of the opinion that there has been a violation of any of the provisions of sections 32A.01 to 32A.09, ~~and acts amendatory thereof,~~ or any promulgated rule, he shall make a report in writing in which he shall state his findings as to the facts ~~and~~ . *He* shall issue and cause to be served upon ~~such the person or persons~~ an order requiring ~~them the person~~ to cease and desist from ~~such the~~ violation. The commissioner may at any time after notice and opportunity for hearing, reopen and alter, modify or set aside, in whole or in part, any order issued by him under this section, whenever ~~in he believes the opinion of the commissioner~~ conditions ~~so~~ justify it.

(b) Any person required by an order of the commissioner to cease and desist from any act or practice may obtain a review of ~~such the order in the district courts of this state~~ *court* by filing in the court, within twenty days from the date of service of ~~such the~~ order a written petition praying that the order of the commissioner be set aside. A copy of ~~such the~~ petition shall be ~~forthwith~~ served upon the commissioner ~~and thereupon~~ . The commissioner shall ~~then~~ certify and file in the court a transcript of the entire record and order of the commissioner. Upon the filing of the petition and transcript, the court ~~shall have~~ *has* jurisdiction of the proceeding and of the question determined ~~herein and shall have power to~~ . *The court may* (1) make and enter upon the pleadings, evidence and proceedings set forth in ~~such the~~ transcript a decree, affirming, modifying, or setting aside the order of the commissioner or enforcing ~~the same~~ *it* to the extent that ~~such the~~ order is affirmed, and ~~to~~ (2) issue ~~such~~ writs ~~as are~~ ancillary to its jurisdiction or ~~are~~ necessary in its judgment to prevent injury to the public or to competitors *pendente lite*. The findings of the commissioner as to the facts, if supported by the evidence in the proceeding before the commissioner, ~~shall be~~ *are* conclusive. To the extent that the order of the commissioner is affirmed, the court shall ~~thereupon~~ issue its own order commanding obedience to the terms of ~~such the~~ order of the commissioner. If either party ~~shall apply~~ *applies* to the court for leave to adduce additional evidence, and ~~shall show~~ *shows* to the satisfaction of the court that ~~such the~~ additional evidence is material and that there were reasonable grounds for the failure to adduce ~~such the~~ evidence in the proceeding before the commissioner, the court may order ~~such that the~~

additional evidence ~~to~~ be taken before the commissioner ~~and to~~ . *The evidence shall be adduced upon the hearing in such the manner and upon such the terms and conditions as the court may deem deems proper.* The commissioner may modify his findings as to the facts, or make new findings, by reason of the additional evidence ~~so~~ taken ~~and~~ . He shall file ~~such the~~ modified or new findings which, if supported by the evidence, shall be conclusive and his recommendation, if any, for the modification or setting aside of his original order with the return of ~~such the~~ additional evidence. The judgment and decree of the court shall be final, except that ~~the same shall be it is~~ subject to review by the ~~supreme~~ court of appeals.

(c) Violations of any cease and desist order of the commissioner shall be punished by the district court under ~~existing the~~ laws of contempt. Each day of failure to obey a cease and desist order of the commissioner may be deemed a separate violation and each violation of a particular act enjoined by the court may be deemed a separate violation.

Sec. 19. Minnesota Statutes 1982, section 43A.02, subdivision 25, is amended to read:

Subd. 25. [JUDICIAL BRANCH.] "Judicial branch" means all ~~justices judges~~ of the ~~supreme court appellate courts~~, all employees of the ~~supreme court appellate courts~~, including commissions, boards and committees established by the supreme court, the board of law examiners, the law library, the office of the public defender, and all judges of all courts of law and other agencies placed in the judicial branch by law.

Sec. 20. Minnesota Statutes 1982, section 43A.24, subdivision 2, is amended to read:

Subd. 2. [OTHER ELIGIBLE PERSONS.] The following persons are eligible for state paid life insurance and hospital, medical and dental benefits as determined in applicable collective bargaining agreements or by the commissioner or by plans pursuant to section 43A.18, subdivision 6, or by the Board of Regents for employees of the University of Minnesota not covered by collective bargaining agreements.

(a) A member of the state legislature, provided that changes in benefits resulting in increased costs to the state shall not be effective until expiration of the term of the members of the existing house of representatives. An eligible member of the state legislature may decline to be enrolled for state paid coverages by filing a written waiver with the commissioner; ~~provided that~~ . The waiver shall not prohibit the member from enrolling himself or his dependents for optional coverages, without cost to the state, as provided for in section 43A.26. A member of the state legislature who returns from a leave of absence to a position he previously occupied in the civil service shall be eligible to receive the life insurance and hospital, medical and dental benefits to which his position is entitled;

(b) A permanent employee of the legislature or a permanent employee of a permanent study or interim committee or commission or a state employee on leave of absence to work for the legislature, during a regular or special legislative session;

(c) A judge of the ~~supreme court appellate courts~~ or an officer or employee of ~~the court these courts~~; a judge of the district court, a judge of county

court, a judge of county municipal court, *or* a judge of probate court; a district administrator; and an employee of the office of the district administrator of the fifth or the eighth judicial districts;

(d) A salaried employee of the public employees retirement association;

(e) A full-time military or civilian officer or employee in the unclassified service of the department of military affairs whose salary is paid from state funds;

(f) A salaried employee of the Minnesota historical society, whether paid from state funds or otherwise, who is not a member of the governing board;

(g) An employee of the regents of the University of Minnesota; and

(h) Notwithstanding section 43A.27, subdivision 3, an employee of the state of Minnesota or the regents of the University of Minnesota who is at least 60 and not yet 65 years of age on July 1, 1982 who is otherwise eligible for employee and dependent insurance and benefits pursuant to section 43A.18 or other law, who has at least 20 years of service and retires, earlier than required, within 60 days of March 23, 1982; or an employee who is at least 60 and not yet 65 years of age on July 1, 1982 who has at least 20 years of state service and retires, earlier than required, from employment at Rochester state hospital after July 1, 1981; or an employee who is at least 55 and not yet 65 years of age on July 1, 1982 and is covered by the Minnesota state retirement system correctional employee retirement plan or the state patrol retirement fund, who has at least 20 years of state service and retires, earlier than required, within 60 days of March 23, 1982. For purposes of this clause, a person retires when the person terminates active employment in state or University of Minnesota service and applies for a retirement annuity. Eligibility shall cease when the retired employee attains the age of 65, or when the employee chooses not to receive the annuity that the employee has applied for. The retired employee shall be eligible for coverages to which he was entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established pursuant to section 43A.18, for employees in positions equivalent to that from which he retired, provided that the retired employee shall not be eligible for state-paid life insurance. Coverages shall be coordinated with relevant health insurance benefits provided through the federally sponsored medicare program. ~~The commissioner and the regents of the University of Minnesota shall provide employees who are eligible to retire and receive the benefits provided by this clause with notice of this option no later than 30 days after March 23, 1982.~~

Sec. 21. Minnesota Statutes 1982, section 43A.27, subdivision 4, is amended to read:

Subd. 4. [RETIRED JUDGES; FORMER LEGISLATORS.] A retired judge or a former legislator may elect to purchase coverage for themselves or their dependents at their own expense as provided below:

(a) A retired judge of the state supreme court, *the court of appeals*, a district court, a county court, a county municipal court, or a probate court may elect to purchase coverage provided persons listed in section 43A.24, subdivision 2, clause (c), provided that the retired judge exercises this option within 30 days of the effective date of retirement; or

(b) A former member of the legislature may elect to purchase coverage

provided persons listed in section 43A.24, subdivision 2, clause (a).

Sec. 22. Minnesota Statutes 1982, section 44.09, subdivision 3, is amended to read:

Subd. 3. ~~[TO SUPREME COURT APPEAL.]~~ The employee or the appointing authority may appeal from the district court ~~to the supreme court in the same manner as provided for in other court civil cases.~~

Sec. 23. Minnesota Statutes 1982, section 45.07, is amended to read:

45.07 [CHARTERS ISSUED, CONDITIONS.]

If (1) the applicants are of good moral character and financial integrity, ~~if~~ (2) there is a reasonable public demand for this bank in this location, ~~if~~ (3) the organization expenses being paid by the subscribing shareholders do not exceed the necessary legal expenses incurred in drawing incorporation papers and the publication and the recording thereof, as required by law, ~~if~~ (4) the probable volume of business in this location is sufficient to insure and maintain the solvency of the new bank and the solvency of the then existing bank or banks in the locality without endangering the safety of any bank in the locality as a place of deposit of public and private money, and ~~if~~ (5) the department of commerce is satisfied that the proposed bank will be properly and safely managed, the application shall be granted. Otherwise it shall be denied. In case of the denial of the application, the department of commerce shall specify the grounds for the denial ~~and the supreme court, upon petition of.~~ Any person aggrieved, may ~~review by certiorari any such~~ obtain judicial review of the order or determination of the department of commerce in accordance with chapter 14.

Sec. 24. Minnesota Statutes 1982, section 45.17, subdivision 5, is amended to read:

Subd. 5. [STANDING.] The consumer services section ~~shall be deemed to have~~ has an interest sufficient to maintain, intervene as of right in, or otherwise participate in any civil action in the ~~trial courts or supreme court~~ of this state for the review or enforcement of any public utilities commission action which affects a public utility's rates or adequacy of service to residential utility consumers.

Sec. 25. Minnesota Statutes 1982, section 47.54, subdivision 5, is amended to read:

Subd. 5. [EXPIRATION AND EXTENSION OF ORDER.] If a facility is not activated within 18 months from the date of the order, the approval order ~~shall automatically expire~~ expires. Upon request of the applicant prior to the automatic expiration date of the order, the commissioner may grant reasonable extensions of time to the applicant to activate the facility as the commissioner deems necessary; ~~but~~. The extensions of time shall not exceed a total of an additional 12 months. If the commissioner's order is the subject of an appeal ~~to the district court in accordance with chapter 14~~, the time period referred to in this section for activation of the facility and any extensions shall begin when all appeals or rights of appeal from the commissioner's order have concluded or expired.

Sec. 26. Minnesota Statutes 1982, section 49.18, is amended to read:

49.18 [REVIEW OF ORDERS OF COMMISSIONER.]

~~This~~ *The order shall be* is a conclusive determination that the necessity for the levying of the assessment exists; provided, that the corporation, or any stockholder or creditor thereof, may secure a review of the commissioner's order by serving a notice ~~so~~ requesting *review* upon the commissioner within 20 days after the service of the order upon the aggrieved party. This notice, with proof of service ~~thereof~~, shall be filed within ten days after service with the clerk of the district court in the county where the corporation has its principal place of business. The district court ~~shall thereupon have then has~~ jurisdiction to consider the necessity of levying the assessment; ~~and~~ . It shall hear and determine the matter de novo in or out of term at any place in the district. This hearing shall take precedence of all other matters and may be held upon ten days written notice by either party. The judge shall make such order in the premises as is proper, and may affirm, vacate, or modify the commissioner's order; ~~and~~ . An appeal may be taken therefrom ~~to the supreme court as in other civil cases~~. During the pendency of the appeal the commissioner of banks shall remain in charge of the business, property, and assets of the corporation involved.

Sec. 27. Minnesota Statutes 1982, section 56.23, is amended to read:

56.23 [APPEALS.]

Any applicant or licensee may appeal from any decision or order of the commissioner to the ~~district court of the county of appeals in accordance with which his business is to be or is being conducted under this chapter 14 at any time within 20 days after service of the decision or order upon him; by service of a written notice of appeal upon the commissioner. Upon service of the notice of appeal, the commissioner shall forthwith file with the clerk of the court to which appeal is taken a certified copy of the decision or order under appeal, together with the findings of fact upon which it is based. The appellant shall, within five days after serving the notice of appeal, file the same, with proof of service, with the clerk of the court to which appeal is taken; and thereupon the court shall have jurisdiction over the appeal and the same shall be entered upon the records of the court. Within 20 days after filing of the notice of appeal with the clerk of court, the appellant shall serve upon the commissioner a complaint setting forth his cause of action and, within 20 days thereafter, the commissioner shall serve his answer. Thereafter The case shall be tried according to the rules relating to the trial of civil actions so far as the same are applicable.~~

On appeal the certified findings of fact filed by the commissioner shall be prima facie evidence of the matters therein stated and the decision or order shall be prima facie lawful and reasonable. The burden of proof upon all issues raised by the appeal shall be on the appellant.

If the court determines that the decision or order appealed from is lawful and reasonable; it shall be affirmed and the decision or order shall be given effect as in this chapter provided. If the court determines that the decision or order is unlawful or unreasonable; it shall be reversed and the commissioner shall forthwith issue or reinstate the license which is the subject of the decision or order; and in all cases where the issuance or revocation of a license is not the subject of the decision or order, the commissioner shall amend his decision or order to conform to the findings and order of the court.

An appeal hereunder shall not stay or supersede the decision or order appealed from unless the court, upon an examination of the decision or order and the return made on the appeal; and after giving the commissioner notice and opportunity to be heard; so directs.

Any party to an appeal in district court under the provisions of this section may appeal to the supreme court as in ordinary civil actions.

If an appeal is not taken from an order of the commissioner according to the provisions of this section, the decision or order of the commissioner shall be final and the person affected thereby shall be deemed to have waived the right to have the decision or order or the findings of fact upon which it was based reviewed by a court.

Sec. 28. Minnesota Statutes 1982, section 60A.05, is amended to read:

60A.05 [SUSPENSION OF AUTHORITY.]

If the commissioner is of the opinion believes, upon examination or other evidence, that a foreign or domestic insurance company is in an unsound condition or, if a life insurance company, that its actual funds are less than its liabilities, or that it is insolvent; or if a foreign or domestic insurance company has failed to comply with the law, or if it, its officers, or agents, refuse to submit to examination, or to perform any legal obligation in relation thereto, and he believes protection of the interests of policyholders, claimants, or the general public requires summary action, he may revoke or suspend all certificates of authority granted to it or its agents; and . He shall cause notification thereof of his action to be published in a newspaper authorized to publish annual statements of insurance companies, and no new business shall thereafter be done by it, or its agents, in this state while the default or disability continues, nor until its authority to do business is restored by the commissioner. The revocation or suspension will be is effective ten days after notice to the company unless the ground for revocation or suspension relates only to the financial condition or soundness of the company or to a deficiency in its assets, in which case revocation and suspension will be is effective upon notice to the company. The notice shall specify the particulars of the supposed violation. The district court of any county, upon petition of the company, shall summarily hear and determine the question whether the ground for revocation or suspension exists; and . The court shall make any proper order or decree therein, and enforce the same it by any appropriate process. If the order or decree is adverse to the petitioning company, an appeal therefrom may be taken to the supreme court; and, as in other civil cases. In the case of appeal, the commissioner may issue his order revoking the right of the petitioning company to do business in this state until the final determination of the question by the supreme court. Neither this section nor any proceedings thereunder under it shall affect any criminal prosecutions or proceeding for the enforcement of any fine, penalty, or forfeiture.

Sec. 29. Minnesota Statutes 1982, section 60A.15, subdivision 11, is amended to read:

Subd. 11. [APPEALS.] Either party to an action or a judgment for the recovery of any taxes, interest, or penalties under subdivision 10 hereof, may remove the judgment to the supreme court by appeal; as provided for appeals in other civil cases.

Sec. 30. Minnesota Statutes 1982, section 60A.15, subdivision 12, is amended to read:

Subd. 12. [OVERPAYMENTS, CLAIMS FOR REFUND.] (1) [PROCE-

DURE, TIME LIMIT, APPROPRIATION.] A company who has paid, voluntarily or otherwise, or from whom there has been collected an amount of tax for any year in excess of the amount legally due for that year, may file with the commissioner of insurance a claim for a refund of ~~such~~ the excess. Except as provided in subdivision 11, no ~~such~~ claim shall be entertained unless filed within two years after ~~such~~ the tax was paid or collected, or within three and one-half years from the filing of the return, whichever period is the longer.

Upon the filing of a claim, the commissioner of ~~insurance~~ shall examine ~~the same~~ it and shall make and file written findings ~~thereon~~ denying or allowing the claim in whole or in part ~~and~~ . He shall mail a notice thereof to the company at the address stated upon the return. If ~~such~~ the claim is allowed in whole or in part, the commissioner shall issue his certificate for the refundment of the excess paid by the company, with interest at the rate of two percent per annum computed from the date of the payment or collection of the tax until the date the refund is paid to the company, ~~and~~ . The commissioner of finance shall ~~cause such~~ pay the refund to be paid out of the proceeds of the taxes imposed by this section, as other state moneys are expended. ~~So~~ As much of the proceeds of ~~such~~ the taxes as may be necessary are ~~hereby~~ appropriated for that purpose.

(2) [DENIAL OF CLAIM, COURT PROCEEDINGS.] If the claim is denied in whole or in part, the company may commence an action against the commissioner to recover any overpayments of taxes claimed to be refundable ~~but~~ for which the commissioner has issued no certificate of refundment. ~~Such~~ The action may be brought in the district court of the district in ~~which lies~~ the county of its principal place of business, or in the district court for Ramsey county. ~~Such~~ The action may be commenced ~~after the expiration~~ of six months after the claim is filed if the commissioner has not then taken final action ~~thereon, and on it~~. The action shall be commenced within 18 months after the notice of the order denying the claim.

(3) [DENIAL OF CLAIM, APPEAL.] Either party to ~~said~~ the action may appeal ~~to the supreme court~~ as in other civil cases.

(4) [CONSENT TO EXTEND TIME.] If the commissioner and the company have, within the periods prescribed in clause (1), consented in writing to any extension of time for the assessment of the tax, the period within which a claim for refund may be filed, or a refund may be made or allowed, if no claim is filed, shall be the period within which the commissioner and the company have consented to an extension for the assessment of the tax and six months thereafter; ~~provided, however, that~~ . The period within which a claim for refund may be filed shall not expire prior to two years after the tax was paid.

(5) [OVERPAYMENTS; REFUNDS.] If the amount determined to be an overpayment exceeds the taxes imposed by this section, the amount of ~~such~~ excess shall be considered an overpayment. An amount paid as tax ~~shall constitute~~ constitutes an overpayment even if in fact there was no tax liability with respect to which ~~such~~ the amount was paid.

Notwithstanding any other provision of law to the contrary, in the case of any overpayment, the commissioner of ~~insurance~~, within the applicable period of limitations, shall refund any balance of more than one dollar to

~~such the company if the company shall so request requests the refund.~~

Sec. 31. Minnesota Statutes 1982, section 62A.02, subdivision 6, is amended to read:

Subd. 6. ~~[COURT REVIEW APPEAL.] Any order or decision of the commissioner under this section shall be subject to review by writ of certiorari at the instance of any party appeal in interest. In the case of disapproval or withdrawal of approval of a form previously in use the court shall determine whether the petition for such writ shall operate as a stay of any such order or decision. The court may, in disposing of the issue before it, modify, affirm, or reverse the order or decision of the commissioner in whole or in part accordance with chapter 14.~~

Sec. 32. Minnesota Statutes 1982, section 62C.14, subdivision 12, is amended to read:

Subd. 12. ~~[APPEAL.] An order or decision of the commissioner under this section shall be subject to review by writ of certiorari at the instance of any party appeal in interest. In the case of disapproval of a form previously in use, the court shall determine whether the petition for the writ shall stay the order or decision. The court may modify, affirm, or reverse the order or decision of the commissioner in whole or in part accordance with chapter 14.~~

Sec. 33. Minnesota Statutes 1982, section 62G.16, subdivision 11, is amended to read:

Subd. 11. ~~[APPEAL.] An order or decision of the commissioner under this section shall be subject to review by writ of certiorari at the instance of any party appeal in interest. In the case of disapproval of a form previously in use, the court shall determine whether the petition for the writ shall stay the order or decision. The court may modify, affirm, or reverse the order or decision of the commissioner in whole or in part accordance with chapter 14.~~

Sec. 34. Minnesota Statutes 1982, section 65B.04, subdivision 1, is amended to read:

Subdivision 1. ~~[ADOPTION; APPROVAL BY COMMISSIONER.] The initial governing committee shall adopt a plan of operation by majority vote of the committee and shall submit it to the commissioner for approval. If the commissioner finds that the plan of operation meets the requirements of Laws 1971, Chapter 813 this chapter, he shall approve it and it will then be in effect. If he finds that the plan fails to meet the requirements of Laws 1971, Chapter 813 this chapter, the commissioner shall disapprove the plan, returning it to the governing committee with his statement on the deficiencies which have caused him to disapprove the plan, and the governing committee shall have ten days within which to correct the deficiencies. If the plan is not returned for approval within ten days or if, on return, the commissioner determines that it still does not meet the requirements of Laws 1971, Chapter 813 this chapter, the commissioner shall amend the plan which was submitted by the governing committee to comply with Laws 1971, Chapter 813 this chapter, and shall, by order, effect the plan of operation. The action of the commissioner may be reviewed on a writ of certiorari from the district court for Ramsey county appealed in accordance with chapter 14.~~

Sec. 35. Minnesota Statutes 1982, section 70A.22, subdivision 3, is

amended to read:

Subd. 3. [~~CERTIORARI APPEAL.~~] Any order or decision of the commissioner shall be subject to review by writ of certiorari at the instance of any party *appeal* in interest. The court shall determine whether the granting of the writ shall operate as a stay of the order or decision of the commissioner. The court may, in disposing of the issue before it, modify, affirm or reverse the order or decision of the commissioner in whole or in part *accordance with chapter 14.*

Sec. 36. Minnesota Statutes 1982, section 72A.24, subdivision 1, is amended to read:

Subdivision 1. [COURT PROCEEDINGS; REVIEW.] Any person required by an order of the commissioner under section 72A.23 to cease and desist from engaging in any unfair method of competition or any unfair or deceptive act or practice defined in section 72A.20 may obtain a review of that order by filing *appeal* in the district court of Ramsey county, within 20 days from the date of the service of such order, a written petition praying that the order of the commissioner be set aside. A copy of the petition shall be forthwith served upon the commissioner, and thereupon the commissioner forthwith shall certify and file in that court a transcript of the entire record in the proceeding, including all the evidence taken and the findings and order of the commissioner. Upon the filing of the petition and transcript, said court shall have jurisdiction of the proceeding and of the questions determined therein, shall determine whether the filing of such petition shall operate as a stay of the order of the commissioner, and shall have power to make and enter upon the pleadings, evidence, and proceedings set forth in the transcript a decree modifying, affirming, or reversing the order of the commissioner, in whole or in part. The findings and order of the commissioner shall be given the same effect as is given to determinations of administrative bodies on review by certiorari *accordance with chapter 14.*

Sec. 37. Minnesota Statutes 1982, section 72A.27, is amended to read:

72A.27 [APPEAL TO SUPREME COURT.]

Any decree or order of a district court made and entered under section 72A.24 or order of such a court made under section 72A.25 ~~shall be~~ subject to review by appeal to the supreme court, but any such as in other civil cases. The appeal must be taken within the time prescribed by law for taking appeals from orders of the district courts.

Sec. 38. Minnesota Statutes 1982, section 79.073, is amended to read:

79.073 [JUDICIAL REVIEW.]

Final orders of the commissioner pursuant to sections 79.071 and 79.072 are subject to judicial review by writ of certiorari brought *appeal* in the district court in Ramsey County by an interested party of record adversely affected thereby. The operation of the commissioner's order is not suspended during judicial review; provided that in the event of a judicial determination against the validity of the commissioner's order, the order under review and any subsequent order shall be modified so as to give effect to the court's ruling. For purposes of further judicial review, the commissioner is an aggrieved party to the extent that his orders are modified or set aside by the district court *accor-*

dance with chapter 14.

Sec. 39. Minnesota Statutes 1982, section 84.59, is amended to read:

84.59 [APPEALS TO DISTRICT COURT FROM DETERMINATION OF COMMISSIONER OF NATURAL RESOURCES.]

Any party in interest may appeal from the determination of the commissioner to the ~~district court of the county in which the project is wholly or partly located~~ *appeals* in accordance with the provisions of section 105.47, ~~insofar as the provisions thereof are applicable and may appeal to the supreme court as provided in said section chapter 14.~~

Sec. 40. Minnesota Statutes 1982, section 88.78, is amended to read:

88.78 [APPEALS.]

No appeal shall be allowed from a judgment ~~in any court of a justice of the peace, or a municipal court, or other similar court, to the district court~~ in any prosecution under sections 88.03 to 88.22, unless the person appealing shall, within the time prescribed by law, enter into a recognizance, with sufficient sureties, or deposit cash bail in twice the amount of the fine and costs, ~~to be approved by the justice, conditioned to appear before the district court on the first day of the next general term thereof to be held in and for the same county, and abide the judgment of the court therein.~~

The ~~justice or judge~~ may examine the proposed sureties under oath ~~and, in such case, .~~ He shall make and keep a record of their answers in respect to the kinds and amount of their property not exempt from execution, ~~and .~~ He shall furnish a copy of the ~~same record~~ to the director.

When an arrest ~~shall have been~~ *is made* for violation of any of the provisions of sections 88.03 to 88.22, or when information of ~~such a violation shall have been~~ *is* lodged with him, the county attorney of the county in which the offense was committed shall prosecute the accused ~~with diligence and energy.~~

Sec. 41. Minnesota Statutes 1982, section 97.481, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE.] Before the commissioner acquires lands by purchase or lease pursuant to this section, he shall proceed in accordance with this subdivision.

(a) The commissioner shall notify the board of county commissioners in each county and the town officers in each town where land is to be acquired and shall furnish the board and the town officers a description of the land to be acquired. The county board shall approve or disapprove the proposed acquisition within 90 days after the commissioner has notified the county board and the town officers of the proposed acquisition and furnished the description of the land involved. An extension of time, not to exceed 30 days, may be given by the commissioner to a county board. In a county in which a soil and water conservation district is organized, the supervisors will act as counselors to the county board regarding the best utilization and capability of the land proposed for acquisition, including the questions of drainage and flood control.

(b) If the county board approves an acquisition within the 90-day period or

extension thereof, the commissioner may proceed with the acquisition.

(c) If the county board disapproves an acquisition, it shall, at the time of its decision, set forth valid reasons for disapproval. The landowner or the commissioner may appeal the county board's disapproval to the district court in the county in which any of the lands are situated. If the district court, or ~~the supreme an appellate court on appeal,~~ finds that the county board's disapproval is arbitrary or capricious or that the reasons stated for disapproval are invalid, or if the county board fails to give any reasons or fails to act to approve or disapprove of the acquisition within the 90-day period or extension thereof, the commissioner or the owner of the land which the commissioner seeks to acquire may submit the proposed acquisition to the land exchange board which shall consider the interests of the county, the state, and the landowner and determine whether the acquisition will be in the public interest.

(d) The land exchange board shall conduct a hearing upon each acquisition submitted to it after giving notice to all interested parties, including, but not limited to, the board of county commissioners in the county where the land to be acquired is located, the commissioner, and the owner of the land. The land exchange board shall hold its hearing and make its decision within 60 days after submission of the proposed acquisition to it.

If a majority of the members of the land exchange board approves the acquisition, the commissioner may proceed with the acquisition; ~~but~~ . If a majority of the members of the land exchange board disapproves the acquisition, the commissioner shall not acquire the property.

Sec. 42. Minnesota Statutes 1982, section 97.50, subdivision 6, is amended to read:

Subd. 6. [VIOLATION; PERMITS.] The commissioner, director, game refuge patrolmen, and conservation officers shall seize all motor vehicles, trailers, and airplanes, used in violation of section 100.29, subdivisions 10 or 11, or section 97.45, subdivision 15, and all boats, motors and motor boats used or possessed in violation of section 98.45 with respect to the licenses, operations, or species of fish specified in section 98.46, subdivisions 10, 11, 12 and 13, or in violation of sections 102.26, 102.27, or 102.28, or in violation of any order ~~or rule, or regulation~~ of the commissioner relating ~~thereto to those sections,~~ and hold them, subject to the order of the district court of the county in which the offense was committed. ~~Such~~ The property ~~so held~~ shall be confiscated after conviction of the person from whom ~~the same~~ it was seized, upon compliance with the following procedure:

The commissioner, director, or his agents, shall file with the court a separate complaint against the property, describing ~~the same~~ it and charging its use in the specified violation, and specifying substantially the time and place of the unlawful use. A copy of the complaint shall be served upon the defendant or person in charge of the property at the time of seizure, if any. If the person ~~so arrested~~ ~~shall be~~ is acquitted, the court shall dismiss the complaint against the property and order ~~the same~~ it returned to the persons legally entitled ~~thereto to it.~~ Upon conviction of the person arrested, the court shall issue an order directed to any person known or believed to have any right or title or interest in, or lien upon, any of ~~such~~ the property, and to

persons unknown claiming any ~~such~~ right, title, interest or lien, describing the property and stating that ~~the same~~ it was seized and that a complaint against ~~the same~~ it, charging the specified violation, has been filed with the court, and requiring ~~such~~ those persons to file with the clerk of the court their answer to the complaint, setting forth any claim they may have to any right or title to, interest in, or lien upon ~~any such~~ the property, within ten days after the service of ~~such~~ the order as ~~herein~~ provided, and notifying them in substance that if they fail to ~~so~~ file their answer within that time, the property will be ordered sold by the commissioner or his agents. The court shall cause the order to be served upon any person known or believed to have any right, title, interest or lien as in the case of a summons in a civil action, and upon unknown persons by publication, as provided for service of summons in a civil action. If no answer is filed ~~as and~~ within the time prescribed, the court shall, upon affidavit by the clerk of the court, setting forth ~~such~~ that fact, order the property sold by the commissioner or his agents; ~~and~~ . The proceeds of the sale, after deducting the expense of keeping the property and fees and costs of sale, ~~shall be~~ paid into the state treasury, to be credited to the game and fish fund. If ~~an~~ answer is filed ~~as and~~ within the time ~~herein~~ provided, the court shall fix a time for hearing, which shall be not less than 10 nor more than 30 days after the time for filing answer expires. At the time ~~so~~ fixed for hearing, unless continued for cause, the matter shall be heard and determined by the court, without a jury, as in other civil ~~actions~~ cases. If the court ~~shall~~ find ~~finds~~ that the property, or any part ~~thereof~~ of it, was used in any ~~such~~ violation as specified in the complaint, he shall order the property ~~so~~ unlawfully used, sold as ~~herein~~ provided, unless the owner ~~shall show~~ shows to the satisfaction of the court that he had no notice ~~or~~ , knowledge, or reason to believe that the property was used or intended to be used in ~~any such~~ the violation. The officer making ~~any such~~ the sale, after deducting the expense of keeping the property, the fee for seizure, and the costs of the sale, shall pay all liens according to their priority, which are established at the hearing as being bona fide and as existing without the lienor having any notice or knowledge that ~~such~~ the property was being used or was intended to be used for or in connection with ~~any such~~ the violation as specified in the order of the court; ~~and~~ . He shall pay the balance of the proceeds into the state treasury, to ~~the credit of~~ be credited to the game and fish fund. Any sale under the provisions of this section shall operate to free the property sold from any ~~and all~~ liens ~~thereon; and on it~~ . Appeal from ~~such~~ the order of the district court will lie to the supreme court as in other civil ~~actions~~ cases. At any time after seizure of the articles specified in this subdivision, and before the hearing ~~herein~~ provided for, the property shall be returned to the owner or person having a legal right to possession ~~thereof~~ of it, upon execution by him of a good and valid bond to the state of Minnesota, with corporate surety, in the sum of not less than \$100 and not more than double the value of the property seized, to be approved by the court in which the case is triable, or a judge thereof, conditioned to abide any order and the judgment of the court, and to pay the full value of the property at the time of seizure.

Sec. 43. Minnesota Statutes 1982, section 105.462, is amended to read:

105.462 [INVESTIGATIONS; ORDERS WITHOUT A PERMIT APPLICATION.]

When the commissioner determines that the public interest ~~so~~ requires it,

he may investigate on his own motion any activities being conducted in relation to public waters without a permit as required by sections 105.37 to 105.55. With or without a public hearing, the commissioner may make findings and issue orders as otherwise may be issued pursuant to sections 105.37 to 105.55. A copy of his findings and order shall be served upon the person to whom the order is issued. If the commissioner issues his findings and order without a hearing, the person to whom the order is issued may file with the commissioner a demand for a hearing, together with the bond required by section 105.44, subdivision 6, within 30 days after being served with a copy of the commissioner's order. ~~Thereafter~~ The matter shall be heard in the same manner and pursuant to the same laws as an application is heard following a demand made under section 105.44, subdivision 3, insofar as applicable. ~~However,~~ If no demand for hearing is made by the person to whom the order is issued under this section, or if that person demands a hearing but fails to file the required bond, the commissioner's order becomes final at the expiration of 30 days after the person is served with the order and no appeal of the order may be taken to the district court.

Sec. 44. Minnesota Statutes 1982, section 106.631, subdivision 5, is amended to read:

Subd. 5. ~~[APPEAL TO SUPREME COURT.]~~ Any party aggrieved by a final order or judgment rendered on appeal to the district court, or by the order made in any judicial ditch proceeding dismissing the petition ~~therefor~~ or establishing or refusing to establish any judicial ditch, may appeal ~~therefrom to the supreme court in the manner provided as in other civil actions cases.~~ ~~Such~~ The appeal shall be made and perfected within 30 days after the filing of the order or entry of judgment. ~~The notice of appeal shall be served on the clerk of the district court and need not be served on any other person.~~

Sec. 45. Minnesota Statutes 1982, section 106.631, subdivision 6, is amended to read:

Subd. 6. ~~[APPEAL; REPAIR, IMPROVEMENT OR IMPROVEMENT OF OUTLET.]~~ In any proceeding before the board or court for the repair pursuant to petition, or for the improvement of any drainage system, or for public laterals thereto, or for the improvement of an outlet under section 106.511 or for the abandonment of any ditch, the same right of appeal ~~to the district or supreme court~~ shall be had as from a similar order made in a proceeding to establish a drainage system as herein provided; ~~and on like grounds and with similar procedure.~~

Sec. 46. Minnesota Statutes 1982, section 110A.36, is amended to read:

110A.36 [APPEALS.]

Any party aggrieved by a final order issued pursuant to section 110A.12 which approves or dismisses a petition or which refuses or establishes a project or a district, may appeal ~~therefrom to the supreme court in the manner provided as in other civil actions cases.~~ The appeal shall be made and perfected within 30 days after the filing of the order. ~~The notice of appeal shall be served on the clerk of district court and the members of the district's board of directors.~~

Sec. 47. Minnesota Statutes 1982, section 111.42, is amended to read:

111.42 [MAY APPEAL TO SUPREME COURT.]

All persons or public corporations affected by any order of the district court, establishing or refusing to establish a drainage and conservancy district, or affected by any order approving or refusing to approve the plans and directing the construction of the improvement, or affected by the determination of any district court of any assessment of benefits or damages including the board and the petitioners, may appeal to the supreme court on any question involved in ~~such the~~ determination, as in *other civil actions cases*. The notice of appeal shall be served on the clerk and need not be served on any other person or corporation.

Sec. 48. Minnesota Statutes 1982, section 112.82, is amended to read:

Subdivision 1. [ESTABLISHMENT; APPEAL.] Any party aggrieved by a final order or judgment rendered on appeal to the district court or by the original order of the court made in any proceedings heard and tried before the court as in this chapter provided, may appeal therefrom to the supreme court in the manner provided as in *other civil actions cases*. Such appeal shall be made and perfected within 30 days after the filing of the order or entry of judgment. The notice of appeal shall be served on the clerk of the district court and need not be served on any other person.

Subd. 2. [REPAIR; APPEAL.] In any proceeding before the managers for the repair, improvement, maintenance, consolidation, or abandonment of any of the works of the district, the same right of appeal to the district or supreme court shall be had as from a similar order made in a proceeding to establish the improvement as herein provided and upon like grounds and with similar procedure *other civil cases*.

Sec. 49. Minnesota Statutes 1982, section 114.13, subdivision 4, is amended to read:

Subd. 4. [APPEALS.] Any party aggrieved by any order or any determination of the commission pursuant to this section may appeal to the district court or to the circuit court, as the case may be, of any county in either state in which the subject matter of the order or the determination is wholly or partially located, or to the district court of the county in either state where ~~the its~~ capitol ~~thereof~~ is located. Notice of appeal must be served upon the commission within 30 days from the last date of publication of the order appealed from. Appeals may likewise be taken from the judgments of the district court or the circuit court as the case may be to the supreme court appellate courts of ~~its their~~ respective states as in *other civil cases*.

Sec. 50. Minnesota Statutes 1982, section 115.49, subdivision 5, is amended to read:

Subd. 5. [APPEALS.] Any party to the contract aggrieved by a decision or order shall be entitled to judicial review thereof by serving a petition therefor for review upon the municipality making the decision or order, and filing the same it with proof of service in the office of the clerk of such court, ~~at~~ within 30 days after the decision or order has been made and the parties notified thereof of it. The petition shall state the nature of the petitioner's interest, and the ground or grounds upon which the petitioner contends the decision or order should be reversed or modified. The petition may be amended by leave of court, though the time for serving the same it has expired.

Within 20 days after service of ~~such the~~ petition for review, the municipi-

pality shall serve upon the petitioner an answer stating its position with reference to the reversal or modification of the order or decision under review. ~~Such~~ The answer, with proof of service ~~thereof~~, shall be filed with the clerk of the district court within ten days after ~~such~~ service. No further pleadings shall be necessary. The review shall be noticed for trial as in the case of a civil action and shall take precedence over other civil cases for trial.

The institution of the proceeding for review shall not stay enforcement of the order or decision, but the court may order a stay upon such terms as it deems proper.

Within 30 days after service of the petition for review upon the municipality, or within such further time as the court may allow, the municipality shall transmit to the court the original or a certified copy of the entire record of the proceedings in which ~~such~~ the order or decision under review was made, ~~but~~. By stipulation of the parties to the review proceeding, the record may be shortened by eliminating any portion ~~thereof~~ of it. The record may be typewritten or printed and the exhibits may be typewritten, photostated or otherwise reproduced, or upon motion of any party, or by order of the court, the original exhibits shall accompany the record. The court may require or permit substantial corrections or additions to the record when deemed desirable.

If, before the date set for trial, an application is made to the court for leave to present additional evidence on the issues in the case, and it is shown to the satisfaction of the court that the additional evidence is material, the court may order that ~~such~~ the additional evidence be taken upon ~~such~~ terms as the court ~~may deem~~ deems proper.

The review shall be conducted by the court without a jury ~~and~~. The court may affirm, reverse or modify the order or decision if the substantial rights of the petitioner have been prejudiced as a result of ~~such~~ the order or decision being:

- (a) Contrary to constitutional rights or privileges; ~~or~~
- (b) In excess of the statutory authority or jurisdiction of the agency, or affected by other error of law; ~~or~~
- (c) Made or promulgated upon unlawful procedure; ~~or~~
- (d) Unsupported by substantial evidence in view of the entire record as submitted; or
- (e) Arbitrary or capricious.

Any party may appeal from the final judgment of the district court to the supreme court as in the manner provided by law for other appeals in civil actions cases.

No party to the review in any court is entitled to recover ~~therein~~ costs ~~or~~, attorney's fees ~~or~~, witness fees, or any other disbursement.

Sec. 51. Minnesota Statutes 1982, section 116.07, subdivision 7, is amended to read:

Subd. 7. [COUNTIES; PROCESSING OF APPLICATIONS FOR ANI-

MAL LOT PERMITS.] Any Minnesota county board may, by resolution, with approval of the pollution control agency, assume responsibility for processing applications for ~~such~~ permits ~~as may be~~ required by the pollution control agency under this section for livestock feedlots, poultry lots or other animal lots. The responsibility for ~~such~~ permit application processing, if assumed by a county, may be delegated by the county board to any appropriate county officer or employee.

For the purposes of this subdivision, the term "processing" ~~shall include~~ includes:

(a) The distribution to applicants of forms provided by the pollution control agency;

(b) The receipt and examination of completed application forms, and the certification, in writing, to the pollution control agency either that the animal lot facility for which a permit is sought by an applicant will comply with applicable ~~regulations~~ rules and standards, or, if ~~such~~ the facility will not comply, the respects in which a variance would be required for the issuance of a permit; and

(c) Rendering to applicants, upon request, ~~such~~ assistance ~~as may be~~ necessary for the proper completion of an application.

For the purposes of this subdivision, the term "processing" may include, at the option of the county board:

(d) Issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or ~~regulations~~ rules promulgated ~~hereunder pursuant to it~~, subject to review, suspension, and reversal by the pollution control agency. The pollution control agency shall, after written notification, have 15 days to review, suspend, modify, or reverse the issuance of the permit. After this period, the action of the county board ~~shall be~~ is final, subject to appeal to the district court as provided in ~~section 115.05~~ chapter 14.

The pollution control agency, ~~by January 1, 1974, and in the manner provided by chapter 14,~~ shall adopt rules governing the issuance and denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this section. These rules ~~shall~~ apply both to permits issued by counties and to permits issued by the pollution control agency directly.

The pollution control agency shall exercise supervising authority with respect to the processing of animal lot permit applications by a county.

Sec. 52. Minnesota Statutes 1982, section 116.11, is amended to read:

116.11 [EMERGENCY POWERS.]

~~In the event that~~ If there is imminent and substantial danger to the health and welfare of the people of the state, or of any ~~part thereof~~ of them, as a result of the pollution of air, land, or water; ~~upon such finding~~, the agency may by emergency order direct the immediate discontinuance or abatement of ~~such~~ the pollution without notice and without a hearing or at the request of the agency, the attorney general ~~of the state~~ may bring an action in the name of the state in the appropriate district court for a temporary restraining order to immediately abate or prevent ~~such~~ the pollution. ~~Such~~ The agency order or

temporary restraining order shall remain effective until notice, hearing, and determination are effected pursuant to other provisions of law, or, in the interim, as otherwise ordered. ~~Such agency order shall be appealable to the appropriate district court and the provisions of chapter 14 shall govern the procedure and scope of review on such appeal. A final order of the agency in these cases shall be appealable in accordance with chapter 14.~~

Sec. 53. Minnesota Statutes 1982, section 116A.19, subdivision 4, is amended to read:

Subd. 4. ~~[APPEAL TO SUPREME COURT.] Any party aggrieved by a final order or judgment rendered on appeal to the district court, or by the order made in any judicial improvement proceeding dismissing the petition therefor or establishing or refusing to establish any judicial improvement or assessing benefits, may appeal therefrom to the supreme court in the manner provided as in other civil actions cases. Such appeal shall be made and perfected within 30 days after the filing of the order or entry of judgment. The notice of appeal shall be served on the clerk of the district court and need not be served on any other person.~~

Sec. 54. Minnesota Statutes 1982, section 116C.65, is amended to read:

116C.65 [JUDICIAL REVIEW.]

Any utility, party or person aggrieved by the issuance of a certificate or emergency certificate of site compatibility or transmission line construction permit from the board or a certification of continuing suitability filed by a utility with the board or by a final order in accordance with any rules promulgated by the board, may appeal ~~therefrom to any district the court where such a site or route is to be located of appeals in accordance with chapter 14.~~ The appeal shall be filed within 60 days after the publication in the state register of notice of the issuance of the certificate or permit by the board or certification filed with the board or the filing of any final order by the board. ~~The notice of appeal to the district court shall be filed with the clerk of the district court and a copy thereof mailed to the board and affected utility. Any utility, party or person aggrieved by a final order or judgment rendered on appeal to the district court may appeal therefrom to the supreme court in the manner provided in civil actions. The scope of judicial review shall be as prescribed in sections 14.63 to 14.68.~~

Sec. 55. Minnesota Statutes 1982, section 120.17, subdivision 3b, is amended to read:

Subd. 3b. [PROCEDURES FOR DECISIONS.] Every district shall utilize at least the following procedures for decisions involving identification, assessment and educational placement of handicapped children:

(a) Parents and guardians shall receive prior written notice of: (1) any proposed formal educational assessment or proposed denial of a formal educational assessment of their child; (2) a proposed placement of their child in, transfer from or to, or denial of placement in a special education program; or (3) the proposed provision, addition, denial or removal of special education services for their child;

(b) The district shall not proceed with the initial formal assessment of a child, the initial placement of a child in a special education program or the

initial provision of special education services for a child without the prior written consent of the child's parent or guardian; ~~provided~~. The refusal of a parent or guardian to ~~provide~~ this consent may be overridden by the decision in a hearing held pursuant to clause (d) at the district's initiative after at least one attempt to obtain this consent through a conciliation conference held pursuant to clause (c);

(c) Parents and guardians shall have an opportunity to meet with appropriate district staff in at least one conciliation conference if they object to any proposal of which they are notified pursuant to clause (a);

(d) Parents, guardians and the district shall have an opportunity to obtain an impartial due process hearing initiated and conducted in the school district where the child resides, if after at least one conciliation conference the parent or guardian continues to object to: (1) a proposed formal educational assessment or proposed denial of a formal educational assessment of their child; (2) the proposed placement of their child in, or transfer of their child to a special education program; (3) the proposed denial of placement of their child in a special education program or the transfer of their child from a special education program; (4) the proposed provision or addition of special education services for their child; or (5) the proposed denial or removal of special education services for their child. At least five calendar days before the hearing, the objecting party shall provide the other party with a brief written statement of the objection and the reasons for the objection.

The hearing shall take place before an impartial hearing officer mutually agreed to by the school board and the parent or guardian. If the school board and the parent or guardian are unable to agree on a hearing officer, the school board shall request the commissioner to appoint a hearing officer. The hearing officer shall not be a school board member or employee of the school district where the child resides or of the child's school district of residence, an employee of any other public agency involved in the education or care of the child, or any person with a personal or professional interest which would conflict with his objectivity at the hearing. A person who otherwise qualifies as a hearing officer is not an employee of the district solely because the person is paid by the district to serve as a hearing officer. If the hearing officer requests an independent educational assessment of a child, the cost of the assessment shall be at district expense. The proceedings shall be recorded and preserved, at the expense of the school district, pending ultimate disposition of the action.

(e) The decision of the hearing officer pursuant to clause (d) shall be rendered not more than 45 calendar days from the date of the receipt of the request for the hearing. A hearing officer may grant specific extensions of time beyond the 45 day period at the request of either party. The decision of the hearing officer shall be binding on all parties unless appealed to the commissioner by the parent, guardian, or the school board of the district where the child resides pursuant to clause (f).

The local decision shall:

(1) be in writing;

(2) state the controlling facts upon which the decision is made in sufficient detail to apprise the parties and the commissioner of the basis and reason for

the decision;

(3) state whether the special education program or special education services appropriate to the child's needs can be reasonably provided within the resources available to the responsible district or districts;

(4) state the amount and source of any additional district expenditure necessary to implement the decision; and

(5) be based on the standards set forth in subdivision 3a and the rules of the state board.

(f) Any local decision issued pursuant to clauses (d) and (e) may be appealed to the commissioner within 15 calendar days of receipt of that written decision, by the parent, guardian, or the school board of the district where the child resides.

If the decision is appealed, a written transcript of the hearing shall be made by the school district and shall be accessible to the parties involved within five calendar days of the filing of the appeal. The commissioner shall issue a final decision based on an impartial review of the local decision and the entire record within 30 calendar days after the filing of the appeal. The commissioner shall seek additional evidence if necessary and may afford the parties an opportunity for written or oral argument; provided any hearing held to seek additional evidence shall be an impartial due process hearing but shall be deemed not to be a contested case hearing for purposes of chapter 14. The commissioner may grant specific extensions of time beyond the 30 day period at the request of any party.

The final decision shall:

(1) be in writing;

(2) include findings and conclusions; and

(3) be based upon the standards set forth in subdivision 3a and in the rules of the state board.

(g) The decision of the commissioner shall be final unless appealed by the parent or guardian or school board to the district court of the county in which the school district in whole or in part is located appeals. The scope of judicial review shall be as provided in accordance with chapter 14.

(h) Pending the completion of proceedings pursuant to this subdivision, unless the district and the parent or guardian of the child agree otherwise, the child shall remain in his current educational placement and shall not be denied initial admission to school.

(i) The child's school district of residence, if different from the district where the child actually resides, shall receive notice of and may be a party to any hearings or appeals pursuant to this subdivision.

Sec. 56. Minnesota Statutes 1982, section 122.23, subdivision 16c, is amended to read:

Subd. 16c. [BONDS; ELECTION.] The board of the newly created district, when constituted as provided in subdivision 17, may provide for an election of that district on the issuance of bonds; and . It may issue and sell bonds authorized at such an election, or bonds authorized at an election

previously held in any pre-existing district wholly included within the newly created district, or bonds for a purpose for which an election is not required by law. ~~Such~~ The actions may be taken at any time after the date of the county auditor's order issued under subdivision 13, and before or after the date upon which the consolidation becomes effective for other purposes, and taxes for the payment of ~~any such~~ the bonds shall be levied upon all taxable property in the newly created district; ~~except that~~ . No bonds shall be delivered to purchasers until 30 days after the date of the county auditor's order. If within this period a notice of appeal from the county auditor's order to the district court is filed in accordance with section 127.25, no bonds shall be delivered by the newly created district to purchasers ~~until and~~ unless the county auditor's order is affirmed by final order of the district court in ~~such the~~ special proceeding, and a period of 30 days from the service of ~~such the~~ final order expires without an appeal to the ~~supreme court~~ being commenced or, if an appeal is taken, the order is affirmed by the ~~supreme court and the time for petitioning for further review has expired~~; except that if all of the territory of one and only one independent district maintaining a secondary school is included in the newly created district, and if the assessed valuation of taxable property in ~~such the~~ territory comprises 90 percent or more of the assessed valuation of all taxable property in the newly created district, the board may issue, sell, and deliver any bonds voted by the pre-existing independent district and any bonds voted or otherwise authorized by the newly created district, notwithstanding the pendency of ~~any such the~~ appeal, and ~~such the~~ bonds shall be paid by the levy of taxes upon the property within the territory of the pre-existing independent district and within ~~such the~~ other areas, if any, ~~as may be that are~~ finally determined to be properly included within the newly created district. In any election held in the newly created district as authorized in the preceding sentence, all qualified electors residing within the area of that district as defined in the county auditor's order shall be entitled to vote, but the votes cast by residents of former districts or portions of former districts included in ~~such the~~ area, other than the independent district maintaining the secondary school, shall be received and counted separately; ~~and~~ . The bonds shall not be issued and sold unless authorized by a majority of the votes cast thereon by electors of the independent district maintaining the secondary school, and also by a majority of the votes cast thereon by electors residing within the entire area of the newly created district.

Sec. 57. Minnesota Statutes 1982, section 123.32, subdivision 25, is amended to read:

Subd. 25. [CONTESTS.] (a) Any voter may contest the election of any person for or against whom he had the right to vote, who is declared elected to a school district office, or other questions submitted to public vote, by proceeding as follows:

He shall file with the clerk of the district court of the county in which the administrative office of the school district is located, within ten days after the canvass is completed, a written notice of contest specifying the points upon which the contest will be made, and cause a copy thereof to be served within said period as follows:

(1) If the contest ~~be is~~ upon the election of any person, then upon the person whose election he is contesting and the official authorized to issue

the certificate of election;

(2) If the contest ~~be~~ *is* upon the question of consolidation or reorganization, then upon the county auditor authorized by law to issue the order;

(3) If the contest ~~be~~ upon any other question, by serving a copy upon the clerk of the district.

When the contestee desires to offer testimony on points not specified in contestant's notice, he shall file and serve on the contestant *a* notice ~~thereof~~ specifying ~~such the~~ additional points. ~~Such~~ The notices shall be treated as the pleadings in the case and may be amended in the discretion of the court in ~~such the~~ manner and within ~~such the~~ times as the court ~~may by order direct orders~~. Thereafter the matter shall be tried and determined by the court at a time set by the court within 30 days after ~~such the~~ canvass. So far as consistent with this section, the ~~Rules of Civil Procedure~~ *rules of civil procedure* shall apply.

(b) ~~When~~ An appeal is taken to the supreme court from the determination of the district court in any contest instituted under this code, the party appealing shall file in the district court a bond in ~~such sum, not less than \$500, and with such sureties, as shall be approved by the judge, conditioned for the payment of all costs incurred by the respondent in case appellant fails on his appeal.~~ The notice of appeal shall be served and filed no later than ten days after the entry of the determination of the district court in the contest. The return of such appeal shall be made, certified, and filed in the supreme court within 15 days after service of notice of appeal. The appeal may be brought on for hearing in the court at any time when it is in session, upon ten days' notice from either party, which may be served during term time or in vacation; and it may be heard and determined summarily by the court ~~be in accordance with the rules of civil appellate procedure.~~

Sec. 58. Minnesota Statutes 1982, section 124.15, subdivision 7, is amended to read:

Subd. 7. [APPEAL.] A decision of the state board under this section may be ~~reviewed on certiorari by the district court of the county wherein the district, or any part thereof, is located~~ *appealed in accordance with chapter 14.*

Sec. 59. Minnesota Statutes 1982, section 127.25, subdivision 3, is amended to read:

Subd. 3. [APPEAL.] An appeal lies from the district court ~~to the supreme court~~ in accordance with the rules of civil appellate procedure.

Sec. 60. Minnesota Statutes 1982, section 127.33, is amended to read:

127.33 [JUDICIAL REVIEW.]

The decision of the commissioner of education made pursuant to sections 127.26 to 127.39 shall be subject to ~~direct~~ judicial review ~~in the district court of the county in which the school district or any part thereof is located.~~ The scope of the judicial review shall be as provided by Minnesota Statutes 1971, ~~Section 15.0425~~ *in accordance with chapter 14.*

Sec. 61. Minnesota Statutes 1982, section 141.29, subdivision 2, is amended to read:

Subd. 2. [APPEAL.] Any order refusing, revoking, or suspending a

school's license or a solicitor's permit is appealable to the district court as provided in accordance with chapter 14. Where a school has been operating and its license has been revoked, suspended, or refused by the commissioner such, the order shall is not become effective until the final determination of such the appeal unless immediate effect shall be is ordered by the court.

Sec. 62. Minnesota Statutes 1982, section 145.698, subdivision 2, is amended to read:

Subd. 2. [STAY; COMMITMENT.] Upon conviction of a defendant for any crime in district court or any municipal court from which an appeal lies directly to the supreme court, or following revocation of probation previously granted whether or not sentence has been imposed, if it appears to the court that the defendant may be a drug dependent person, or by reason of the repeated use of drugs may be in imminent danger of becoming addicted, the court may adjourn the proceedings or suspend imposition or execution of sentence and order the county attorney to file a petition for commitment of the defendant pursuant to the Minnesota hospitalization and Commitment Act for confinement in a hospital, a mental health center, the Willmar state hospital, or other drug treatment facility chapter 253B until such time as the court feels that such the person is no longer in need of institutional care and treatment.

Sec. 63. Minnesota Statutes 1982, section 149.05, subdivision 3, is amended to read:

Subd. 3. [REVIEW.] Any action of the commissioner in refusing to grant or renew a license or in suspending or revoking a license may be is subject to review by a writ of certiorari issued by the district court of any county in accordance with chapter 14.

Sec. 64. Minnesota Statutes 1983, section 155A.11, subdivision 2, is amended to read:

Subd. 2. [APPEAL FROM ORDER.] Any order refusing, revoking, or suspending a license is appealable to the district court where the licensee conducts business as provided in accordance with chapter 14. If a person has been operating and the person's license has been revoked, suspended, or refused by the director, the order is not effective until final determination of the appeal unless the court orders it to take effect immediately.

Sec. 65. Minnesota Statutes 1982, section 156A.071, subdivision 9, is amended to read:

Subd. 9. [SUBMISSION OF DATA FROM EXPLORATORY BORINGS.] Data obtained from exploratory borings shall be submitted by the explorer to the commissioner of natural resources as follows:

(a) Upon application for a state permit required for activities relating to mineral deposit evaluation, the explorer shall submit to the commissioner of natural resources data relevant to the proposal under consideration. The explorer may identify portions of the data which, if released, would impair the competitive position of the explorer submitting the data. Data so identified shall be considered to be not public data. If the commissioner is requested to disclose the data, he shall mail notice of the request to the ex-

plorer, and shall determine whether release of the data would impair the competitive position of the explorer submitting the data. If the commissioner determines that release of the data would impair the competitive position of the explorer submitting the data, the commissioner shall not release the data to any person other than parties to the proceedings relating to the permit under consideration. Parties to the proceedings shall maintain the confidentiality of data. Further, ~~no not public data which are classified as not public~~ shall not be released by the commissioner until 30 days after mailed notice to the explorer of the commissioner's intention to do so. Under no circumstances shall the commissioner release data to any person, ~~company, or organization~~ engaged in exploration, mining, milling, or related industry pertaining to any mineral. If the commissioner determines to release data, the explorer may demand a contested case hearing on the commissioner's determination or may withdraw the permit application and the data shall not be released. Any person aggrieved by the decision of the commissioner may appeal the decision ~~to the district court pursuant to~~ *in accordance with chapter 14;*

(b) Upon application for a state permit required for mine development, the explorer shall submit to the commissioner of natural resources data relevant to the proposal under consideration. This data shall be considered public data and persons submitting the data shall not be subject to civil or criminal liability for its use by others;

(c) Within six months after termination by the explorer of its lease or any other type of exploration agreement on a property all data shall be submitted. ~~For a lease or any other type of exploration agreement terminated prior to May 1, 1980, on which exploratory borings were made on or after January 1, 1977, the data as required herein shall be submitted within six months of May 1, 1980.~~ The data shall be considered public data and persons submitting the data shall not be subject to civil or criminal liability for its use by others. Data submitted to the commissioner of natural resources prior to May 1, 1980 need not be submitted under this section. The commissioner of natural resources shall designate which samples shall be submitted, and shall specify the location to which the sample shall be delivered. In the event that the explorer requires certain samples in their entirety, the commissioner of natural resources may waive the requirement for a one-quarter portion of the samples. Samples submitted become property of the state.

(d) As used in this subdivision, "mineral deposit evaluation" means examining an area to determine the quality and quantity of minerals, excluding exploratory boring but including obtaining a bulk sample, by such means as excavating, trenching, constructing shafts, ramps, tunnels, pits and producing refuse and other associated activities. "Mineral deposit evaluation" shall not include activities intended, by themselves, for commercial exploitation of the ore body. "Mine development" means those activities undertaken after mineral deposit evaluation for commercial exploitation of the ore body.

Sec. 66. Minnesota Statutes 1982, section 161.34, subdivision 4, is amended to read:

Subd. 4. ~~[APPEAL TO SUPREME COURT.]~~ An appeal from any final order of judgment in ~~such the~~ action shall lie ~~to the supreme court of the state~~

in the same manner as appeals in ordinary other civil actions cases.

Sec. 67. Minnesota Statutes 1982, section 168.65, subdivision 2, is amended to read:

Subd. 2. [APPEAL.] If after a public hearing, upon due notice, the registrar of motor vehicles determines that any owner or operator of intercity buses has violated any term or provisions of sections 168.61 to 168.65 or ~~willfully~~ *willfully* furnished false information or reports, ~~such the~~ registrar shall cancel all number plates and all special identification plates or certificates issued to ~~such the~~ owner or operator of intercity buses ~~and such~~. *The* intercity buses, during such calendar year, shall not operate upon the streets and highways of the state unless the owner's or operator's entire fleet of intercity buses is then registered in the state of Minnesota and the motor vehicle taxes paid ~~thereon~~ *on them* for the full calendar year in which the offense occurs. Any ~~such~~ determination by the registrar of motor vehicles ~~shall be~~ *is* subject to ~~judicial review by certiorari as provided by law appeal in accordance with chapter 14.~~

Sec. 68. Minnesota Statutes 1982, section 168.68, is amended to read:

168.68 [SUSPENSION OR REVOCATION OF LICENSE.]

(a) A license may be suspended or revoked by the administrator on the following grounds:

(1) Material misstatement in application for license;

(2) Intentional failure to comply with any provision of sections 168.66 to 168.77 relating to retail installment contract;

(3) Defrauding any retail buyer to the buyer's damage;

(4) Fraudulent misrepresentation, circumvention or concealment by the licensee through whatever subterfuge or device of any of the material particulars or the nature thereof required to be stated or furnished to the retail buyer under sections 168.66 to 168.77.

(b) If a licensee is a firm, association or corporation, it shall be sufficient cause for the suspension or revocation of a license that any officer, director or trustee of a licensed firm, association or corporation, or any member of a licensed partnership, has so acted or failed to act as would be cause for suspending or revoking a license to such part as an individual. Each licensee shall be responsible for the acts of any or all of his employees while acting as his agent, if ~~such the~~ licensee after actual knowledge of his act retained the benefits, proceeds, profits or advantages accruing from ~~said the~~ acts or otherwise ratified ~~such the~~ acts.

(c) No license shall be suspended or revoked except after hearing ~~thereon~~. The administrator shall give the licensee at least ten days' written notice, in the form of an order to show cause, of the time and place of ~~such the~~ hearing by certified mail addressed to the principal place of business in this state of ~~such the~~ licensee. The ~~said~~ notice shall contain the grounds of complaint against the licensee. Any order suspending or revoking ~~such the~~ license shall recite the grounds upon which ~~the same~~ it is based. The order shall be entered upon the records of the administrator and shall not be effective until after 30 days' written notice thereof given after such entry forwarded by

certified mail to the licensee at such principal place of business. No revocation, suspension or surrender of any license shall impair or affect the obligation of any lawful retail installment contract acquired previously thereto by the licensee.

(d) Within 30 days after ~~such~~ *the* service of notice of any order of suspension or revocation of a license, the licensee aggrieved may appeal from ~~such~~ *the* order to the district court for the county in which the principal place of business of ~~such~~ *the* licensee in this state is located, by service of a written notice of appeal upon the administrator, and filing ~~the same~~ *it* with proof of ~~such~~ service with the clerk of the court to which the appeal is taken, within five days. The district court ~~shall thereupon have~~ *has* jurisdiction over the appeal; ~~and the same~~ *. It* shall be entered upon the records of the court and tried according to the rules ~~relating to the trial~~ *of civil actions procedure* in so far as ~~the same~~ *they* are applicable. Upon service of ~~such~~ a notice of appeal upon him, the administrator shall ~~forthwith~~ file with the clerk of the district court to which the appeal is taken a certified copy of the order appealed from and of the order to show cause upon which ~~the same~~ *it* was based; ~~and~~ *.* Unless otherwise ordered by the court, the documents ~~so~~ filed shall frame the issues to be determined upon the appeal. The court shall determine, de novo, all questions, both of fact and of law, touching upon the legality and reasonableness of the determination of the administrator, and shall render such judgment as shall be lawful and just. Pending final judgment on ~~such~~ *the* appeal, the order appealed from shall be stayed. Upon motion of the licensee or the administrator, the appeal shall be tried ahead of all other actions pending before the court except criminal cases. Appeals ~~to the supreme court~~ may be taken as in other civil ~~proceedings~~ *cases*.

Sec. 69. Minnesota Statutes 1982, section 169.073, is amended to read:

169.073 [RED LIGHTS FORBIDDEN.]

No person or corporation shall place, maintain or display any red light or red sign, signal, or lighting device or maintain ~~the same~~ *it* in view of any highway or any line of railroad on or over which trains are operated in such a way as to interfere with the effectiveness or efficiency of any highway traffic-control device or signals or devices used in the operation of a railroad. Upon written notice from the commissioner of transportation ~~such~~ *, a* person or corporation maintaining or owning or displaying ~~said~~ *a* prohibited light shall promptly remove ~~the same~~ *it*, or change the color ~~thereof~~ *of it* to some other color than red. Where ~~such~~ *a* prohibited light or sign interferes with the effectiveness or efficiency of the signals or devices used in the operation of a railroad, the department of public service ~~shall have authority to~~ *may* cause the removal of ~~the same~~ *it* and the department ~~shall have authority to~~ *may* issue notices and orders for ~~such~~ *its* removal. The department shall proceed as provided in sections 216.13, 216.14, 216.15, 216.16, and 216.17, with a right of appeal to the aggrieved party ~~as provided in section 216.25~~ *accordance with chapter 14*.

No person or corporation shall maintain or display any ~~such~~ light after written notice ~~thereof~~ from the commissioner of transportation or the department of public service that ~~such~~ *the* light constitutes a traffic hazard and ~~that it~~ *has* ordered the removal thereof.

Sec. 70. Minnesota Statutes 1982, section 169.123, subdivision 7, is amended to read:

Subd. 7. [REVIEW BY DISTRICT COURT APPEAL.] Any party ag-

grieved by the decision of the reviewing court may appeal the decision to the district court as provided in sections 484.63 and section 487.39.

Sec. 71. Minnesota Statutes 1982, section 174A.05, is amended to read:

174A.05 [APPEALS.]

An appeal from an order of the board shall be as provided in sections 216.24 and 216.25 *accordance with chapter 14.*

Sec. 72. Minnesota Statutes 1982, section 176.471, subdivision 6, is amended to read:

Subd. 6. [TRANSMITTAL OF FEE AND RETURN.] When the writ of certiorari has been served upon the administrator of the workers' compensation court of appeals, the bond has been filed, and the filing fee has been paid, the administrator shall immediately transmit to the clerk of the ~~supreme court~~ *appellate courts* that filing fee and the return to the writ of certiorari and bond.

Sec. 73. Minnesota Statutes 1982, section 176.471, subdivision 8, is amended to read:

Subd. 8. [RETURN OF PROCEEDINGS TRANSMITTED TO COURT.] Within 30 days after the writ of certiorari, bond, and filing fee have been filed with the administrator of the workers' compensation court of appeals, the administrator shall transmit to the clerk of the ~~supreme court~~ *appellate courts* a true and complete return of the proceedings of the workers' compensation court of appeals under review, or ~~such the~~ *the* part of those proceedings as is necessary to allow the supreme court to review properly the questions presented.

The workers' compensation court of appeals shall certify the return of the proceedings under its seal. The petitioner or relator shall pay to the administrator of the workers' compensation court of appeals the reasonable expense of preparing the return.

Sec. 74. Minnesota Statutes 1982, section 176.471, subdivision 9, is amended to read:

Subd. 9. [APPLICATION OF RULES GOVERNING APPEALS IN CIVIL ACTIONS.] When the return of the proceedings before the workers' compensation court of appeals has been filed with the clerk of the ~~supreme court~~ *appellate courts*, the supreme court shall hear and dispose of the matter ~~in accordance with the laws and court rules governing appeals as in other civil actions cases.~~

Sec. 75. Minnesota Statutes 1982, section 177.29, subdivision 1, is amended to read:

Subdivision 1. [APPEAL.] Any person ~~who may be~~ aggrieved by any administrative rule issued pursuant to section 177.28 may ~~obtain a review thereof in the district court for Ramsey county; by filing in the court a written petition for declaratory judgment praying that the rule be modified or set aside. A copy of the petition shall be served upon the department. The department's findings of fact, if any, shall be conclusive upon the court if supported by substantial evidence. The court shall determine whether the rule is in accordance with law.~~

If the court determines that the rule is not in accordance with law, it shall remand the case to the department with directions to modify or revoke the rule. If application is made to the court by any aggrieved party for leave to adduce additional evidence, the party shall show to the satisfaction of the court that the additional evidence is material, and that there were reasonable grounds for the failure to adduce the evidence before the department. If the court finds that the evidence is material and that reasonable grounds exist for the failure of the aggrieved party to adduce the evidence in prior proceedings, the court may remand the case to the department with directions that the additional evidence be taken by the department. The department may modify its findings and conclusions, in whole or in part, by reason of the additional evidence *appeal in accordance with chapter 14.*

Sec. 76. Minnesota Statutes 1982, section 178.09, subdivision 2, is amended to read:

Subd. 2. [DETERMINATION; APPEAL.] The determination of the director shall be filed with the commissioner and written notice shall be served on all parties affected ~~thereby~~ *by it*. Any person aggrieved by any determination or action of the director may appeal to the commissioner. If no appeal is filed with the commissioner within ten days of the date of service, the director's determination shall become the order of the commissioner. If an appeal is filed, the commissioner shall appoint and convene a hearing board to be composed of three members of the council, one member being a representative of an employer organization, one representative being a member of an employee organization, and one member representing the general public. ~~Such~~ *The* board shall hold a hearing on the appeal after due notice to the interested parties and shall submit to the commissioner findings of fact and a recommended decision accompanied by a memorandum of the reasons ~~therefor~~ *for it*. Within 30 days after submission, the commissioner may adopt as his own the recommended decision of the board, or disregard the recommended decision of the board and prepare his own decision based on the findings of fact and accompanied by his memorandum of reasons for that decision. Written notice of the commissioner's determination and order shall be served on all parties affected ~~thereby~~ *by it*. Any person aggrieved or affected by any determination or order of the commissioner may appeal ~~therefrom~~ *from it* to the district court having jurisdiction at any time within 30 days after the date of ~~such~~ *the* order by service of a written notice of appeal on the commissioner. Upon service of the notice of appeal, the commissioner shall file with the clerk of the district court to which the appeal is taken a certified copy of the order appealed from, together with findings of fact on which it is based. The person serving a notice of appeal shall, within five days after ~~the~~ *its* service ~~thereof~~, file it, with proof of service, with the clerk of the court to which the appeal is taken; ~~and thereupon~~. The district court shall ~~then~~ have jurisdiction over the appeal and it shall be entered in the records of the district court and tried de novo according to the applicable rules. Any person aggrieved or affected by any determination, order, or decision of the district court may appeal ~~to the supreme court~~ *as in other civil cases.*

Sec. 77. Minnesota Statutes 1982, section 179.64, subdivision 5, is amended to read:

Subd. 5. [REVIEW; APPEAL.] Any public employee ~~shall be~~ *is* entitled to request the opportunity to establish that he did not violate the provisions of this section. The request shall be filed in writing with the officer or body having the power to remove the employee, within ten days after notice of

termination is served upon him. The employing officer or body shall within ten days commence a proceeding at which the employee shall be entitled to be heard for the purpose of determining whether the provisions of this section have been violated by the public employee. If there are contractual grievance procedures, laws or rules establishing proceedings to remove the public employee, the hearing shall be conducted in accordance with whichever procedure the employee elects ~~provided that~~. The election shall be binding and shall terminate any right to the alternative procedures. The same proceeding may include more than one employee's employment status if the employees' defenses are identical, analogous or reasonably similar. The proceedings shall be undertaken without unnecessary delay. Any person whose termination is sustained in the administrative or grievance proceeding may ~~secure a review of his removal by serving a notice of appeal upon the employer removing him within 20 days after the results of the hearing have been announced. This notice, with proof of service thereof, shall be filed within ten days after service, with the clerk of the district court in the county where the employer has its principal office or in the county where the employee last was employed by the employer. The district court shall have jurisdiction to review the matter in the same manner as on appeal from administrative orders and decisions. This hearing shall take precedence over all matters before the court and may be held upon ten days written notice by either party. The court shall make such order as it deems proper. An employer may obtain review of a decision to reinstate an employee in the same manner as provided for appeals by employees in this subdivision. An appeal may be taken from the district court order to the supreme court in accordance with chapter 14.~~

Sec. 78. Minnesota Statutes 1982, section 179.741, subdivision 3, is amended to read:

Subd. 3. [UNIVERSITY OF MINNESOTA.] Subject to the provisions of section 179.742, subdivision 5 ~~all appropriate units of University of Minnesota employees certified as of April 25, 1980 are abolished.~~, the following shall be the appropriate units of University of Minnesota employees for the purposes of sections 179.61 to 179.76. All units shall exclude managerial and confidential employees and supervisory employees shall only be assigned to unit 12. No additional units of University of Minnesota employees shall be recognized for the purpose of meeting and negotiating.

(1) Law enforcement unit. This unit shall consist of the positions of all employees with the power of arrest.

(2) Craft and trades unit. This unit shall consist of the positions of all employees whose work requires specialized manual skills and knowledge acquired through formal training or apprenticeship or equivalent on-the-job training or experience.

(3) Service, maintenance and labor unit. This unit shall consist of the positions of all employees whose work is typically that of maintenance, service or labor and which does not require extensive previous training or experience, except as provided in unit 4.

(4) Health care non-professional and service unit. This unit shall consist of the positions of all non-professional employees of the University of Minnesota hospitals, dental school and health service whose work is unique to

those settings, excluding labor and maintenance employees as defined in unit 3.

(5) Nursing professional unit. This unit shall consist of all positions which are required to be filled by registered nurses.

(6) Clerical and office unit. This unit shall consist of the positions of all employees whose work is typically clerical or secretarial, including non-technical data recording and retrieval and general office work, except as provided in unit 4.

(7) Technical unit. This unit shall consist of the positions of all employees whose work is not typically manual and which requires specialized knowledge or skills acquired through two year academic programs or equivalent experience or on-the-job training, except as provided in unit 4.

(8) Twin Cities instructional unit. This unit shall consist of the positions of all instructional employees with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow, located on the Twin Cities campuses.

(9) Outstate instructional unit. This unit shall consist of the positions of all instructional employees with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow, located at the Duluth campus, provided that the positions of instructional employees of the same ranks at the Morris, Crookston or Waseca campuses shall be included within this unit if a majority of the eligible employees voting at a campus so vote during an election conducted by the director, provided that ~~such an~~ the election shall not be held ~~unless and~~ until the Duluth campus has voted in favor of representation. The election shall be held when an employee organization or group of employees petitions the director stating that a majority of the eligible employees at one of these campuses wishes to join the unit and this petition is supported by a showing of at least 30 percent support from eligible employees at that campus and is filed within 60 days of April 25, 1980 or, after January 1, 1981, during the period between September 1 and November 1.

(10) Graduate assistant unit. This unit shall consist of the positions of all graduate assistants who are enrolled in the graduate school and who hold the rank of research assistant, teaching assistant, teaching associate I or II, project assistant, or administrative fellow I or II.

(11) Non-instructional professional unit. This unit shall consist of the positions of all employees meeting the requirements of either clause (a) or (b) of section 179.63, subdivision 10, which are not defined as included within the instructional unit.

(12) Supervisory employees unit. This unit shall consist of the positions of all supervisory employees.

The employer shall petition the director within 90 days of April 25, 1980 indicating his position with respect to the allocation of all positions to the units provided in this subdivision. The employer shall serve a copy of the petition on the exclusive representatives of the affected employees. When the employer's position with respect to the positions to be included within a unit established by this subdivision is challenged by an employee organiza-

tion petitioning under section 179.67, the director shall make a determination as to the allocation of the challenged positions under the language of subdivision 3. His determination shall be made within 60 days of receipt of the petitioning organization's challenge and may be appealed ~~only to the supreme court which shall hear the matter on an expedited basis to the court of appeals.~~ Should both units 8 and 9 each elect exclusive bargaining representatives, those representatives may by mutual agreement jointly negotiate a contract with the regents, or may negotiate separate contracts with the regents. If the exclusive bargaining representatives jointly negotiate a contract with the regents, the contract shall be ratified by each unit.

Sec. 79. Minnesota Statutes 1982, section 181A.10, subdivision 2, is amended to read:

Subd. 2. [HEARINGS; REVIEW.] Hearings in the district court on all appeals taken under subdivision 1 shall be privileged and take precedence over all matters, except matters of the same character. The jurisdiction of the court shall be exclusive and its ~~judgement~~ judgment and decree shall be final except that the same shall be subject to review on appeal ~~to the supreme court as in other civil cases.~~

Sec. 80. Minnesota Statutes 1982, section 185.15, is amended to read:

185.15 [COURT TO CERTIFY PROCEEDINGS ~~TO SUPREME COURT ON APPEAL.~~]

When any court of the state shall issue or deny any temporary injunction in a case involving or growing out of a labor dispute, the court shall, upon the request of any party to the proceedings, and on his filing the usual bond for costs, forthwith certify, as in ordinary cases, the record of the case ~~to the supreme court for its review for appeal. Upon the filing of such record in the supreme court, the appeal shall be heard and the temporary injunctive order affirmed, modified, or set aside, with the greatest possible expedition, giving the proceedings precedence over all other matters except older matters of the same character.~~

Sec. 81. Minnesota Statutes 1982, section 192A.255, subdivision 1, is amended to read:

Subdivision 1. [REFUSAL TO APPEAR.] Any person not subject to this code who:

(1) Has been duly subpoenaed to appear as a witness or to produce books and records before a military court or before any military or civil officer designated to take a deposition to be read in evidence before ~~such~~ a court;

(2) Has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending the ~~supreme~~ district court of the state; and

(3) Willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which that person ~~may have~~ has been legally subpoenaed to produce;

is guilty of an offense against the state and a military court may punish him in the same manner as the civil courts of the state.

Sec. 82. Minnesota Statutes 1982, section 197.481, subdivision 6, is

amended to read:

Subd. 6. [APPEALS.] Appeals of orders issued under this section shall be to the Ramsey county district court in accordance with sections 14.63 to 14.68 and to the supreme court as provided in section 14.70; the scope of judicial review shall be as prescribed by section 14.69. The commissioner may appeal to the supreme court as provided by the rules of civil appellate procedure from an order of the district court issued pursuant to this subdivision chapter 14.

Sec. 83. Minnesota Statutes 1982, section 204B.06, subdivision 4, is amended to read:

Subd. 4. [PARTICULAR OFFICES.] Candidates who seek nomination for the following offices shall state the following additional information on the affidavit:

(a) For United States senator, that the candidate will be 30 years of age or older and a citizen of the United States for not less than nine years on the next January 3 or, in the case of an election to fill a vacancy, within 21 days after the special election;

(b) For United States representative, that the candidate will be 25 years of age or older and a citizen of the United States for not less than seven years on the next January 3 or, in the case of an election to fill a vacancy, within 21 days after the special election;

(c) For governor or lieutenant governor, that on the first Monday of the next January the candidate will be 25 years of age or older and, on the day of the state general election, a resident of Minnesota for not less than one year;

(d) For supreme court justice, *court of appeals judge*, or district court judge, that the candidate is learned in the law;

(e) For county or county municipal court judge or other judicial officer, that the candidate is qualified as prescribed by law;

(f) For senator or representative in the legislature, that on the day of the general or special election to fill the office the candidate will have resided not less than one year in the state and not less than six months in the legislative district from which the candidate seeks election.

Sec. 84. Minnesota Statutes 1982, section 204B.06, subdivision 6, is amended to read:

Subd. 6. [JUDICIAL CANDIDATES; DESIGNATION OF TERM.] An individual who files as a candidate for the office of associate justice of the supreme court, *judge of the court of appeals*, judge of the district court, or judge of county or county municipal court shall state in the affidavit of candidacy the office of the particular justice or judge for which the individual is a candidate. The individual shall be a candidate only for the office identified in the affidavit. Each justice of the supreme court and each *court of appeals*, district, county or county municipal court judge is deemed to hold a separate nonpartisan office.

Sec. 85. Minnesota Statutes 1982, section 204B.11, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT.] Except as provided by subdivision 2, a filing

fee shall be paid by each candidate who files an affidavit of candidacy. The fee shall be paid at the time the affidavit is filed. The amount of the filing fee shall vary with the office sought as follows:

(a) For the office of governor, lieutenant governor, attorney general, state auditor, state treasurer, secretary of state, representative in congress, judge of the supreme court, *judge of the court of appeals*, judge of the district court, or judge of the county municipal court of Hennepin County, \$150;

(b) For the office of senator in congress, \$200;

(c) For office of senator or representative in the legislature, \$50; and

(d) For a county office, \$50.

For the office of presidential elector, and for those offices for which no compensation is provided, no filing fee is required.

The filing fees received by the county auditor shall immediately be paid to the county treasurer. The filing fees received by the secretary of state shall immediately be paid to the state treasurer.

When an affidavit of candidacy has been filed with the appropriate filing officer and the requisite filing fee has been paid, the filing fee shall not be refunded.

Sec. 86. Minnesota Statutes 1982, section 204B.34, subdivision 3, is amended to read:

Subd. 3. [JUDICIAL ELECTIONS.] When one or more justices of the supreme court or judges *of the court of appeals* or of a district, county or county municipal court are to be nominated at the same primary or elected at the same general election, the notice of election shall state the name of each justice or judge whose successor is to be nominated or elected.

Sec. 87. Minnesota Statutes 1982, section 204B.36, subdivision 4, is amended to read:

Subd. 4. [JUDICIAL CANDIDATES.] The official ballot shall contain the names of all candidates for each judicial office and shall state the number of those candidates for whom a voter may vote. The title of each judicial office shall be printed on the official primary and general election ballot as follows:

(a) In the case of the supreme court:

“For the office of associate (or chief) justice of the supreme court to which (name of justice)..... was elected for the regular term” or “to which (name of justice)..... was appointed”;

(b) *In the case of the court of appeals:*

“For the office of judge of the court of appeals to which (name of judge) was elected for the regular term” or “to which (name of judge) was appointed”;

~~(b)~~ (c) In the case of the district court:

“For the office of judge of the district court of the (number)..... judicial district to which (name of judge)..... was elected for the regular

term” or “to which (name of judge)..... was appointed”; or

{e} (d) In the case of the county court:

“For the office of judge of the county court of the county (or counties) of to which (name of judge)..... was elected for the regular term” or “to which (name of judge)..... was appointed”.

For voting machine ballots on which the statements required by this subdivision cannot be printed because of length, the title of each judicial office shall be printed as follows:

“Successor to (name)....., elected (or appointed)”.

Sec. 88. Minnesota Statutes 1982, section 204D.02, subdivision 1, is amended to read:

Subdivision 1. [OFFICERS.] All elective state and county officers, justices of the supreme court, judges of the *court of appeals*, district, county and county municipal courts, state senators and state representatives, and senators and representatives in congress shall be elected at the state general election held in the year before their terms of office expire. Presidential electors shall be chosen at the state general election held in the year before the expiration of a term of a president of the United States.

Sec. 89. Minnesota Statutes 1982, section 204D.08, subdivision 6, is amended to read:

Subd. 6. [STATE AND COUNTY NONPARTISAN PRIMARY BALLOT.] The state and county nonpartisan primary ballot shall be headed “State and County Nonpartisan Primary Ballot”. It shall be printed on canary paper. The names of candidates for nomination to the supreme court, *court of appeals*, district, county and county municipal courts and all county offices shall be placed on this ballot.

No candidate whose name is placed on the state and county nonpartisan primary ballot shall be designated or identified as the candidate of any political party or in any other manner except as expressly provided by law.

Sec. 90. Minnesota Statutes 1982, section 204D.11, subdivision 1, is amended to read:

Subdivision 1. [WHITE BALLOT; RULES; REIMBURSEMENT.] The names of the candidates for all partisan offices voted on at the state general election and candidates for the office of justice and chief justice of the supreme court and the office of judge of the *court of appeals* shall be placed on a single ballot printed on white paper which shall be known as the “white ballot”. This ballot shall be prepared by the county auditor subject to the rules of the secretary of state. The state shall reimburse the counties for the cost of preparing the white ballot and the envelopes required for the returns of that ballot. The secretary of state shall adopt rules for preparation and time of delivery of the white ballot and for reimbursement of the counties’ costs.

Sec. 91. Minnesota Statutes 1982, section 209.09, is amended to read:

209.09 [APPEAL TO SUPREME COURT APPEALS.]

When an appeal is taken to the supreme court from the determination of the

district court in any contest instituted under this chapter, the party appealing shall file in the district court a bond in ~~such a~~ sum, not less than \$500, and with such sureties, as shall be approved by the judge, conditioned for the payment of all costs incurred by the respondent in case appellant fails on his appeal. The notice of appeal shall be served and filed no later than ten days in case of a general election and no later than five days in case of a primary after the entry of the determination of the district court in the contest. The return of ~~such the~~ appeal shall be made, certified, and filed in the ~~supreme~~ court of *appeals or, in the case of a contest relating to the office of state representative or senator, in the supreme court* as soon as practicable and in any event within 15 days after service of notice of appeal. The appeal may be brought on for hearing in the court at any time when it is in session, upon such notice from either party, as the court may determine ~~which~~. The notice may be served during term time or in vacation; and it may be heard and determined summarily by the court. The appeal from a determination of an election contest relating to the office of state senator or representative shall take precedence over all other business on the supreme court docket, and shall be disposed of with all convenient dispatch. A copy of the decision shall be forwarded to the chief clerk of the house of representatives or the secretary of the senate, as appropriate.

Sec. 92. Minnesota Statutes 1982, section 210A.01, subdivision 3, is amended to read:

Subd. 3. [CANDIDATE.] "Candidate" means any individual for whom it is contemplated or desired that votes may be cast at any primary or election, and who either tacitly or expressly consents to be so considered, except candidates for president and vice president of the United States. In sections 210A.22 to 210A.28, 210A.32 and 210A.33, "candidate" does not mean an individual for whom it is contemplated or desired that votes may be cast at any primary or election, and who either tacitly or expressly consents to be so considered for constitutional office, member of the legislature, justice of the supreme court, *court of appeals*, or district court, county court, probate court, or county municipal court judge.

Sec. 93. Minnesota Statutes 1982, section 216.25, is amended to read:

216.25 [APPEALS; ORDERS NOT APPEALED; PROCEEDINGS; REVIEW BY SUPREME COURT.]

The person serving such notice of appeal shall, within such 30 day period, file the same with proof of service, with the clerk of the court to which such appeal is taken; and thereupon the district court shall have jurisdiction over the appeal and the same shall be entered upon the records of the district court and shall be tried therein according to the rules relating to the trial of civil actions so far as the same are applicable. The complainant before the commission, if there was one (otherwise the state of Minnesota), shall be designated as complainant in the district court. No further pleadings than those filed before the commission shall be necessary. Such findings of fact shall be prima facie evidence of the matters therein stated; and the order shall be prima facie reasonable; and the burden of proof upon all issues raised by the appeal shall be on the appellant. The review shall be conducted by the court without a jury and shall be confined to the record; except that in cases of alleged irregularities in procedure before the commission, not shown on the record, testimony thereon may be taken by

the court. If the court shall determine that the order appealed from is lawful and reasonable, it shall be affirmed and the order enforced as provided by law. If it shall be determined that the order is unlawful or unreasonable, it shall be vacated and set aside. Such appeal shall not stay or supersede the order appealed from unless the commission so orders or unless the court upon examination of the order and the return made on the appeal, and after giving the respondent notice and opportunity to be heard, shall so direct. If such appeal is not taken such order shall become final, and it shall thereupon be the duty of the regulated persons affected to adopt and perform the acts therein prescribed. When no appeal is taken from an order, as herein provided, the parties affected by such order shall be deemed to have waived the rights to have the merits of such controversy reviewed by a court, and there shall be no trial of the merits or reexamination of the facts of any controversy in which such order was made, by any district court to which application may be made for a writ to enforce the same. Any party to a proceeding in the district court or contested case before the commission may appeal to the supreme court of Minnesota from the decision and order or judgment of such district court within the time and in the manner and under the procedure provided in rules of civil appellate procedure; provided that if the commission be the appellant, no bond upon such appeal shall be required in accordance with chapter 14.

Sec. 94. Minnesota Statutes 1982, section 216.27, is amended to read:

216.27 [FILING PAPERS; EFFECT.]

When in any such case an appeal is taken or such question certified, the commission shall forthwith file with the clerk of the proper district court all papers, pleadings, evidence, and orders in the proceeding and thereupon such court appellate courts the documents described by the rules of civil appellate procedure. The court of appeals shall have full jurisdiction to hear and determine the question of the jurisdiction of the commission in reference to the matter appealed from or certified. Such The proceeding may shall be brought on for hearing by either party on ten days' notice, either at a term or in vacation, and shall be heard upon the evidence taken before the commission and such further evidence as may be offered by either party governed by the rules of civil appellate procedure. If the order of the commission is reversed, upon filing a copy of the order of reversal with the commission, it shall forthwith proceed to determine the reasonableness of such the rates, fares, charges, and classification on the merits.

Sec. 95. Minnesota Statutes 1982, section 216B.16, subdivision 3, is amended to read:

Subd. 3. [INTERIM RATES.] Notwithstanding any order of suspension of a proposed increase in rates, the commission shall order an interim rate schedule into effect not later than 60 days after the initial filing date. The commission shall order the interim rate schedule ex parte without a public hearing. Notwithstanding the provisions of sections 216.24, 216.25, 216B.27 and 216B.52, no interim rate schedule ordered by the commission pursuant to this subdivision shall be subject to an application for a rehearing or an appeal to a court until the commission has rendered its final determination. Unless the commission finds that exigent circumstances exist, the interim rate schedule shall be calculated using the proposed test year cost of capital, rate base, and expenses, except that it shall include: (1) a rate of return on common equity for the utility equal to that authorized by the commission in the utility's most recent rate proceeding; (2) rate base or expense items the same in nature and kind as those allowed by a currently effective

order of the commission in the utility's most recent rate proceeding; and (3) no change in the existing rate design. In the case of a utility which has not been subject to a prior commission determination, the commission shall base the interim rate schedule on its most recent determination concerning a similar utility.

If, at the time of its final determination, the commission finds that the interim rates are in excess of the rates in the final determination, the commission shall order the utility to refund the excess amount collected under the interim rate schedule, including interest ~~thereon~~ *on it* which shall be at the rate of interest determined by the commission. The utility shall commence distribution of the refund to its customers within 120 days of the final order, not subject to rehearing or appeal. If, at the time of its final determination, the commission finds that the interim rates are less than the rates in the final determination, the commission shall prescribe a method ~~whereby~~ *by which* the utility will recover the difference in revenues from the date of the final determination to the date the new rate schedules are put into effect.

If the public utility fails to make refunds within the period of time prescribed by the commission, the commission shall sue therefor and may recover on behalf of all persons entitled to a refund. In addition to the amount of the refund and interest due, the commission shall be entitled to recover reasonable attorney's fees, court costs and estimated cost of administering the distribution of the refund to persons entitled ~~thereto~~ *to it*. No suit under this subdivision shall be maintained unless instituted within two years after the end of the period of time prescribed by the commission for repayment of refunds. The commission shall not order an interim rate schedule into effect as provided by this subdivision until at least four months after it has made a final determination concerning any previously filed change of the rate schedule or the change has otherwise become effective under subdivision 2, unless it finds that a four month delay would unreasonably burden the utility, its customers, or its shareholders and that an earlier imposition of interim rates is therefore necessary.

Sec. 96. Minnesota Statutes 1982, section 216B.52, subdivision 1, is amended to read:

Subdivision 1. [APPEALS.] Any party to a proceeding before the commission or any other person, aggrieved by a decision and order and directly affected ~~thereby~~ *by it*, shall be entitled to ~~may~~ appeal from ~~such~~ *the* decision and order of the commission. ~~The proceedings shall be instituted by serving a notice of appeal personally or by certified mail upon the commission or one of its members or upon its secretary, and by filing the notice in the office of the clerk of the district court of the county of Ramsey or of the county in which the appellant resides or maintains his principal place of business, all within 30 days after the service of the order and decision of the commission or in cases where a rehearing is requested within 30 days after service of the order finally disposing of the application for the rehearing, or within 30 days after the final disposition by operation of law of the application for rehearing. The notice shall state the nature of the appellant's interest, the facts showing that the appellant is aggrieved and directly affected by the decision, and the grounds upon which the appellant contends that the decision should be reversed or modified. Copies of the notice shall be served, personally or by certified mail, not later than 30 days after the institution of the appeal, upon all parties who appeared before the commission in the proceeding in which the order sought to be reviewed was made. The commission and all parties to the proceeding before it, shall have the right to participate in the appeal. The court, in its discretion, may permit~~

other interested parties to intervene in accordance with chapter 14.

Sec. 97. Minnesota Statutes 1982, section 231.33, is amended to read:

231.33 [APPEAL TO THE SUPREME COURT.]

Any party to an appeal or other proceeding in district court under the provisions of this chapter may appeal from the final judgment or from any final order ~~therein in the same cases and manner as in other civil actions cases.~~ The appeal may be filed in the supreme court before or during any term thereof and shall be immediately entered on the calendar and heard upon such notice as the court may prescribe.

Sec. 98. Minnesota Statutes 1982, section 237.075, subdivision 3, is amended to read:

Subd. 3. [INTERIM RATES.] Notwithstanding any order of suspension of a proposed increase in rates, the commission shall order an interim rate schedule into effect not later than 60 days after the initial filing date. The commission shall order the interim rate schedule *ex parte* without a public hearing. Notwithstanding the provisions of sections ~~216.24, 216.25, and 237.25,~~ no interim rate schedule ordered by the commission pursuant to this subdivision shall be subject to an application for a rehearing or an appeal to a court until the commission has rendered its final determination. Unless the commission finds that exigent circumstances exist, the interim rate schedule shall be calculated using the proposed test year cost of capital, rate base, and expenses, except that it shall include: (1) a rate of return on common equity for the company equal to that authorized by the commission in the company's most recent rate proceeding; (2) rate base or expense items the same in nature and kind as those allowed by a currently effective order of the commission in the company's most recent rate proceeding; and (3) no change in the existing rate design, except for products and services offered by nonregulated competitors. In the case of a company which has not been subject to a prior commission determination or has not had a general rate adjustment in the preceding three years, the commission shall base the interim rate schedule on its most recent determination concerning a similar company.

If, at the time of its final determination, the commission finds that the interim rates are in excess of the rates in the final determination, the commission shall order the company to refund the excess amount collected under the interim rate schedule, including interest ~~thereon~~ *on it* which shall be at the rate of interest determined by the commission. The company shall commence distribution of the refund to its customers within 120 days of the final order, not subject to rehearing or appeal. If, at the time of its final determination, the commission finds that the interim rates are less than the rates in the final determination, the commission shall prescribe a method ~~whereby~~ *by which* the company will recover the difference in revenues from the date of the final determination to the date the new rate schedules are put into effect.

If the telephone company fails to make refunds within the period of time prescribed by the commission, the commission shall sue therefor and may recover on behalf of all persons entitled to a refund. In addition to the amount of the refund and interest due, the commission shall be entitled to

recover reasonable attorney's fees, court costs and estimated cost of administering the distribution of the refund to persons entitled thereto. No suit under this subdivision shall be maintained unless instituted within two years after the end of the period of time prescribed by the commission for repayment of refunds. The commission shall not order an interim rate schedule into effect as provided by this subdivision until at least four months after it has made a final determination concerning any previously filed change of the rate schedule or the change has otherwise become effective under subdivision 2, unless it finds that a four month delay would unreasonably burden the company, its customers, or its shareholders and that an earlier imposition of interim rates is therefore necessary.

Sec. 99. Minnesota Statutes 1982, section 237.20, is amended to read:

237.20 [NOTICE TO COMMISSION AND PROCEDURE.]

When a municipality decides in the manner above provided to acquire an existing plant by condemnation, it shall give notice to the commission ~~whose duty it shall be thereupon to which shall~~ determine the just compensation which the owner of the plant is entitled to receive ~~therefor~~ from the municipality. Before deciding upon ~~such the~~ compensation, the commission shall, at a public meeting which may be adjourned from time to time, hear all interested parties on the question involved. The commission shall by order fix the compensation and furnish a copy of its order to the municipality and to the telephone company concerned. An appeal may be taken to the district court of the county ~~wherein such in which the~~ plant is situated from that part of the order fixing the compensation to be paid, within 30 days, by either party; ~~which~~. The appeal shall be tried the same as other appeals hereunder; . If no ~~such~~ appeal is taken, the order of the commission shall become final at the end of 30 days; ~~and when appeal is taken the decision of the district court or of the supreme court, if taken there from the district court, shall be final.~~

Sec. 100. Minnesota Statutes 1982, section 237.25, is amended to read:

237.25 [APPEALS FROM DECISIONS OF COMMISSION.]

Any party to a proceeding before the commission or the attorney general may make and perfect an appeal from ~~such the~~ order as provided in sections ~~216.24 and 216.25~~ accordance with chapter 14.

~~Upon such appeal being so perfected it may be brought on for trial at any time by either party upon ten days' notice to the other and shall then be tried by the court without the intervention of a jury, and determined upon the pleadings, evidence, and exhibits introduced before the commission and so certified by it. At such trial the findings of fact made by the commission shall be prima facie evidence of the matters therein stated, and the order shall be deemed prima facie reasonable, and if the court finds that the order appealed from is unjust, unreasonable, and not supported by the evidence, it shall make such order to take the place of the order appealed from as is justified by the record before it. If the court finds from an examination of the record that the commission erroneously rejected evidence which should have been admitted, it shall remand the proceedings to the commission with instructions to receive such the evidence so rejected and any rebutting evidence and make new findings and return the same them to the court for further proceedings review. In such~~

case the commission, after notice to the parties in interest, shall proceed to rehear the matter in controversy, and receive ~~such the~~ wrongfully rejected evidence and any rebutting evidence offered and make new findings, as upon the original hearing, and transmit ~~the same it~~ and ~~such the~~ new record, properly certified, to the court ~~wherein the appeal is pending of appeals~~, whereupon the matter shall be again considered in the court in the same manner as in an original appeal. ~~Either party may appeal to the supreme court from the judgment of the district court, as in other civil actions; except that the appeal must be taken within 30 days from the date of notice of the entry of such judgment.~~

Where an appeal is taken to the supreme court the appellant shall cause a return to be made to the court within 30 days from the date of appeal; otherwise the appeal shall be deemed abandoned and may be dismissed upon motion of the respondent. When the return on the appeal is received by the clerk of the supreme court, the cause shall be placed on the calendar of the term then pending, or if none is then pending then of the one next ensuing and it shall be assigned and brought on for hearing as other causes on such calendar.

Sec. 101. Minnesota Statutes 1982, section 237.27, is amended to read:

237.27 [ATTORNEY GENERAL TO COMPEL OBEDIENCE.]

When any telephone company fails to comply with any law of the state or any order of the commission after it has become final, or any order or judgment of the district court, ~~the court of appeals~~, or the supreme court in any cases taken to ~~any of the courts; or either of them;~~ on appeal, after ~~such the~~ judgment or order has become final, ~~it shall be the duty of the attorney general to~~ shall apply to the district court in the name of the state in any county in which the plant of the telephone company, or any part ~~thereof of it~~, is situated, for a mandatory injunction or other appropriate writ to compel obedience to the law, order, or judgment ~~and~~. The district court shall punish any disobedience of its orders in ~~such the~~ enforcement proceedings as for contempt of court.

Sec. 102. Minnesota Statutes 1982, section 237.39, is amended to read:

237.39 [PRIVATE TELEPHONE LINES SOLD TO TOWN.]

When, under the provisions of sections 237.33 to 237.40, a township telephone system ~~shall be~~ is established in any township ~~wherein in which~~ any of the inhabitants of ~~such the~~ town are already provided with telephone service furnished by any other telephone company or person, ~~such the~~ town shall, when so requested by the telephone company or person, acquire from the telephone company all telephone equipment used by the telephone company or person in furnishing telephone service to the inhabitants of ~~such the~~ town exclusively. For the purpose of determining the purchase price of ~~such the~~ equipment, application shall be made to the department ~~whose duty it which shall be thereupon to~~ determine the just compensation which the owner of ~~such the~~ telephone equipment is entitled to receive ~~therefor for it~~ from the town. Before deciding upon ~~such the~~ compensation, the department shall, at a public meeting, which may be adjourned from time to time, hear all interested persons of the question involved. The department shall by order fix the compensation and furnish a copy of its order to the town, and to the telephone company or person concerned. An appeal may be taken to the district court of the county ~~wherein such in which the~~ town is situated from that part of the order fixing the compensation to be paid, within 30 days, by either party; ~~which~~. The appeal shall be tried in the same manner as other

appeals hereunder; . If no ~~such~~ appeal is taken, the order of the department shall become final at the end of 30 days; ~~and when appeal is taken the decision of the district court or of the supreme court, if taken there from the district court, shall be final.~~

When, under the provisions of sections 237.33 to 237.40 a township telephone system has been established in any town, and it has been determined by the board of supervisors of the town to be for the best interest of public service and all persons concerned, to sell and transfer the township telephone system to any telephone company or person giving service organized for that purpose and qualified to purchase the system and operate ~~the same~~ *it*, the board of supervisors ~~shall have authority to~~ *may* sell, transfer, and convey the township telephone system upon such reasonable price and terms as it may determine; provided, that there shall be presented to the board of supervisors by a petition signed by at least 25 percent of the freeholders of the town asking for the sale ~~thereof~~; ~~and~~, . If ~~such~~ *the* sale and agreed sale price ~~be~~ *are* approved at an annual or special town meeting, it being stated in the notice of ~~such~~ *the* annual and special meeting that the proposition will be considered ~~thereat at it~~, by 66 percent of the legal voters attending ~~such~~ *the* meeting.

If any township telephone lines are sold under the provisions of sections 237.33 to 237.40, and the town has ~~theretofore~~ *previously* issued bonds for ~~the~~ *their* construction ~~thereof~~, and any part of the bonds are then outstanding and unpaid, the entire consideration received from the sale, or such part as may be necessary, shall be held and applied only for the payment and retirement of ~~such~~ *the* bonds.

Sec. 103. Minnesota Statutes 1982, section 244.11, is amended to read:

244.11 [APPELLATE REVIEW OF SENTENCE.]

An appeal to the ~~supreme~~ *court of appeals* may be taken by the defendant or the state from any sentence imposed or stayed by the district court according to the rules of criminal procedure for the district court of Minnesota. A dismissal of an appeal brought under this section shall not prejudice an appeal brought under any other section or rule.

When an appeal taken under this section is filed, the clerk of the district court shall certify ~~to the supreme court~~ the transcript of the proceedings and any files or records relating to the defendant, the offense, and the sentence imposed or stayed, that the supreme court by rule or order may require.

On an appeal pursuant to this section, the ~~supreme~~ court may review the sentence imposed or stayed to determine whether the sentence is inconsistent with statutory requirements, unreasonable, inappropriate, excessive, unjustifiably disparate, or not warranted by the findings of fact issued by the district court. This review shall be in addition to all other powers of review presently existing. The ~~supreme~~ court may dismiss or affirm the appeal, vacate or set aside the sentence imposed or stayed and direct entry of an appropriate sentence or order further proceedings to be had as the ~~supreme~~ court may direct.

This section shall not be construed to confer or enlarge any right of a defendant to be released pending an appeal.

Sec. 104. Minnesota Statutes 1982, section 246.55, is amended to read:

246.55 [APPEAL FROM ORDER OF COMMISSIONER.]

Any patient or relative aggrieved by an order of the commissioner under sections 246.50 to 246.55 may appeal from ~~such the~~ order to the district court of the county in which he resides by serving notice of ~~such the~~ appeal on the commissioner and filing the notice, with proof of service ~~thereof~~, in the office of the clerk of the district court of ~~such the~~ county within 30 days from the date the order was mailed, or ~~such a~~ later date not exceeding one year from the date of mailing as permitted by order of ~~such the~~ court. ~~Such~~ The appeal may be brought on for hearing by the appellant or the commissioner upon ten days' written notice. It shall be tried to the court which shall hear ~~such~~ evidence as it deems necessary and by order affirm or modify the order of the commissioner. When any order or determination of the commissioner made under sections 246.50 to 246.55 is brought in question on ~~such~~ appeal, ~~such the~~ order or determination shall be determined de novo. Appeal to the ~~supreme court~~ from the order of the district court may be taken in the same manner as ~~appeals are taken from~~ ~~appealable orders~~ in other civil actions cases.

Sec. 105. Minnesota Statutes 1982, section 252A.21, subdivision 1, is amended to read:

Subdivision 1. [APPEAL.] The commissioner may appeal from an order of the court entered under sections 252A.01 to 252A.21 to the ~~district court of~~ *appeals* in the manner prescribed by sections 525.71 to 525.731, for appeals by the state. Any persons, other than the commissioner, aggrieved by an order of the court entered under sections 252A.01 to 252A.21, may appeal to the ~~district court of~~ *appeals* in the manner prescribed by sections 525.71 to 525.731.

Sec. 106. Minnesota Statutes 1982, section 253B.19, subdivision 5, is amended to read:

Subd. 5. [APPEAL TO SUPREME COURT.] An interested party ~~panel~~ may appeal from the decision of the appeal panel to the ~~supreme court in the same manner of~~ *appeals* as ~~other appeals~~ in other civil actions cases. The filing of an appeal shall immediately suspend the operation of any order granting transfer, discharge or provisional discharge, pending the determination of the appeal.

Sec. 107. Minnesota Statutes 1982, section 253B.23, subdivision 7, is amended to read:

Subd. 7. [APPEAL.] The commissioner or any other aggrieved party may appeal to the ~~district court of~~ *appeals* from any order entered under this chapter as in the manner prescribed in ~~section 487.39~~ other civil cases.

Upon perfection of the appeal, the return shall be filed forthwith. The ~~district court of~~ *appeals* shall hear the appeal within 45 days after service of the notice of appeal. This appeal shall not suspend the operation of the order appealed from until the appeal is determined, unless otherwise ordered by the ~~district court of~~ *appeals*. ~~Notwithstanding any contrary provision in section 487.39, an appeal may be taken from the determination of a district court judge to the supreme court without leave of the supreme court.~~

Sec. 108. Minnesota Statutes 1982, section 256.045, subdivision 9, is

amended to read:

Subd. 9. [APPEAL TO THE SUPREME COURT.] Any party ~~who is~~ aggrieved by the order of the district court may appeal the order ~~to the supreme court in the same manner as appeals from other orders in other civil actions cases.~~ No costs or disbursements shall be taxed against any party ~~on an appeal to the district court or the supreme court~~ nor shall any filing fee or bond be required of any party.

Sec. 109. Minnesota Statutes 1982, section 256.045, subdivision 10, is amended to read:

Subd. 10. [PAYMENTS PENDING APPEAL.] If the commissioner of welfare, local welfare referee, or district court orders monthly assistance or aid or services paid or provided in any proceeding under this section, it shall be paid or provided pending appeal to the commissioner of welfare, district court, *court of appeals*, or supreme court.

Sec. 110. Minnesota Statutes 1982, section 259.32, is amended to read:

259.32 [APPEALS.]

Any order, judgment, or decree of a court pursuant to the provisions of sections 259.21 to 259.32 may be appealed ~~to the supreme court~~ by any person against whom ~~any such~~ the order, judgment, or decree is made or who is affected ~~thereby by it as are appeals from said court in other matters civil cases.~~

Sec. 111. Minnesota Statutes 1982, section 260.291, subdivision 2, is amended to read:

Subd. 2. [COURT HEARING APPEAL.] (a) The appeal from a ~~district court~~ juvenile court is taken ~~directly to the supreme court of appeals in the same manner in which appeals are taken as in other civil actions cases.~~

(b) ~~The appeal from a probate juvenile court is taken to the district court which shall try the case de novo. An appeal in the district court de novo action may be taken to the supreme court in the same manner as an appeal is taken from a district court juvenile court.~~

Sec. 112. Minnesota Statutes 1982, section 268.06, subdivision 20, is amended to read:

Subd. 20. [PROTEST, REVIEW, REDETERMINATION, APPEAL.] A review of the charges made to an employer's account as set forth in the notice of charges referred to in subdivision 18 and a review of an employer's contribution rate as set forth in the notice of his rate for any calendar year as provided in subdivision 19, may be had by ~~such the~~ employer if he files with the commissioner a written protest setting forth his reasons therefor within 30 days from the date of the mailing of the notice of charges or contribution rate to him; ~~which . The date shall appear on such the notice.~~ Upon receipt of ~~such the~~ protest, the commissioner shall refer the matter to an official designated by him to review the charges appearing on ~~such the~~ notice appealed from or the computations of the protesting employer's rate, as the case may be, to determine whether or not there has been any clerical error or error in computation in either case; ~~and he . The official shall either affirm or make a re-determination rectifying said the charges or rate as the case may be, and a~~

notice of ~~such the~~ affirmation or redetermination shall immediately be mailed to ~~said the~~ employer. If the employer is not satisfied with ~~such the~~ affirmation or redetermination, he may appeal ~~therefrom~~ by filing a notice ~~thereof~~ upon ~~said the~~ redetermination. Upon the receipt of ~~such the~~ appeal, the commissioner shall refer the matter to a referee for a hearing and after opportunity for a fair hearing, the referee shall affirm, modify or set aside the original determination with its affirmation or the redetermination, as appears just and proper. The commissioner may at any time upon his own motion correct any clerical error of the department resulting in charges against an employer's account or any error in the computation of an employer's contribution rate. The referee may order the consolidation of two or more appeals whenever, in his judgment, ~~such~~ consolidation will not be prejudicial to any interested party. At any ~~such~~ hearing a written report of any employee of the department which has been authenticated shall be admissible in evidence. Appeals from the decision of the referee shall be made in the same manner as appeals from the decision of an appeal tribunal. Decisions of the commissioner made upon appeal from a decision of the referee shall be reviewed by the ~~supreme~~ court of appeals upon certiorari in accordance with the procedure outlined ~~therefor~~ with respect to benefit decisions.

Sec. 113. Minnesota Statutes 1982, section 268.10, subdivision 8, is amended to read:

Subd. 8. [CERTIORARI.] Any ~~such~~ decision of the commissioner may be reviewed on certiorari by the ~~supreme~~ court of appeals provided ~~such a~~ petition for the writ is ~~issued~~ filed and served upon the adverse party or parties within 30 days after the date of mailing notice of any decision to him at his last known address.

Any party in interest, except a claimant for benefits, upon the service of ~~such the~~ writ shall furnish a cost bond to be approved by the commissioner and pay to the department of economic security the fee prescribed by rule 103.01 of the rules of civil appellate procedure which shall be disposed of in the manner provided by that rule.

Sec. 114. Minnesota Statutes 1982, section 268.12, subdivision 13, is amended to read:

Subd. 13. [DETERMINATIONS.] (1) An official, designated by the commissioner, upon his own motion or upon application of an employing unit, shall determine if an employing unit is an employer within the meaning of this chapter or as to whether services performed for it constitute employment within the meaning of this chapter, and shall notify the employing unit of ~~such the~~ determination. ~~Such~~ The determination shall be final unless the employing unit ~~shall~~, within 30 days after the mailing of notice of the determination to the employing unit's last known address ~~file~~, files a written appeal ~~therefrom~~ from it.

(2) The commissioner shall designate one or more ~~representatives, herein referred to as~~ referees, to conduct hearings on appeals. The employing unit and any claimant whose filed claim for benefits may be affected by a determination issued under clause (1) shall be interested parties to an appeal. The referee shall fix a time and place within this state for ~~such the~~ hearing and

~~shall~~ give interested parties written notice ~~thereof of it~~, by mail, not less than ten days prior to the time of ~~such the~~ hearing. In the discharge of the duties imposed by this subdivision, the referee ~~shall have power to~~ may administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with the subject matter of ~~such the~~ hearing. The written report of any employee of the department of economic security, made in the regular course of the performance of ~~such the~~ employee's duties, shall be competent evidence of the facts ~~therein~~ contained in it and shall be prima facie correct, unless refuted by other credible evidence.

(3) Upon the conclusion of ~~such the~~ hearing, the referee shall serve upon the interested parties by mail findings of fact and decision ~~in respect thereto~~. The decision of the referee, together with his findings of fact and reasons in support ~~thereof of them~~, ~~shall be~~ is final unless an interested party ~~shall~~, within 30 days after the mailing of a copy ~~thereof of it~~ to the interested parties' last known addresses, ~~file~~ files an appeal with the commissioner, or unless the commissioner, within 30 days after mailing of ~~such the~~ decision, on his own motion orders the matter certified to him for review. Appeal from and review by the commissioner of the decision of the referee shall be ~~had~~ in the manner provided by ~~regulation rule~~. The commissioner may without further hearing affirm, modify, or set aside the findings of fact or decision, or both, of the referee on the basis of the evidence previously submitted in the case, or direct the taking of additional evidence. The commissioner may disregard the findings of fact of the referee and examine the testimony taken and make ~~such any~~ findings of fact as the evidence taken before the referee may, in the judgment of the commissioner, require, and make ~~such any~~ decision as the facts ~~so~~ found by him ~~may~~ require. The commissioner shall notify the employing unit of his findings and decision by mail, mailed to the interested parties' last known addresses, ~~and notice of such decision shall contain a statement setting forth the cost of certification of the record in the matter.~~ The decision of the commissioner ~~shall become~~ is final unless judicial review ~~thereof of it~~ is sought as provided by this subdivision. Any interested party to a proceeding before a referee or the commissioner may obtain a transcript of the testimony taken before the referee upon payment to the commissioner of the cost of ~~such the~~ transcript ~~to be computed~~ at the rate of ten cents per 100 words.

(4) The district court of the county wherein the hearing before the referee was held ~~shall appeals may~~, by writ of certiorari to the commissioner, ~~have power to~~ review all questions of law and fact presented by the record ~~in accordance with chapter 14. The court shall not accept any new or additional evidence and shall not try the matter de novo. Such action shall be commenced within 30 days of the mailing of notice of the findings and decision of the commissioner to the interested parties affected thereby mailed to their last known addresses.~~ The commissioner shall not be required to certify the record to the district court unless the party commencing ~~such the~~ proceedings for review, ~~as provided above, shall pay~~ pays to the commissioner the cost of certification of the record ~~computed~~ at the rate of ten cents per 100 words less ~~such any~~ amount as ~~may have been~~ previously paid by ~~such the~~ party for a transcript. ~~It shall be the duty of~~ The commissioner ~~shall~~, upon receipt of ~~such the~~ payment, ~~to~~ prepare and certify to the court a true and correct typewritten copy of all matters contained in ~~such the~~ record. The costs ~~so~~ collected by the commissioner shall be deposited ~~by him~~ in the employment

services administration fund provided for in section 268.15.

The party commencing proceedings for review shall file his brief with the court and serve it upon the commissioner within 60 days of commencing proceedings. The commissioner shall file his brief with the court and serve it upon the party within 45 days of the service of the party's brief upon the commissioner. The party may file a reply brief with the court and serve it upon the commissioner within 15 days of the service of the commissioner's brief upon him. The proceedings shall be given precedence over all other civil cases before the court.

The court may confirm or set aside the decision and determination of the commissioner. If the decision and determination is set aside and the facts found in the proceedings before the referee are sufficient, the court may enter such decision as is justified by law, or may remand the cause to the commissioner for further proceedings and may state the questions requiring further hearing, and give such other instructions as may be proper.

Any decision of the district court may be reviewed on certiorari by the supreme court provided the writ is issued and served upon the adverse party or parties within 30 days after the mailing of the notice of the decision.

(5) A final decision of the commissioner or referee, in the absence of appeal ~~therefrom~~, shall be ~~is~~ conclusive for all the purposes of sections 268.03 to 268.24 except as ~~herein~~ otherwise provided, and, together with the records therein made, shall be admissible in any subsequent judicial proceeding involving liability for contributions. A final decision of the commissioner or referee may be introduced in any proceeding involving a claim for benefits.

(6) In the event a final decision of the commissioner or referee determines the amount of contributions due under sections 268.03 to 268.24, then, if ~~such the~~ amount, together with interest and penalties, is not paid within 30 days after ~~such the~~ decision, the provisions of section 268.161 shall apply ~~and~~ . The commissioner shall proceed thereunder, substituting a certified copy of the final decision in place of the contribution report ~~therein provided~~.

Sec. 115. Minnesota Statutes 1982, section 270.22, is amended to read:

270.22 [FINDINGS OF FACT.]

The commissioner of revenue shall determine the controversy upon the evidence produced at ~~such the~~ hearing and shall make and file written findings of fact and his order determining the controversy. In the equalization and determination of valuations, the findings and values as given by the assessor of the local assessment district shall be considered as prima facie correct. Copies of ~~such the~~ order and findings shall be mailed to all parties appearing at ~~such the~~ hearing, and to the auditor of the county in which the property is located. Any municipality which has appeared in ~~such the~~ proceedings, and which is aggrieved by the order of the commissioner of revenue reducing the assessed valuation of any ~~such the~~ property, or failing to increase ~~such the~~ assessed valuation, may have the order of the commissioner of revenue reviewed by appeal to the ~~supreme~~ court of appeals, on either of the following grounds: (a) that the determination of the commissioner of revenue was not in accordance with the laws relating to the as-

assessment of property, or that the commissioner of revenue committed any other error of law; or (b) that the findings of fact and determination of value were unwarranted by or were contrary to the weight of the evidence.

Any owner of property who has appeared in ~~such the~~ proceedings and who is aggrieved by the order of the commissioner of revenue raising the assessed valuation of ~~any such the~~ property, or failing to reduce ~~such the~~ assessed valuation, may have the order of the commissioner of revenue reviewed on appeal to the ~~supreme~~ court of appeals in like manner and upon the same grounds as ~~hereinabove~~ provided for review on the appeal of any municipality; as ~~hereinafter~~ provided.

Sec. 116. Minnesota Statutes 1982, section 270.23, is amended to read:

270.23 [NOTICE OF APPEAL.]

To secure ~~such~~ review, the municipality shall, within 30 days after mailing of notice of ~~such the~~ determination by the commissioner of revenue, serve upon the commissioner of revenue a notice of appeal to the ~~supreme~~ court of appeals from the order of the commissioner of revenue and file the original ~~thereof~~, with proof of service, with the clerk of the ~~supreme court appellate courts~~, paying the filing fee provided by law for appeals in civil actions. The filing of ~~such the~~ notice of appeal shall vest the ~~supreme~~ court with jurisdiction ~~thereof~~ and ~~such the~~ appeal shall be heard and disposed of as in ~~the case of appeals from other civil actions from the district court cases~~. Records and briefs shall be served and filed as provided by law or rule of court in ~~such appeals~~.

The ~~supreme~~ court shall reverse or affirm the order of the commissioner of revenue or remand the cause to the commissioner of revenue for a new hearing or further proceedings or for other disposition ~~thereof~~, with ~~such further~~ directions as the court ~~may deem~~ deems proper.

Sec. 117. Minnesota Statutes 1982, section 270.26, is amended to read:

270.26 [PROCEEDINGS TO DETERMINE ASSESSED VALUATION.]

The proceedings provided ~~hereby in this section~~ are for ~~the purpose~~ of determining the assessed valuation upon the basis of which taxes are spread against property, or ~~the its owner thereof~~, in the first instance. The order of the commissioner of revenue, or the final order for judgment of the ~~supreme~~ court ~~thereon of appeals on it~~, shall not be a bar to any defense against ~~such the~~ taxes interposed at the time of the proceedings for judgment ~~thereon; and on them~~. All defenses which may be set up against the proceedings for judgment upon ~~such the taxes under existing laws~~ may be asserted notwithstanding the determination of the commissioner of revenue or the ~~supreme~~ court ~~hereunder~~. ~~In If the event that~~ taxes are levied or extended pending review of the order of the commissioner of revenue by the ~~supreme~~ court, as ~~hereinbefore provided~~, a judgment entered upon ~~such the~~ taxes in the tax delinquency proceedings shall not be a bar to the spreading of further taxes against ~~such the~~ property for ~~such that~~ year, in the event the assessed valuation of ~~such the~~ property is raised as herein provided. In the proceedings for the collection of any taxes which include an additional levy because of the raising of the assessed valuation of any property ~~hereunder~~, the owner may answer separately to the proceedings to obtain judgment for ~~such the~~ excess levy.

Sec. 118. Minnesota Statutes 1982, section 270.68, subdivision 2, is amended to read:

Subd. 2. [APPEALS.] Either party to an action or a judgment for the recovery of any taxes, interest, or penalties under subdivision 1 may ~~remove appeal the judgment to the supreme court by appeal, as provided for appeals in other civil cases.~~

Sec. 119. Minnesota Statutes 1982, section 273.16, is amended to read:

273.16 [DETERMINATION OF CLASSIFICATION.]

The classification of iron-bearing formations under the provisions of sections 273.14 to 273.16 shall be determined in the manner ~~hereinafter set forth provided.~~ Any person engaged in the business of mining, whose tonnage recovery of iron ore concentrates for a taxable year in producing concentrates from the iron-bearing material entering the beneficiating plant has been less than 50 percent, may file a petition with the commissioner of revenue requesting classification of ~~such the~~ deposit under the provisions of sections 273.14 to 273.16. The taxpayer shall furnish ~~such any~~ available data and information concerning the operation of ~~such the~~ deposit as the commissioner of revenue ~~may require, and who requires.~~ The commissioner shall, upon receipt ~~thereof of it,~~ submit ~~such the~~ petition and data to the University of Minnesota mines experiment station. The mines experiment station shall consider the deposit referred to in the petition as a unified commercial operation; ~~and, .~~ Based on all engineering data and information furnished, ~~it~~ shall file a written report ~~thereon~~ with the commissioner of revenue, who, after hearing ~~duly had,~~ shall approve or disapprove ~~such the~~ report. If a classification is made covering ~~such the~~ deposit and property, the commissioner of revenue shall give appropriate notice ~~thereof of it~~ to the taxing districts affected ~~thereby by it.~~ If the commissioner of revenue ~~disapprove such disapproves of the classification,~~ his findings and order ~~thereon~~ on it may be reviewed by a writ of certiorari issued out of the supreme court of appeals on petition of the party aggrieved presented to the court within 30 days after the date of the order. ~~Such~~ The classifications shall also be subject to further review by the mines experiment station, from time to time, upon request of the commissioner of revenue or upon further petition by the taxpayer. Valuations determined hereunder shall be subject to the provisions of sections 270.19 to 270.26.

Sec. 120. Minnesota Statutes 1982, section 279.21, is amended to read:

279.21 [APPEAL TO SUPREME COURT.]

The orders and judgment of the district court ~~shall be~~ are subject to review ~~by the supreme court~~ as in other civil ~~actions cases.~~ As soon as the appeal is decided, the clerk of the ~~supreme court appellate courts~~ shall enter the proper order and ~~forthwith~~ transmit a certified copy ~~thereof of it~~ to the clerk of the district court. ~~Such~~ The appeal shall not prevent the entry of judgment in the district court, or the sale of any parcel of land pursuant to ~~such the~~ judgment, unless at the time of taking the appeal ~~there be a bond is~~ filed with the clerk of the district court a bond, with sureties, in an amount to be approved by the judge ~~thereof,~~ conditioned for the payment of the amount for which ~~such the~~ judgment shall be rendered, and the penalties and costs allowed by law, if the decision of the district court ~~shall be~~ is affirmed.

Sec. 121. Minnesota Statutes 1982, section 282.01, subdivision 3, is amended to read:

Subd. 3. [SALE OF NON-CONSERVATION LANDS.] All parcels of land classified as non-conservation, except those which may be reserved, shall be sold as ~~hereinafter~~ provided, if it ~~shall be~~ is determined, by the county

board of the county ~~wherein such in which the~~ parcels lie, that it is advisable to do so, having in mind their accessibility, their proximity to existing public improvements, and the effect of their sale and occupancy on the public burdens. Any parcels of land proposed to be sold shall be first appraised by the county board of the county ~~wherein such in which the~~ parcels lie; ~~and such~~. The parcels may be reappraised whenever the county board deems it necessary to carry out the intent of sections 282.01 to 282.13. In ~~such an~~ appraisal the value of the land and any standing timber ~~thereon on it~~ shall be separately determined. No parcel of land containing any standing timber may be sold until the appraised value of the timber ~~thereon on it~~ and the sale of the land have been approved by the commissioner of natural resources. The commissioner of ~~natural resources~~ shall base his review of a proposed sale on the policy and considerations specified in subdivision 1. The decision of the commissioner of ~~natural resources~~ shall be in writing and shall state the reasons ~~therefor for it~~. The county may appeal the decision of the commissioner of ~~natural resources to the district court in the manner provided by sections 14.63 to 14.68 or judicial review of contested case decisions accordance with chapter 14.~~

In any county ~~wherein in which~~ a state forest or any part ~~thereof of it~~ is located, the county auditor shall submit to the commissioner of ~~natural resources~~ at least 30 days before the first publication of the list of lands to be offered for sale a list of all lands included ~~therein on the list~~ which are situated outside of any incorporated municipality. If, at any time before the opening of the sale, the commissioner notifies the county auditor in writing that he finds standing timber on any parcel of such land, ~~such the~~ parcel shall not be sold unless the requirements of this section respecting the separate appraisal of ~~such the~~ timber and the approval ~~thereof of the appraisal~~ by the commissioner ~~shall~~ have been complied with. The commissioner may waive the requirement of the ~~aforsaid~~ 30 day notice as to any parcel of land which has been examined and the timber value approved as required by this section.

If any public improvement is made by a municipality after any parcel of land has been forfeited to the state for the non-payment of taxes, and ~~such the~~ improvement is assessed in whole or in part against the property benefited ~~thereby by it~~, the clerk of ~~such the~~ municipality shall certify to the county auditor, immediately upon the determination of the assessments for ~~such the~~ improvement, the total amount that would have been assessed against ~~such the~~ parcel of land if it had been subject to assessment; or if ~~any such the~~ public improvement is made, as ~~aforsaid~~, or is petitioned for, ordered in or assessed, whether ~~such the~~ improvement is completed in whole or in part, at any time between the appraisal and the sale of ~~any such the~~ parcel of land, the cost of ~~such the~~ improvement shall be included as a separate item and added to the appraised value of ~~any such the~~ parcel of land at the time it is sold; ~~and~~. No sale of ~~any such a~~ parcel of land shall ~~have any effect whatever to~~ discharge or free ~~such the~~ parcel of land from lien for the special benefit conferred upon it by reason of ~~such the~~ public improvement until the cost ~~thereof of it~~, including penalties, if any, ~~shall be is~~ paid. The county board shall determine the amount, if any, by which the value of ~~such the~~ parcel was enhanced by ~~such the~~ improvement and ~~shall include such the~~ amount as a separate item in fixing the appraised value for the purpose of sale. In classifying, appraising, and selling ~~such the~~ lands, the county board may designate the tracts as assessed and acquired, or may by resolution provide for the subdivision of ~~such the~~ tracts into smaller units or for the grouping of several ~~such~~ tracts into one tract when ~~such the~~ subdivision or

grouping is deemed advantageous for the purpose of sale; ~~but~~. Each such smaller tract or larger tract must be classified and appraised as such before being offered for sale. If any such lands have once been classified, the board of county commissioners, in its discretion, may, by resolution, authorize the sale of ~~such~~ the smaller tract or larger tract without reclassification.

Sec. 122. Minnesota Statutes 1982, section 290.48, subdivision 6, is amended to read:

Subd. 6. [APPEALS.] Either party to an action or a judgment for the recovery of any taxes, interest, or penalties under subdivision 5 may ~~remove~~ *appeal* the judgment to the ~~supreme~~ court ~~by appeal of appeals~~, as ~~provided for appeals~~ in other civil cases.

Sec. 123. Minnesota Statutes 1982, section 290.92, subdivision 6, is amended to read:

Subd. 6. [RETURNS, DEPOSITS.] (1) (a) [RETURNS.] Every employer who is required to deduct and withhold tax under subdivision 2a or 3 shall file a return with the commissioner for each quarterly period, on or before the last day of the month following the close of each quarterly period, unless otherwise prescribed by the commissioner. Any tax required to be deducted and withheld during the quarterly period shall be paid with the return unless an earlier time for payment is provided ~~herein~~. However, any ~~such~~ return may be filed on or before the tenth day of the second calendar month following ~~such~~ the period if ~~such~~ the return shows timely deposits in full payment of ~~such~~ the taxes due for ~~such~~ that period. For the purpose of the preceding sentence, a deposit which is not required to be made within ~~such~~ the return period, may be made on or before the last day of the first calendar month following the close of ~~such~~ the period. Every employer, in preparing ~~said~~ a quarterly return, shall take credit for monthly deposits previously made in accordance with this subdivision.

The return shall be in the form and contain the information prescribed by the commissioner. The commissioner may grant a reasonable extension of time for filing the return and paying the tax, but no extension shall be granted for more than six months.

(b) [ADVANCE DEPOSITS REQUIRED IN CERTAIN CASES.] (i) Unless clause (ii) is applicable, if during any calendar month, other than the last month of the calendar quarter, the aggregate amount of the tax withheld during that quarter under subdivision 2a or 3 exceeds \$200; ~~or beginning January 1, 1982, \$500,~~ the employer shall deposit the aggregate amount with the commissioner within 15 days after the close of the calendar month. (ii) If at the close of any eighth-monthly period the aggregate amount of undeposited taxes is \$3,000 or more, the employer shall deposit the undeposited taxes with the commissioner within three banking days after the close of the eighth-monthly period. For purposes of this subparagraph, the term "eighth-monthly period" means the first three days of a calendar month, the fourth day through the seventh day of a calendar month, the eighth day through the 11th day of a calendar month, the 12th day through the 15th day of a calendar month, the 16th day through the 19th day of a calendar month, the 20th day through the 22nd day of a calendar month, the 23rd day through the 25th day of a calendar month, or the portion of a calendar month following the 25th day of ~~such~~ the month.

(c) [OTHER METHODS.] The commissioner ~~shall have the power~~ *may* by rule ~~to~~ prescribe other return periods or deposit requirements. In prescribing the reporting period, the commissioner may classify employers according to the amount of their tax liability and may adopt an appropriate reporting period for each class which he deems to be consistent with efficient tax collection. In no event shall the duration of the reporting period be more than one year, provided that for employers with annual withholding tax liabilities of less than \$1,200 the reporting period shall be no more frequent than quarterly.

(2) If less than the correct amount of ~~such~~ tax is paid to the commissioner, proper adjustments, with respect to both the tax and the amount to be deducted, shall be made, without interest, in ~~such the~~ manner and at ~~such the~~ times as the commissioner ~~may prescribe~~ *prescribes*. If ~~such the~~ underpayment cannot be ~~so~~ adjusted, the amount of the underpayment shall be assessed and collected in ~~such the~~ manner and at ~~such the~~ times as the commissioner ~~may prescribe~~ *prescribes*.

(3) If any employer fails to make and file any return required by paragraph (1) at the time prescribed ~~therefor~~, or makes and files a false or fraudulent return, the commissioner shall make for him a return from his own knowledge and from ~~such~~ information as he ~~can obtain~~ *obtains* through testimony, or otherwise, and assess a tax on the basis ~~thereof~~ *of it*. The amount of tax shown ~~thereon~~ *on it* shall be paid to the commissioner at ~~such the~~ times as the commissioner ~~may prescribe~~ *prescribes*. Any ~~such~~ return or assessment ~~so~~ made by the commissioner shall be prima facie correct and valid, and the employer shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect ~~thereto~~ *to it*.

(4) If the commissioner, in any case, has reason to believe that the collection of the tax provided for in paragraph (1) of this subdivision, and any added penalties and interest, if any, will be jeopardized by delay, he may immediately assess ~~such the~~ tax, whether or not the time otherwise prescribed by law for making and filing the return and paying ~~such the~~ tax has expired.

(5) Any assessment under this subdivision shall be made by recording the liability of the employer in the office of the commissioner in accordance with ~~regulations~~ *rules* prescribed by the commissioner. Upon request of the employer, the commissioner shall furnish the employer a copy of the record of assessment.

(6) Any assessment of tax under this subdivision shall be made within three and one-half years after the due date of the return required by paragraph (1), or the date the return was filed, whichever is later; ~~except that~~ . In the case of a false or fraudulent return or failure to file a return, the tax may be assessed at any time.

(7) (a) Except as provided in (b) of this paragraph, every employer who fails to pay to or deposit with the commissioner any sum or sums required by this section to be deducted, withheld and paid, shall be personally and individually liable to the state of Minnesota for ~~such the~~ sum or sums (and any added penalties and interest); ~~and~~ . Any sum or sums deducted and withheld in accordance with the provisions of subdivision 2a or subdivision 3 shall be held to be a special fund in trust for the state of Minnesota.

(b) If the employer, in violation of ~~the provision~~ of this section, fails to deduct and withhold the tax under this section, and thereafter the taxes against which ~~such the~~ tax may be credited are paid, the tax ~~so~~ required to be deducted and withheld shall not be collected from the employer; but this ~~shall in no case~~ does not relieve the employer from liability for any penalties and interest otherwise applicable ~~in respect of such~~ for failure to deduct and withhold.

(8) Upon the failure of any employer to pay to or deposit with the commissioner, within the time provided by paragraphs (1), (2), or (3) of this subdivision, any tax required to be withheld in accordance with the provisions of subdivision 2a or subdivision 3, or if the commissioner has assessed a tax pursuant to paragraph (4), ~~such the~~ tax shall become immediately due and payable, and the commissioner may deliver to the attorney general a certified statement of the tax, penalties and interest due from ~~such the~~ employer. The statement shall also give the address of the employer owing ~~such the~~ tax, the period for which the tax is due, the date of the delinquency, and ~~such any~~ other information as ~~may be~~ required by the attorney general. ~~It shall be the duty of~~ The attorney general ~~to shall~~ institute legal action in the name of the state to recover the amount of ~~such the~~ tax, penalties, interest and costs. The commissioner's certified statement to the attorney general shall for all purposes and in all courts be prima facie evidence of the facts ~~therein~~ stated ~~in it~~ and that the amount shown ~~therein in it~~ is due from the employer named in the statement. ~~In event~~ If an action is instituted as ~~herein provided~~, the court shall, upon application of the attorney general, appoint a receiver of the property and business of the delinquent employer for the purpose of impounding ~~the same it~~ as security for any judgment which has been or may be recovered. Any ~~such~~ action shall be brought within four years and three months after the due date of the return or deposit required by paragraph (1), or the date the return was filed, or deposit made whichever is later; ~~except that~~. In the case of failure to make and file ~~such the~~ return or if ~~such the~~ return is false or fraudulent, or ~~such the~~ deposit is not made ~~such~~, the action may be brought at any time.

(8a) The period of time during which a tax must be assessed or collection proceedings commenced under this subdivision shall be suspended during the period from the date of filing of a petition in bankruptcy until 30 days after the commissioner of revenue receives notice that the bankruptcy proceedings have been closed or dismissed or the automatic stay has been terminated or has expired.

The suspension of the statute of limitations under this subdivision shall apply to the person against whom the petition in bankruptcy is filed and all other persons who may also be wholly or partially liable for the tax under this chapter.

(9) Either party to an action for the recovery of any tax, interest or penalties under this subdivision may ~~remove~~ appeal the judgment ~~to the supreme court by appeal~~, as ~~provided for~~ appeals in other civil cases.

(10) No suit shall lie to enjoin the assessment or collection of any tax imposed by this section, or the interest and penalties added ~~thereto~~ to it.

Sec. 124. Minnesota Statutes, section 294.09, subdivision 3, is amended to read:

Subd. 3. [DENIAL OF CLAIM, APPEAL.] Either party to ~~said the civil~~

action may appeal to the ~~supreme~~ court of appeals as in other civil cases.

Sec. 125. Minnesota Statutes 1982, section 297.08, subdivision 3, is amended to read:

Subd. 3. [INVENTORY; JUDICIAL DETERMINATION; APPEAL; DISPOSITION OF SEIZED PROPERTY.] Within two days after the seizure of any alleged contraband, the person making the seizure shall deliver an inventory of the property seized to the person from whom the seizure was made, if known, and file a copy with the commissioner. Within ten days after the date of service of the inventory, the person from whom the property was seized or any person claiming an interest in the property may file with the commissioner a demand for a judicial determination of the question as to whether the property was lawfully subject to seizure and forfeiture, ~~and thereupon~~. The commissioner, within 30 days, shall institute an action in the district court of the county where the seizure was made to determine the issue of forfeiture. The action shall be brought in the name of the state and shall be prosecuted by the county attorney or by the attorney general. The court shall hear the action without a jury and shall try and determine the issues of fact and law involved. Whenever a judgment of forfeiture is entered, the commissioner may, unless the judgment is stayed pending an appeal to the ~~supreme court~~, either (1) deliver the forfeited property to the commissioner of public welfare for use by patients in state institutions or; (2) cause ~~the same it~~ to be destroyed; or (3) cause ~~the forfeited property it~~ to be sold at public auction as provided by law. If a demand for judicial determination is made and no action is commenced as provided in this subdivision, the property shall be released by the commissioner and redelivered to the person entitled to it. If no demand is made, the property seized shall be deemed forfeited to the state by operation of law and may be disposed of by the commissioner as provided where there has been a judgment of forfeiture. Whenever the commissioner is satisfied that any person from whom property is seized under sections 297.01 to 297.13 was acting in good faith and without intent to evade the tax imposed by sections 297.01 to 297.13, he shall release the property seized, without further legal proceedings.

Sec. 126. Minnesota Statutes 1982, section 297.08, subdivision 4, is amended to read:

Subd. 4. [DISPOSAL.] The property described in subdivision 1, clause 5 shall be confiscated after conviction of the person from whom it was seized, upon compliance with the following procedure: the commissioner or his agents, shall file with the court a separate complaint against the property, describing it and charging its use in the specified violation, and specifying substantially the time and place of the unlawful use. A copy of the complaint shall be served upon the defendant or person in charge of the property at the time of seizure, if any. If the person arrested is acquitted, the court shall dismiss the complaint against the property and order it returned to the persons legally entitled to it. Upon conviction of the person arrested, the court shall issue an order directed to any person known or believed to have any right or title or interest in, or lien upon, any of the property, and to persons unknown claiming any right, title, interest or lien in it, describing the property and (1) stating that it was seized and that a complaint against it, charging the specified violation, has been filed with the court, ~~and~~ (2) requiring the persons to file with the clerk of the court their answer to the complaint.

setting forth any claim they may have to any right or title to, interest in, or lien upon the property, within thirty days after the service of the order ~~as herein provided~~, and (3) notifying them in substance that if they fail to file their answer within the time, the property will be ordered sold by the commissioner or his agents. The court shall cause the order to be served upon any person known or believed to have any right, title, interest or lien as in the case of a summons in a civil action, and upon unknown persons by publication, as provided for service of summons in a civil action. If no answer is filed ~~as and~~ within the time prescribed, the court shall, upon affidavit by the clerk of the court, setting forth the fact, order the property sold by the commissioner or his agents; ~~and~~ . The proceeds of the sale, after deducting the expense of keeping the property and fees and costs of sale, paid into the state treasury; *to be credited to the general fund*. If answer is filed ~~as and~~ within the time provided, the court shall fix a time for hearing, which shall be not less than ten nor more than 30 days after the time for filing answer expires. At the time fixed for hearing, unless continued for cause, the matter shall be heard and determined by the court, without a jury, as in other civil actions. If the court ~~shall find~~ *finds* that the property, or any part ~~thereof of it~~, was used in the violation specified in the complaint, he shall order the property unlawfully used, sold as ~~herein provided by law~~, unless the owner ~~shall show~~ *shows* to the satisfaction of the court that he had no notice or knowledge or reason to believe that the property was used or intended to be used in the violation. The officer making a sale, after deducting the expense of keeping the property, the fee for seizure, and the costs of the sale, shall pay all liens according to their priority, which are established at the hearing as being bona fide and as existing without the lienor having any notice or knowledge that the property was being used or was intended to be used for or in connection with the violation specified in the order of the court, ~~and~~ shall pay the balance of the proceeds into the state treasury *to be credited to the general fund*. Any sale under the provisions of this section shall operate to free the property sold from any and all liens ~~thereon on it~~. Appeal from the order of the district court will lie ~~to the supreme court~~ as in other civil ~~actions cases~~. At any time after seizure of the articles specified in this subdivision, and before the hearing ~~herein provided for~~, the property shall be returned to the owner or person having a legal right to *its* possession ~~thereof~~, upon execution by him of a good and valid bond to the state ~~of Minnesota~~, with corporate surety, in the sum of not less than \$100 and not more than double the value of the property seized, to be approved by the court in which the case is triable, or a judge ~~thereof of it~~, conditioned to abide any order and the judgment of the court, and to pay the full value of the property at the time of seizure. The proceedings outlined in this subdivision may be dismissed by the commissioner when he deems it to be in the best interests of the state to do so.

Sec. 127. Minnesota Statutes 1982, section 297.37, subdivision 5, is amended to read:

Subd. 5. [REVIEW.] Any person aggrieved by an order of the commissioner fixing a tax, penalty, or interest under section 297.35 may, within 60 days from the date of notice of the order, appeal to the tax court in the manner provided by law. Any other order of the commissioner under sections 297.31 to 297.39 shall be subject to review by certiorari *to the court of appeals*.

Sec. 128. Minnesota Statutes 1982, section 297A.15, subdivision 4, is amended to read:

Subd. 4. [SEIZURE; COURT REVIEW.] The commissioner of revenue or his duly authorized agents are hereby authorized and empowered to seize and confiscate in the name of the state any truck, automobile or means of transportation not owned or operated by a common carrier, used in the illegal importation and transportation of any article or articles of tangible personal property by a retailer or his agent or employee who does not have a sales or use tax permit and has been engaging in transporting personal property into the state without payment of the tax. The commissioner may demand the forfeiture and sale of the truck, automobile or other means of transportation together with the property being transported illegally, unless the owner can establish establishes to the satisfaction of the commissioner or the court that he had no notice or knowledge or reason to believe that the vehicle was used or intended to be used in any such violation. Within two days after the seizure, the person making the seizure shall deliver an inventory of the vehicle and property seized to the person from whom the seizure was made, if known, and to any person known or believed to have any right, title, interest or lien on the vehicle or property, and shall also file a copy with the commissioner. Within ten days after the date of service of the inventory, the person from whom the vehicle and property was seized or any person claiming an interest in the vehicle or property may file with the commissioner a demand for a judicial determination of the question as to whether the vehicle or property was lawfully subject to seizure and forfeiture; and thereupon . The commissioner, within 30 days, shall institute an action in the district court of the county where the seizure was made to determine the issue of forfeiture. The action shall be brought in the name of the state and shall be prosecuted by the county attorney or by the attorney general. The court shall hear the action without a jury and shall try and determine the issues of fact and law involved. Whenever a judgment of forfeiture is entered, the commissioner may, unless the judgment is stayed pending an appeal to the supreme court, cause the forfeited vehicle and property to be sold at public auction as provided by law. If a demand for judicial determination is made and no action is commenced as provided in this subdivision, the vehicle and property shall be released by the commissioner and redelivered to the person entitled to it. If no demand is made, the vehicle and property seized shall be deemed forfeited to the state by operation of law and may be disposed of by the commissioner as provided where there has been a judgment of forfeiture. The forfeiture and sale of the automobile, truck or other means of transportation, and of the property being transported illegally therein in it, shall be and operate as is a penalty for the violation of this chapter. After deducting the expense of keeping the vehicle and property, the fee for seizure, and the costs of the sale, the commissioner shall pay from the funds collected all liens according to their priority, which are established at the hearing as being bona fide and as existing without the lienor having any notice or knowledge that the vehicle or property was being used or was intended to be used for or in connection with any such violation as specified in the order of the court, and shall pay the balance of the proceeds into the state treasury to be credited to the general fund. The state shall not be liable for any liens in excess of the proceeds from the sale after deductions provided herein. Any sale under the provisions of this section shall operate to free the vehicle and property sold from any and all liens thereon on it, and appeal from such the order of the district court will lie to the supreme court as in other civil actions cases.

For the purposes of this section, "common carrier" means any person engaged in transportation for hire of tangible personal property by motor

vehicle, limited to (1) a person possessing a certificate or permit authorizing for-hire transportation of property from the interstate commerce commission or the Minnesota public utilities commission; or (2) any person transporting commodities defined as "exempt" in for-hire transportation; or (3) any person who pursuant to a contract with a person described in (1) or (2) above transports tangible personal property.

Sec. 129. Minnesota Statutes 1982, section 298.09, subdivision 3, is amended to read:

Subd. 3. [ORDER; APPEAL.] After ~~such the~~ hearing the commissioner of revenue shall make his order either affirming his determination of the tax due from the person so appearing or modifying ~~such the~~ determination as he ~~shall deem~~ *deems* just and equitable; ~~and~~. Upon the making and filing of ~~such the~~ order, ~~said the~~ determination shall, except as ~~hereinafter otherwise~~ provided, become final and conclusive. The determination of the amount of tax due from any person not appearing at ~~such the~~ hearing shall, except as ~~hereinafter otherwise~~ provided, become final and conclusive on the second secular day following the fourteenth day of May without further order. The determination by the commissioner of revenue of the amount of any tax due ~~hereunder~~ shall, except as ~~hereinafter otherwise~~ provided, be subject to review only on a writ of certiorari issued out of the ~~supreme court of appeals~~ on petition ~~therefor~~ *for it* presented to ~~said the~~ court by the person subject to the tax on or before July first next following the determination of the tax.

Sec. 130. Minnesota Statutes 1982, section 299D.03, subdivision 11, is amended to read:

Subd. 11. [REVIEW BY CERTIORARI STATE TROOPER; APPEAL.] Any state trooper who is so suspended, demoted, or dismissed may ~~have such appeal the~~ decision or determination of the commissioner ~~reviewed by a writ of certiorari in the district court of the county where such trooper resides. If such decision or determination of the commissioner shall be finally rejected or modified by the court, the trooper shall be reinstated in his position; and the commissioner shall pay to the trooper so suspended out of the funds of the state the salary or wages withheld from him pending the determination of the charges or as may be directed by the court in accordance with chapter 14.~~ *reviewed by a writ of certiorari in the district court of the county where such trooper resides. If such decision or determination of the commissioner shall be finally rejected or modified by the court, the trooper shall be reinstated in his position; and the commissioner shall pay to the trooper so suspended out of the funds of the state the salary or wages withheld from him pending the determination of the charges or as may be directed by the court in accordance with chapter 14.*

Sec. 131. Minnesota Statutes 1982, section 299F.25, is amended to read:

299F.25 [APPEALS.]

Either party to an action or a judgment for the recovery of any taxes, interest, or penalties under section 299F.24 may ~~remove the action or judgment appeal to the supreme court by appeal, of appeals as provided for appeals in other civil cases.~~ *remove the action or judgment appeal to the supreme court by appeal, of appeals as provided for appeals in other civil cases.*

Sec. 132. Minnesota Statutes 1982, section 299F.26, subdivision 3, is amended to read:

Subd. 3. [DENIAL OF CLAIM, APPEAL.] Either party to ~~said the~~ action may appeal to the ~~supreme court of appeals~~ as in other *civil* cases.

Sec. 133. Minnesota Statutes 1982, section 327B.05, subdivision 2, is amended to read:

Subd. 2. [DENIAL; APPEAL; RECONSIDERATION.] If the commis-

sioner 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~~ *in accordance with chapter 14*. 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.

Sec. 134. Minnesota Statutes 1982, section 340.404, subdivision 7, is amended to read:

Subd. 7. ~~[APPEAL TO SUPREME COURT.]~~ Either party may appeal from the final judgment of the district court, or from any final order ~~therein in it, in the same manner as in a other civil action cases,~~ within ten days after service of notice of the filing of ~~such the~~ judgment or final order. No bond on appeal shall be required. The perfecting of an appeal ~~to the supreme court~~ operates to stay all proceedings until the final determination of the appeal. The commissioner shall not refuse to issue a license to any licensee during the time that an appeal from an order of suspension or revocation of license is pending.

Sec. 135. Minnesota Statutes 1982, section 340.54, subdivision 2, is amended to read:

Subd. 2. ~~[SEIZURE OF CONVEYANCES; COMPLAINTS; PROCEDURE IN DISTRICT COURT.]~~ The commissioner of public safety and his designated inspectors and employees shall seize all vehicles and conveyances used in the manufacture, sale, possession, storage or transportation of liquor in violation of sections 340.07 to 340.961, and hold them subject to the order of the district court of the county in which they are seized. The confiscation of any vehicle or conveyance seized ~~hereunder~~ shall be complete upon compliance with the following procedure:

The commissioner of public safety and his designated inspectors and employees shall file with the court a separate complaint against the vehicle or conveyance, describing ~~the same it~~ and charging its use in the specified violation, and specifying substantially the time and place of the unlawful use. A copy of the complaint shall be served upon the defendant or person in charge of the vehicle or conveyance at the time of seizure, if any. The court shall issue an order directed to any person known or believed to have any right or title or interest in, or lien upon, ~~any such the~~ vehicle or conveyance, and to persons unknown claiming any such right, title, interest or lien, describing the vehicle or conveyance and stating that ~~the same (1) it~~ was seized and that a complaint against ~~the same it~~, charging the specified violation, has been filed with the court, ~~and (2) requiring such the~~ persons to file with the clerk of the court their answer to the complaint, setting forth any claim they may have to any right or title to, interest in, or lien upon ~~any such the~~ vehicle or conveyance, within ten days after the service of ~~such the order as herein provided,~~ and (3) notifying them in substance that if they fail to ~~so~~ file their

answer within that time, the vehicle or conveyance will be ordered sold by the commissioner or his agents. The court shall cause the order to be served upon the registered owner and upon any person who has duly filed a conditional sales contract, mortgage or other lien instrument covering the property unless ~~the same~~ *it* has been released or satisfied, and upon any other person known or believed to have any right, title, interest in, or lien upon, ~~any such~~ *the* vehicle or conveyance as in the case of a summons in a civil action, and upon unknown persons by publication, as provided for service of summons in a civil action. If no answer is filed ~~as and~~ within the time prescribed, the court shall, upon affidavit by the clerk of the court, setting forth ~~such~~ *that* fact, order the vehicle or conveyance sold by the commissioner or his agents, ~~and~~ . The proceeds of the sale, after deducting the expense of keeping the vehicle or conveyance and fees and costs of sale, ~~shall be~~ paid into the state treasury. If answer is filed ~~as and~~ within the time ~~herein~~ provided, the court shall fix a time for hearing, which shall be not less than 10 nor more than 30 days after the time for filing answer expires. At the time so fixed for hearing, unless continued for cause, the matter shall be heard and determined by the court, without a jury, as in other civil ~~actions~~ *cases*. If the court ~~shall find~~ *finds* that the vehicle or conveyance, or any part ~~thereof~~ *of it*, was used in ~~any such~~ *the* violation as specified in the complaint, he shall order the vehicle or conveyance so unlawfully used, sold as ~~herein~~ provided by law, unless the owner ~~shall show~~ *shows* to the satisfaction of the court that the vehicle was being used without his consent or that at the time of giving ~~such~~ consent he had no notice or knowledge or reason to believe that the vehicle or conveyance was intended to be used in any such violation. The officer making ~~any such~~ *the* sale, after deducting the expense of keeping the vehicle or conveyance, the fee for seizure, and the costs of the sale, shall pay all liens according to their priority, which are established at the hearing as being bona fide and as existing without the lienor having any notice or knowledge at the time the lien was created that ~~such~~ *the* vehicle or conveyance was being used or was intended to be used for or in connection with any ~~such~~ violation as specified in the order of the court, and shall pay the balance of the proceeds into the state treasury. Any sale under the provisions of this section shall operate to free the vehicle or conveyance sold from any and all liens ~~thereon~~ *on it*, and appeal from ~~such~~ *the* order of the district court will lie to the ~~supreme court~~ as in other civil ~~actions~~ *cases*. At any time after seizure ~~thereof~~, and before the hearing ~~herein~~ provided for, the vehicle or conveyance shall be returned to the owner or person having a legal right to possession ~~thereof~~ *of it*, upon execution by him of a good and valid bond to the state of Minnesota, with corporate surety, in the sum of not less than \$100 and not more than double the value of the vehicle or conveyance seized, to be approved by the court in which the case is triable, or a judge ~~thereof~~ *of it*, conditioned to abide any order and the judgment of the court, and to pay the full value of the vehicle or conveyance at the time of seizure.

Sec. 136. Minnesota Statutes 1982, section 351.03, is amended to read:

351.03 [REMOVAL BY GOVERNOR.]

The governor may remove from office any clerk of the ~~supreme court~~ *appellate courts* or a district court, judge of probate, judge of any municipal court, ~~justice of the peace~~, court commissioner, sheriff, constable, coroner, auditor, county recorder, county attorney, ~~county superintendent of schools~~, county commissioner, county treasurer, or any collector, receiver, or custodian of public moneys, when it appears to him by competent evidence,

that ~~either~~ *the officer* has been guilty of malfeasance or nonfeasance in the performance of his official duties; ~~first giving~~. *Prior to removal, he shall give to such the officer* a copy of the charges against him and an opportunity to be heard in his defense.

Sec. 137. Minnesota Statutes 1982, section 352.01, subdivision 2B, is amended to read:

Subd. 2B. [EXCLUDED EMPLOYEES.] The following persons are excluded from the meaning of state employee:

(1) Elective state officers;

(2) Students employed by the University of Minnesota, the state universities, and community colleges unless approved for coverage by the board of regents, the state university board or the state board for community colleges, as the case may be;

(3) Employees who are eligible to membership in the state teachers retirement association except employees of the department of education who have elected or may elect to be covered by the Minnesota state retirement system instead of the teachers retirement association;

(4) Employees of the University of Minnesota who are excluded from coverage by action of the board of regents;

(5) Officers and enlisted men in the national guard and the naval militia and such as are assigned to permanent peacetime duty who pursuant to federal law are or are required to be members of a federal retirement system;

(6) Election officers;

(7) Persons engaged in public work for the state but employed by contractors when the performance of ~~such the~~ contract is authorized by the legislature or other competent authority;

(8) Officers and employees of the senate and house of representatives or a legislative committee or commission who are temporarily employed;

(9) All courts and ~~all court~~ employees ~~thereof~~, referees, receivers, jurors, and notaries public, except employees of the ~~supreme court~~ *appellate courts* and referees and adjusters employed by the department of labor and industry;

(10) Patient and inmate help in state charitable, penal and correctional institutions including the Minnesota veterans home;

(11) Persons employed for professional services where ~~such the~~ service is incidental to regular professional duties and whose compensation is paid on a per diem basis;

(12) Employees of the Sibley House Association;

(13) Employees of the Grand Army of the Republic and employees of the ladies of the G.A.R.;

(14) Operators and drivers employed pursuant to section 16.07, subdivision 4;

(15) The members of any state board or commission who serve the state

intermittently and are paid on a per diem basis; the secretary, secretary-treasurer, and treasurer of ~~such~~ those boards if their compensation is \$500 or less per year, or, if they are legally prohibited from serving more than two consecutive terms and their total service therefor is required by law to be less than ten years; and the board of managers of the state agricultural society and its treasurer unless he is also its full time secretary;

(16) State troopers;

(17) Temporary employees of the Minnesota state fair employed on or after July 1 for a period not to extend beyond October 15 of the same year; ~~also~~ and persons employed at any time or times by the state fair administration for special events held on the fairgrounds;

(18) Emergency employees in the classified service except emergency employees who within the same pay period become provisional or probationary employees on other than a temporary basis, shall be deemed "state employees" retroactively to the beginning of the pay period;

(19) Persons described in section 352B.01, subdivision 2, clauses (b) and (c) formerly defined as state police officers;

(20) All temporary employees in the classified service, all temporary employees in the unclassified service appointed for a definite period of not more than six months and employed less than six months in any one year period and all seasonal help in the unclassified service employed by the department of revenue;

(21) Trainees paid under budget classification number 41, and other trainee employees, except those listed in subdivision 2A, clause (10);

(22) Persons whose compensation is paid on a fee basis;

(23) State employees who in any year have credit for 12 months service as teachers in the public schools of the state and as ~~such~~ teachers are members of the teachers retirement association or a retirement system in St. Paul, Minneapolis, or Duluth;

(24) Employees of the adjutant general employed on an unlimited intermittent or temporary basis in the classified and unclassified service for the support of army and air national guard training facilities;

(25) Chaplains and nuns who have taken a vow of poverty as members of a religious order;

(26) Labor service employees employed as a laborer 1 on an hourly basis;

(27) Examination monitors employed by departments, agencies, commissions, and boards for the purpose of conducting examinations required by law;

(28) Members of appeal tribunals, exclusive of the chairman to which reference is made in section 268.10, subdivision 4;

(29) Persons appointed to serve as members of fact finding commissions, adjustment panels, arbitrators, or labor referees under the provisions of chapter 179;

(30) Temporary employees employed for limited periods of time under

any state or federal program for the purpose of training or rehabilitation including persons employed ~~thereunder~~ for limited periods of time from areas of economic distress except skilled and supervisory personnel and persons having civil service status covered by the system;

(31) Full time students employed by the Minnesota historical society who are employed intermittently during part of the year and full time during the summer months;

(32) Temporary employees, appointed for not more than six months, of the metropolitan council and of any of its statutory boards, the members of which board are appointed by the metropolitan council;

(33) Persons employed in positions designated by the department of employee relations as student workers;

(34) Any person who is 65 years of age or older when appointed and who does not have allowable service credit for previous employment, unless ~~such~~ *the* employee gives notice to the director within 60 days following his appointment that he desires coverage;

(35) Tradesmen employed by the metropolitan waste control commission with trade union pension plan coverage pursuant to a collective bargaining agreement first employed after June 1, 1977; and

(36) Persons employed in subsidized on-the-job training, work experience or public service employment as enrollees under the federal comprehensive employment and training act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement system to meet the minimum vesting requirements for a deferred annuity, or the employer agrees in writing on forms prescribed by the director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal comprehensive employment and training act, or the person agrees in writing on forms prescribed by the director to make the required employer contribution in addition to the required employee contribution.

Sec. 138. Minnesota Statutes 1982, section 352D.02, subdivision 1, is amended to read:

Subdivision 1. [COVERED EMPLOYEES.] The following employees, if they are in the unclassified service of the state and are eligible for coverage under the Minnesota state retirement system, shall participate in the unclassified program unless an employee gives notice to the executive director of the state retirement system within one year following the commencement of employment in the unclassified service that the employee desires coverage under the regular employee plan. For the purposes of this chapter, an employee who does not file notice with the executive director shall be deemed to have exercised the option to participate in the unclassified plan.

(1) Any employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general or the state board of investment,

(2) The head of any department, division, or agency created by statute in the unclassified service, an acting department head subsequently appointed

to the position, or any employee enumerated in sections 15A.081, subdivision 1 or 15A.083, subdivision 4,

(3) Any permanent, fulltime unclassified employee of the legislature or any commission or agency of the legislature or a temporary legislative employee having shares in the supplemental retirement fund as a result of former employment covered by this chapter, whether or not eligible for coverage under the Minnesota state retirement system,

(4) Any person employed in a position established pursuant to section 43A.08, subdivision 1, clause (c), or subdivision 1a or in a position authorized under a statute creating or establishing a department or agency of the state, which is at the deputy or assistant head of department or agency or director level,

(5) The chairman, chief administrator, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan waste control commission as designated by the commission, and the chairman, executive director, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan council as designated by the council; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system.

(6) The executive director, associate executive director, and not to exceed nine positions of the higher education coordinating board in the unclassified service, as designated by the higher education coordinating board; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system.

(7) The clerk of the ~~Minnesota supreme court~~ *appellate courts* appointed pursuant to Article VI, Section 2, of the Constitution of the state of Minnesota,

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

(9) Any employee whose principal employment is at the state ceremonial house.

Sec. 139. Minnesota Statutes 1982, section 357.07, is amended to read:

357.07 [DEPOSIT FOR FEES.]

No civil action, appeal, or proceeding shall be entered with the clerk of the district court until the person desiring ~~such the~~ entry ~~shall deposit deposits~~ with ~~such the~~ clerk the sum of \$5 on account of fees in the case and out of which the clerk shall satisfy the fees ~~in such case~~ as they accrue; ~~and~~ . Whenever the sum, or any further deposit, is exhausted the clerk may require as a condition for further entries or fees an additional deposit of \$1. Any balance remaining with the clerk after determination of the case shall be returned to the depositor, his agent or attorney. Fees and charges for a transcript of the minutes of any trial, or of any papers on file, ~~to the supreme court~~ shall be at the rate of 75 cents for the first three folios, 15 cents for each

additional folio, and 50 cents for the certificate.

Sec. 140. Minnesota Statutes 1982, section 357.08, is amended to read:

357.08 [PAID BY APPELLANT IN APPEAL TO SUPREME COURT.]

~~In lieu of all charges now provided by law as fees of the clerk of the supreme court,~~ There shall be paid *to the clerk of the appellate courts* by the appellant, or moving party or person requiring the service, in all cases of appeal, certiorari, habeas corpus, mandamus, injunction, prohibition, or other original proceeding, the sum of \$20.

The clerk shall not file any paper, issue any writ or certificate, or perform any service enumerated herein, until the payment ~~therefor shall have~~ *has* been made; ~~and when made for it.~~ He shall pay ~~such~~ *the* sum into the state treasury as provided for by section 15A.01.

The charges provided for ~~herein~~ shall not apply to disbarment proceedings, nor to an action or proceeding by the state taken solely in the public interest, where the state is the appellant or moving party, nor to copies of the opinions of the court furnished by the clerk to the parties before judgment, or ~~so~~ furnished to the district judge whose decision is under review, or to such law library associations in counties having a population exceeding 50,000, as the court may direct.

Sec. 141. Minnesota Statutes 1982, section 360.019, subdivision 2, is amended to read:

Subd. 2. [HEARINGS BEFORE COMMISSIONER; ~~REVIEW BY CERTIORARI ; APPEAL.~~] Any person aggrieved by an order of the commissioner or by the granting or denial of any license, permit, certificate, or registration may request a hearing before the commissioner. The commissioner shall hold a public hearing and may stay the order until after the hearing. Orders of the commissioner reached after a public hearing may be reviewed by ~~certiorari appeal in the district court of Ramsey county or the district court of the county in which the person resides; or (in the case of orders relating to obstructions to air navigation) of the county in which the structure exists or is to be erected~~ *accordance with chapter 14.*

Sec. 142. Minnesota Statutes 1982, section 360.072, subdivision 1, is amended to read:

Subdivision 1. [PETITION APPEAL.] Any person aggrieved, or taxpayer affected, by any decision of a board of adjustment, or of any action of the commissioner taken under section 360.063, subdivisions 6 or 6a, or any governing body of a municipality or county, or any joint airport zoning board, which is ~~of the opinion~~ *believes* that a decision of a board of adjustment or action of the commissioner is illegal may ~~present to the district court of the county in which the airport involved; or the major portion thereof, is located a verified petition setting forth that the decision or action is illegal; appeal in whole or in part; and specifying the grounds of the illegality.~~ Such petition shall be presented to the court within 30 days after the decision is filed in the office of the board; or the action taken by the commissioner *accordance with chapter 14.*

Sec. 143. Minnesota Statutes 1982, section 363.072, subdivision 1, is amended to read:

Subdivision 1. [APPEAL.] The commissioner or ~~any~~ a person aggrieved by a final decision of the department reached after a hearing held pursuant to section 363.071 may seek judicial review ~~pursuant to sections 14.63 to 14.68 in accordance with chapter 14.~~

Sec. 144. Minnesota Statutes 1982, section 363.072, subdivision 2, is amended to read:

Subd. 2. [REVIEW PROCEDURE.] The ~~district court~~ *judicial review* proceedings shall ~~conform to sections 14.63 to 14.68; judicial review of agency decisions; and section 14.69; scope of judicial review be in accordance with chapter 14.~~

Sec. 145. Minnesota Statutes 1982, section 373.11, is amended to read:

373.11 [APPEAL TO SUPREME COURT APPEALS; COUNTER-CLAIM.]

An appeal from the judgment of the district court may be taken ~~to the supreme court~~ as in ~~other civil actions cases~~ within 30 days after the actual entry of the judgment. If no appeal is taken, a certified copy of the judgment shall be filed in the office of the auditor; ~~and~~ . If an appeal is taken, the determination of the ~~supreme court of appeals~~ shall be certified to the district court and judgment entered in accordance ~~therewith~~ *with it*, and that judgment certified to and filed in the office of the county auditor. In either case, after ~~such the~~ certified copy is filed, orders shall be drawn on the county treasury in payment of any judgment in favor of a claimant; ~~and~~ . Execution may issue out of the district court for the collection of any costs against a claimant; ~~provided that~~ . In any case where costs are awarded against a claimant and there is any allowance on the claim in his favor, the amount of ~~such the~~ costs shall be deducted from ~~such the~~ allowance; ~~and~~ . In any case of an appeal, the county may; ~~interpose in the district court; interpose~~, as a counter-claim; any demand which it has against ~~such the~~ claimant, and have execution for the collection of any judgment in its favor.

Sec. 146. Minnesota Statutes 1982, section 375.67, subdivision 1, is amended to read:

Subdivision 1. [NOTICE APPEAL.] The employee or the appointing authority may appeal ~~to the district court~~ from an order of the board of appeals ~~concerning the employee's termination or suspension without pay for more than 30 days by serving written notice of the appeal upon the board of appeals within ten days after he has received written notice of the board's order in accordance with chapter 14.~~

Sec. 147. Minnesota Statutes 1982, section 387.41, is amended to read:

387.41 [REMOVAL AFTER HEARING.]

If, after investigation and trial by civil service commission, ~~as herein provided~~, an employee is found guilty of inefficiency, breach of duty, or misconduct, he may be removed, reduced, or suspended and his name may be stricken from the service register. If the board ~~shall determine~~ *determines* that the charges are not sustained, the accused, if he has been suspended pending investigation, shall be immediately reinstated and shall be paid all back pay due for the period of suspension.

Findings ~~and~~ , determinations ~~hereunder~~ , and orders of *of the commission*

for suspension, reduction, or removal, shall be in writing and shall be filed within three days after the completion of ~~such~~ the hearing with the secretary of the commission and it shall be the duty of . The secretary to ~~shall~~ notify ~~such~~ the employee of the decision in writing. Any person suspended, reduced, or removed by the commission after investigation may appeal from the order to the district court by serving written notice thereof upon the secretary within ten days after the filing of the order or the receipt by the employee of written notice of the order as above provided in accordance with chapter 14.

Within five days thereafter, the secretary shall certify to the clerk of the district court, the record of the proceedings, including all documents, testimony, and minutes. The case shall then be at issue and shall be placed on the calendar by the clerk to be tried before the court without jury at the next general term thereof to be held in the county, or upon special term set by a judge of said court. The court may hear such additional evidence as it deems relevant to the matter.

The question to be determined by the court shall be:

“Upon the evidence, was the order of the commission reasonable?”

After trial in the district court an appeal may be taken from the decision thereof to the supreme court by the employee or the commission in the same manner as provided for other civil cases.

Whenever the sheriff or county attorney deems the civil service commissioners, or any one of them, to be failing their duties as outlined in sections 387.31 to 387.45, ~~said~~ the sheriff or county attorney, shall request the county board to hold a hearing regarding the matter. The county board shall then determine this question: “Is the sheriff’s civil service commission or any member thereof failing in the duties prescribed by sections 387.31 to 387.45?” Upon an affirmative finding by resolution, the commission or member shall be deemed removed. The county board shall ~~thereafter~~ fill the vacancy by appointment for the balance of the term.

An applicant for examination, appointment or promotion in the sheriff’s department of the county who shall, either directly or indirectly, give, render or pay or promise to give, render or pay any money, service or other thing to any person, for or on account of or in connection with his examination, appointment or proposed appointment or promotion shall be guilty of a misdemeanor and shall also be subject to suspension or removal.

Any officer or employee of the sheriff’s department, when operating under civil service in accordance with the provisions of this chapter, who ~~shall~~ participates in any manner ~~participate~~ in activities in support of any candidate or party, directly or indirectly ~~solicit, receive~~ solicits, receives, or ~~pay~~ pays, or ~~be~~ participates in any manner ~~concerned~~ in soliciting, receiving, or paying any assessment, subscription or contribution for any candidate, party or political purpose, ~~shall be~~ is guilty of a misdemeanor and shall be subject to suspension or removal.

Sec. 148. Minnesota Statutes 1982, section 412.092, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITION OF PROPERTY.] Except where otherwise

provided by law, any property, assets, or money held in the name of a city whose incorporation has been set aside by the ~~supreme~~ court of ~~Minnesota~~ *appeals* is the property, assets, or money of the town from which the territory sought to be incorporated as a city belongs.

Sec. 149. Minnesota Statutes 1982, section 414.07, subdivision 2, is amended to read:

Subd. 2. [GROUNDS FOR APPEAL.] Any person aggrieved by any order of the board may appeal to the district court upon the following grounds:

- (a) That the board had no jurisdiction to act;
- (b) That the board exceeded its jurisdiction;
- (c) That the order of the board is arbitrary, fraudulent, capricious or oppressive or in unreasonable disregard of the best interests of the territory affected; *or*
- (d) That the order is based upon an erroneous theory of law.

The appeal shall be taken in the district court in the county in which the majority of the area affected is located. The appeal shall not stay the effect of the order. All notices and other documents shall be served on both the executive director and the attorney general's assistant assigned to the board.

If the court ~~shall determine~~ *determines* that the action of the board involved is unlawful or unreasonable or is not warranted by the evidence in case an issue of fact is involved, the court may vacate or suspend the action of the board involved, in whole or in part, as the case ~~may require, and thereupon requires~~. The matter shall *then* be remanded to the board for further action in conformity with the decision of the court.

To render a review of a board order effectual, the aggrieved person shall file with the clerk of the district court of the county ~~wherein in which~~ the majority of the area is located, within 30 days of ~~such the~~ order, an application for review together with the grounds upon which the review is sought.

An appeal lies from the district court ~~to the supreme court as in accordance with the provisions of the rules of other civil appellate procedure cases~~.

Sec. 150. Minnesota Statutes 1982, section 414.08, is amended to read:

414.08 [APPEAL TO SUPREME COURT APPEALS.]

An appeal may be taken under the ~~provisions of rule 103.03 of the rules of civil appellate procedure, to the supreme court~~ by the Minnesota municipal board ~~created by Minnesota Statutes 1961, Section 414.01, Subdivision 1,~~ from a final order or judgment made or rendered by the district court ~~upon an appeal under Minnesota Statutes 1961, Section 414.07,~~ when the ~~Minnesota municipal~~ board determines that the final order or judgment adversely affects the public interest.

Sec. 151. Minnesota Statutes 1982, section 419.12, is amended to read:

419.12 [SUSPENSION AND REMOVAL; REINSTATEMENT.]

If, after investigation and trial by civil service commission, ~~as herein provided,~~ an employee is found guilty of inefficiency, breach of duty, or misconduct, he may be removed, reduced, or suspended and his name may be

stricken from the service register. If the board ~~shall determine~~ *determines* that the charges are not sustained, the accused, if he has been suspended pending investigation, shall be immediately reinstated and shall be paid all back pay due for the period of suspension.

Findings ~~and~~ , determinations ~~hereunder~~ , and orders of *the commission* for suspension, reduction, or removal, shall be in writing and shall be filed within three days after the completion of ~~such the~~ hearing with the secretary of the commission ~~and it shall be the duty of~~ . The secretary to *shall* notify ~~such the~~ employee of the decision in writing. Any person suspended, reduced, or removed by the commission after investigation may appeal ~~from the order to the district court by serving written notice thereof upon the secretary within ten days after the filing of the order or the receipt by the employee of written notice of the order as above provided in accordance with chapter 14.~~

~~Within five days thereafter, the secretary shall certify to the clerk of the district court, the record of the proceedings, including all documents, testimony, and minutes. The case shall then be at issue and shall be placed on the calendar by the clerk to be tried before the court without jury at the next general term thereof to be held in the county where the city is located at the place nearest the city. The question to be determined by the court shall be:~~

~~"Upon the evidence, was the order of the commission reasonable?" After trial in the district court an appeal may be taken from the decision thereof to the supreme court by the employee or the commission in the same manner as provided for other court cases.~~

Sec. 152. Minnesota Statutes 1982, section 420.13, is amended to read:

420.13 [SUSPENSION OR REMOVAL.]

If, after investigation and trial by the civil service commission ~~as herein provided~~ , an employee is found guilty of inefficiency, breach of duty, or misconduct, he may be removed, reduced, or suspended and his name may be stricken from the service register. If the board ~~shall determine~~ *determines* that the charges are not sustained, the accused, if he has been suspended pending investigation, shall be immediately reinstated and paid all back pay due for the period of suspension.

Findings ~~and~~ , determinations ~~hereunder~~ , and orders of *the commission* for suspension, reduction, or removal shall be in writing and filed within three days after the completion of ~~such the~~ hearing with the secretary of the commission ~~and it shall be the duty of~~ . The secretary to *shall* notify ~~such the~~ employee of the decision in writing. Any person suspended, reduced, or removed by the commission after investigation may appeal ~~from the order to the district court by serving written notice thereof upon the secretary within ten days after the filing of the order or the receipt by the employee of written notice of the order as above provided in accordance with chapter 14.~~

~~Within five days thereafter, the secretary shall certify to the clerk of the district court the record of the proceedings, including all documents, testimony, and minutes. The case shall then be at issue and placed on the calendar by the clerk to be tried before the court without jury at the next general term thereof to be held in the county where the city is located at the place nearest the city. The question to be determined by the court shall be:~~

~~"Upon the evidence was the order of the commission reasonable?" After trial in the district court an appeal may be taken from the decision thereof to the~~

supreme court by the employee or the commission in the same manner as provided for other court cases.

Sec. 153. Minnesota Statutes 1982, section 430.03, is amended to read:

430.03 [OBJECTIONS TO CONFIRMATION; APPEAL TO DISTRICT COURT; REAPPRAISAL; ~~APPEAL TO SUPREME COURT~~ COURT OF APPEALS.]

Any person whose property is proposed to be taken, interfered with, or assessed for benefits under any of the provisions of this chapter, who deems that there is any irregularity in the proceedings of the council or action of the commissioners, by reason of which the award of the commissioners ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of or interference with his property or with the amount of the assessment for benefits to any property affected by the proceedings, ~~specifically shall have~~ *has* the right to appeal from the order of confirmation of the city council, to the district court of the county at any time within 20 days after the order. This appeal shall be made by serving a written notice of the appeal upon the clerk of the city, ~~which~~ . *The appeal shall specify the property of the appellant affected by the award and assessment, and refer to the objection filed, as aforesaid, and* . *The appellant shall also by delivering deliver* to the city clerk a bond to the city, executed by the appellant, or by someone on his behalf, with two sureties, who shall justify in the penal sum of \$50 conditioned to pay all costs that may be awarded against the appellant. ~~Thereupon~~ The city clerk shall *then* make out and transmit to the clerk of the district court a copy of the award of the commissioners, as confirmed by the council, and of the order of the council confirming ~~the same~~ *it*, and of the objection filed by the appellant, all certified by the clerk to be true copies, within ten days after the taking of the appeal. If more than one appeal ~~be is~~ taken from any award, it shall not be necessary that the clerk, in ~~appeals~~ *subsequent to the first, shall appeals*, send up anything except a certified copy of the appellant's objections. There shall be no pleading on the appeal, but the court shall determine, in the first instance, whether there was in the proceedings any irregularity or omission of duty prejudicial to the appellant and specified in his written objections, that, as to him, the award or assessment of the commissioners ought not to stand, and whether the commissioners had jurisdiction to take action in the premises. If any ~~such~~ person ~~shall claim~~ *claims* that any pedestrian mall ordinance proposed in connection with ~~such the~~ improvement pursuant to section 430.011, and adopted by the city council, ~~shall be~~ *is* invalid, he shall perfect an appeal pursuant to the provisions of section 430.031, subject to the right of the court to consolidate for hearing any appeal taken pursuant to ~~such that~~ section with an appeal taken pursuant to this section.

The case may be brought on for hearing on eight days' notice, at any general or special term of the court; ~~and~~ . *It shall have precedence of other civil cases, and the judgment of the court shall be either to confirm or annul the proceedings only as the same affects they affect* the property of the appellant proposed to be taken, damaged, or assessed for benefits and described in the written objection. From this determination no appeal or writ of error shall lie.

In case the amount of damages awarded or assessment made for benefits is

complained of by the appellant, the court shall, if the proceedings ~~be are~~ confirmed in other respects, upon ~~such~~ confirmation, appoint three disinterested freeholders, residents of the city, commissioners to reappraise ~~such the~~ damages or benefits. The parties to the appeal shall be heard by the court upon the appointment of these commissioners; ~~and~~ . The court shall fix the time and place of the meeting of the commissioners. They shall be sworn to the faithful discharge of their duties as ~~such~~ commissioners, proceed to view the premises, and hear the parties interested, with their allegations and proofs pertinent to the question of the amount of the damages or assessments. These commissioners shall be governed by the same provisions in respect to the method of arriving at the amount of damages and the offset thereto of benefits to other property of the same owners, and in all other material respects, as are ~~provided in this chapter made~~ for the government of commissioners appointed by the city council. They shall, after the hearing and view of the premises, ~~make~~ report to the court of their appraisal of damages or assessments of benefits in respect to the appellant. The award or assessment of these commissioners shall be final unless set aside by the court for good cause shown. ~~In case this~~ *If* the report is set aside, the court may, in its discretion, recommit ~~the same it~~ to the same commissioners or appoint a new board as it ~~shall deem~~ *deems* best. The court shall allow a reasonable compensation to these commissioners for their services, and make such award of costs on the appeal, including the compensation of commissioners, as it ~~shall deem~~ *deems* just in the premises.

~~In case If~~ the court ~~shall be~~ *is* of the opinion that the appeal was frivolous or vexatious, it may adjudge double costs against the appellant.

An appeal may be taken from the court's final order to the ~~supreme~~ court of *appeals* by the city or any party ~~thereto~~.

In case of proceedings conducted by the city council, all reports and other papers shall be filed in the office of the city clerk; ~~and~~ . Notices of appeal and other notices to the city shall be served upon the city clerk. In case of proceedings conducted by the board of park commissioners, all papers shall be filed in the office of the secretary or other recording officer of the board; ~~and~~ . All notices of appeal and other notices to the city shall be served upon the secretary or other recording officer of the board.

Sec. 154. Minnesota Statutes 1982, section 430.031, subdivision 4, is amended to read:

Subd. 4. [EFFECT OF APPEAL; ~~APPEAL TO SUPREME COURT~~.] An appeal taken pursuant to this section shall suspend the effectiveness of the ordinance until the determination of the action by a final order of the court. The court shall advance the case on its calendar for trial at the earliest feasible date. An appeal from any judgment entered in the district court in ~~any such the~~ action shall be taken to the ~~supreme court~~ within 30 days after notice of entry of judgment; ~~notwithstanding rule 104 of the rules of civil appellate procedure~~. ~~The A party appealing; or the respondent; may apply to the supreme court of appeals for an order fixing the time and manner of the hearing of the appeal, whereupon the supreme court may provide for a speedy hearing in the manner provided by rule 103.03 of the rules of civil appellate procedure.~~

Sec. 155. Minnesota Statutes 1982, section 458A.06, subdivision 4, is

amended to read:

Subd. 4. [PROCEEDINGS FOR CHANGES BEFORE PUBLIC UTILITIES COMMISSION.] If the transit commission, upon investigation or hearing as provided in subdivision 3, finds that any change in routes, schedules, or stops will be in the public interest, the commission shall file a petition for the proposed change or changes with the secretary of the public utilities commission and serve copies ~~thereof of it~~ on the affected operator and the clerk, secretary, or other recording officer of each municipality and other public agency affected. Upon receiving ~~such a~~ the petition, the public utilities commission shall set a hearing ~~thereon on it~~ at the earliest convenient date. If any operator, municipality, or other public agency affected is opposed to the petition, it may, within 30 days after the filing and service of the petition, file with the secretary of the public utilities commission an answer stating the grounds of ~~such~~ opposition and serve a copy ~~thereof of it~~ on the secretary of the transit commission. If no ~~such~~ answers are so filed and ~~served served~~ within ~~such the~~ 30 day period, the public utilities commission shall, upon finding that the change proposed in the petition is in the public interest, order ~~such the~~ change. If any answer opposing the petition is received by the public utilities commission within ~~such the~~ 30 day period, it shall hold a hearing and make a determination in the matter as provided by applicable laws and ~~regulations~~ rules. An appeal from the action of the public utilities commission in ~~any such the~~ matter may be taken as ~~provided by sections 246.24 and 246.25 in accordance with chapter 14.~~

Sec. 156. Minnesota Statutes 1982, section 462.14, subdivision 12, is amended to read:

Subd. 12. [COURT PROCEEDINGS.] The case may be brought on for hearing on eight days' notice, at any general or special term of the court, and the judgment of the court shall be to confirm or annul the proceedings, only so far as ~~the proceedings~~ they affect the property of the appellant proposed to be included in the district or damaged or assessed, and described in the written objection. ~~In case~~ If the amount of damages or benefits assessed is complained of by ~~such the~~ appellant, the court shall, if the proceedings ~~be~~ are confirmed in other respects, appoint three disinterested qualified voters, ~~as~~ appraisers to reappraise the damages, and reassess benefits as to the property of appellant. The parties to ~~such the~~ appeal shall be heard by the court upon the appointment of ~~such the~~ appraisers, ~~and~~. The court shall fix the time and place of meeting of ~~such the~~ appraisers. They shall be sworn to the faithful discharge of their duties as ~~such~~ appraisers, and ~~shall~~ proceed to view the premises and to hear the parties interested, with their allegations and proofs pertinent to the question of the amount of damages or benefits; ~~such~~. The appraisers shall be governed by the same provisions in respect to the method of arriving at the amount of damages or benefits and in all other material respects as are ~~provided~~ in sections 462.12 to 462.17 ~~made~~ for the government of appraisers appointed by the council. They shall, after the hearing and view of the premises, ~~make~~ a report to the court of their award of damages and assessment of benefits in respect to the property of ~~such the~~ appellant. The award shall be final unless set aside by the court. The motion to set aside shall be made within 15 days. ~~In case such~~ If the report is set aside, the court may, in its discretion, recommit ~~the same~~ it to the same appraisers, or appoint new appraisers as it ~~shall deem~~ deems best. The court shall allow to the appraisers a reasonable compensation for their services, and make such award of costs on ~~such the~~ appeal, including the compensation of ~~such~~ appraisers as it ~~shall deem~~ deems just in the premises, and en-

force ~~the same the~~ award by execution. ~~In case If~~ the court shall be is of the opinion that ~~such the~~ appeal was frivolous or vexatious, it may adjudge double costs against ~~such the~~ appellant. An appeal may be taken to the supreme court of the state from any final decision of the district court ~~as in the proceedings other civil cases.~~

Sec. 157. Minnesota Statutes 1982, section 462.715, is amended to read:

462.715 [ADVANCE OF LITIGATION ON CALENDAR.]

In any litigation as described in sections 462.713 and 462.714, ~~wherein in~~ which a bond has been required and given or the court has denied a motion to require ~~such a~~ bond, the court shall advance the case on its calendar for trial at the earliest feasible date; ~~and in such litigation~~. An appeal to the supreme court from an appealable order made, or from a judgment entered in a district court may be taken after 30 days from entry of ~~such the~~ judgment or after written notice of ~~such the~~ order from the adverse party.

Sec. 158. Minnesota Statutes 1982, section 465.43, is amended to read:

465.43 [HEARING; APPRAISERS; AWARD; APPEAL TO SUPREME COURT.]

The case may be brought on for hearing on eight days' notice, at any general or special term of the court, and the judgment of the court shall be to confirm or annul the proceedings, only so far as the proceedings affect the property of the appellant proposed to be taken or damaged or assessed, and described in the written objection. In case the amount of damages or benefits assessed is complained of by ~~such the~~ appellant, the court shall, if the proceedings be confirmed in other respects, appoint three disinterested freeholders, residents of the county, appraisers, to reappraise the damages, and reassess benefits as to the property of appellant. The parties to ~~such the~~ appeal shall be heard by the court upon the appointment of ~~such the~~ appraisers; ~~and~~. The court shall fix the time and place of meeting of ~~such the~~ appraisers. They shall be sworn to the faithful discharge of their duties as ~~such~~ appraisers, and shall proceed to view the premises and to hear the parties interested, with their allegations and proofs pertinent to the question of the amount of damages or benefits, and proceed in all other material respects as are provided in sections 465.26 to 465.48 for the government of appraisers appointed by the city council. They shall, after the hearing and view of the premises, ~~make a~~ report to the court of their award of damages and assessments of benefits in respect to the property of ~~such the~~ appellant. The appellant shall, within five days of notice of filing the award, file his written election to remove the buildings if he so elect. ~~Such The~~ election shall not affect his right to a review. The award shall be final unless set aside by the court. The motion to set aside shall be made within 15 days. ~~In case such If~~ the report is set aside, the court may, in its discretion, recommit ~~the same it~~ to the same appraisers, or appoint new appraisers, as it ~~shall deem~~ ~~deems~~ best. The court shall allow to the appraisers a reasonable compensation for their services, and make such awards of costs on ~~such the~~ appeal, including the compensation of ~~such~~ appraisers, as it ~~shall deem~~ ~~deems~~ just in the premises, and enforce ~~the same them~~ by execution. ~~In case If~~ the court shall be is of the opinion that ~~such the~~ appeal was frivolous or vexatious, it may adjudge double costs against ~~such the~~ appellant. An appeal may be taken to the supreme court of the state of appeals from any final ~~decision~~ order of the district court in the proceedings.

Sec. 159. Minnesota Statutes 1982, section 473.413, subdivision 4, is

amended to read:

Subd. 4. [COMMISSION; PROCEEDINGS FOR CHANGES BEFORE DEPARTMENT OF PUBLIC SERVICE.] If the transit commission, upon investigation or hearing as provided in subdivision 3, finds that any change in routes, schedules, or stops will be in the public interest, the commission shall file a petition for the proposed change or changes with the secretary of the department of public service and serve copies ~~thereof of it~~ on the affected operator and the clerk, secretary, or other recording officer of each municipality and other public agency affected. Upon receiving ~~such~~ a petition, the department of public service shall set a hearing ~~thereon on it~~ at the earliest convenient date. If any operator, municipality, or other public agency affected is opposed to the petition, it may, within 30 days after the filing and service of the petition, file with the secretary of the department of public service an answer stating the grounds of ~~such~~ opposition and serve a copy ~~thereof of it~~ on the secretary of the transit commission. If no ~~such~~ answers are ~~so~~ filed and served within ~~such the~~ 30 day period, the department of public service shall, upon finding that the change proposed in the petition is in the public interest, order ~~such the~~ change. If any answer opposing the petition is received by the department of public service within ~~such the~~ 30 day period, it shall hold a hearing and make a determination in the matter as provided by applicable laws and ~~regulations~~ rules. An appeal from the action of the department of public service in ~~any such the~~ matter may be taken ~~as provided by sections 216.24 and 216.25 and acts amendatory thereof or supplementary thereto~~ in accordance with chapter 14.

Sec. 160. Minnesota Statutes 1982, section 473.675, subdivision 4, is amended to read:

Subd. 4. [APPEALS.] In ~~any such~~ litigation ~~wherein where~~ a bond has been required and given under subdivision 3 ~~hereof~~ or the court has denied a motion to require ~~such a~~ bond, the court shall advance the case on its calendar for trial at the earliest feasible date; ~~and in such litigation~~. An appeal ~~to the supreme court~~ from an appealable order made, or from a judgment entered, in a district court may be taken only within thirty days after entry of ~~such~~ judgment or after written notice of ~~such the~~ order from the adverse party.

Sec. 161. Minnesota Statutes 1982, section 480.054, is amended to read:

480.054 [DISTRIBUTION OF PROPOSED RULES; HEARING.]

Before any rule for the *court of appeals* or for the district, county, or county municipal courts is adopted, the supreme court shall distribute copies of the proposed rule to the bench and bar of the state for their consideration and suggestions and give due consideration to ~~such any~~ suggestions ~~as they may~~ submit to the court. The *court of appeals judges*, the District Court Judges Association, the Minnesota County Court Judges Association, or the Municipal Court Judges Association may file with the court a petition specifying their suggestions concerning any existing or proposed rule and requesting a hearing ~~thereon on it~~. The court shall grant a hearing within six months after the filing of the petition. The court may grant a hearing upon the petition of any other person.

Sec. 162. Minnesota Statutes 1982, section 480.055, subdivision 1, is

amended to read:

Subdivision 1. [OTHER COURTS.] Any court, other than the supreme court, may adopt rules of court governing its practice; *the judges of the court of appeals, pursuant to section 480A.11, the judges of district courts, pursuant to sections 484.33 and 484.52, the judges of county courts, pursuant to section 487.23, and the judges of municipal courts, pursuant to chapter 488A,* may adopt rules not in conflict with the rules promulgated by the supreme court.

Sec. 163. Minnesota Statutes 1982, section 480.061, subdivision 8, is amended to read:

Subd. 8. [POWER TO CERTIFY.] The supreme court ~~of this state or the court of appeals,~~ on its own motion or the motion of any party, may order certification of questions of law to the highest court of any state when it appears to the certifying court that there are involved in any proceeding before the court questions of law of the receiving state which may be determinative of the cause then pending in the certifying court and it appears to the certifying court that there are no controlling precedents in the decisions of the highest court or intermediate appellate courts of the receiving state.

Sec. 164. Minnesota Statutes 1982, section 480.062, is amended to read:

480.062 [PUBLIC EMPLOYEES' CLAIMS REGARDING EMPLOYMENT, COSTS AND DISBURSEMENTS.]

~~Notwithstanding any rule promulgated by the supreme court to the contrary, The supreme court appellate courts shall allow costs and disbursements in any appeal to the supreme court to any public employee who prevails in an action for wrongfully denied or withheld employment benefits or rights in the same manner as the court allows costs and disbursements to any prevailing party.~~

Sec. 165. Minnesota Statutes 1982, section 480.07, is amended to read:

480.07 [CLERK; BOND, ASSISTANTS, RECORDS.]

~~The clerk of the supreme court shall give bond to the state in the sum of \$1,000, to be approved by the governor, conditioned for the faithful discharge of his official duties. He appellate courts may employ, from time to time, necessary stenographic and other clerical office help for whose compensation legislative appropriation shall have has been made. The justices of the supreme court He may appoint a deputy clerk for the discharge of the duties of the office in the his absence of the clerk or his inability to act, and such other duties as shall be assigned to him by the clerk or the court. The deputy so appointed shall take the usual oath of office and give bond to the state in the sum of \$1,000, to be approved by the court, and conditioned for the faithful discharge of his duties. He shall serve during the pleasure of the court clerk.~~

~~The clerk shall keep such dockets, journals, and other records; and perform such duties appropriate to his office as the supreme court may by its rules judges of the appellate courts prescribe. He shall provide, at the cost of the state, all books, stationery, furniture, postage, and supplies necessary for the proper transaction of the business of the court courts.~~

Sec. 166. Minnesota Statutes 1982, section 480.19, is amended to read:

480.19 [APPLICATION TO SUPREME, ~~DISTRICT, INFERIOR AND OTHER COURTS.~~]

Sections 480.13 to 480.20 ~~shall~~ apply to the following courts: The supreme court, *the court of appeals*, the district courts, ~~and, when and to the extent so ordered by the supreme court~~ county, to the probate, *and county municipal-* ~~and justice~~ courts.

Sec. 167. Minnesota Statutes 1982, section 480A.02, is amended by adding a subdivision to read:

Subd. 7. [COMPENSATION; TRAVEL EXPENSES.] The salary of a judge of the court of appeals shall be as provided by section 15A.083. Travel expenses shall be paid by the state in the same manner and amount as provided for judges of the district court in section 484.54.

Sec. 168. Minnesota Statutes 1982, section 480A.04, is amended to read:

480A.04 [CLERK OF COURT.]

The clerk of the ~~supreme court~~ *appellate courts* shall serve as clerk of the *supreme court and the court of appeals*. The state court administrator may direct the district administrators and clerks of court to provide facilities and support services for the court of appeals.

Sec. 169. Minnesota Statutes 1982, section 480A.06, subdivision 1, is amended to read:

Subdivision 1. [FINAL DECISIONS.] The court of appeals ~~shall have~~ *has* jurisdiction of appeals from all final decisions of the trial courts, other than the conciliation courts, of the state of Minnesota, except that it shall not have jurisdiction of *appeals in legislative contests or criminal appeals* in cases in which the defendant has been convicted of murder in the first degree.

Sec. 170. Minnesota Statutes 1982, section 480A.08, subdivision 3, is amended to read:

Subd. 3. [DECISIONS.] A decision shall be rendered in every case within 90 days after oral argument or after the final submission of briefs or memoranda by the parties, whichever is later. *The chief justice or the chief judge may waive the 90 day limitation for any proceeding before the court of appeals for good cause shown.* In every case, the decision of the court, including any written opinion containing a summary of the case and a statement of the reasons for its decision, shall be indexed and made readily available.

Sec. 171. Minnesota Statutes 1982, section 481.02, subdivision 3, is amended to read:

Subd. 3. [PERMITTED ACTIONS.] The provisions of this section shall not prohibit:

(1) any one from drawing, without charge, any document to which he, a person whose employee he is, a firm of which he is a member, or a corporation whose officer or employee he is, is a party, except another's will or testamentary disposition or instrument of trust serving purposes similar to those of a will;

(2) a person from drawing a will for another in an emergency ~~wherein~~ if the imminence of death leaves insufficient time to have it drawn and its execution supervised by a licensed attorney at law;

(3) any one, acting as broker for the parties or agent of one of the parties to a sale or trade or lease of property or to a loan, from drawing or assisting in drawing, with or without charge, papers incident to the sale, trade, lease, or loan;

(4) any insurance company from causing to be defended, or from offering to cause to be defended through lawyers of its selection, the insureds in policies issued or to be issued by it, in accordance with the terms of the policies;

(5) a licensed attorney at law from acting for several common-carrier corporations or any of its subsidiaries pursuant to arrangement between the corporations;

(6) any bona fide labor organization from giving legal advice to its members in matters arising out of their employment;

(7) any person from conferring or cooperating with a licensed attorney at law of another in preparing any legal document, if the attorney is not, directly or indirectly, in the employ of the person or of any person, firm, or corporation represented by the person;

(8) any licensed attorney at law of Minnesota, who is an officer or employee of a corporation, from drawing, for or without compensation, any document to which the corporation is a party or ~~wherein~~ in which it is interested personally or in a representative capacity, except wills or testamentary dispositions or instruments of trust serving purposes similar to those of a will, but any charge made for the legal work connected with preparing and drawing the document shall not exceed the amount paid to and received and retained by the attorney, and the attorney shall not, directly or indirectly, rebate the fee to or divide the fee with the corporation;

(9) any person or corporation from drawing, for or without a fee, farm or house leases, notes, mortgages, chattel mortgages, bills of sale, deeds, assignments, satisfactions or any other conveyances except testamentary dispositions and instruments of trust;

(10) a licensed attorney at law of Minnesota from rendering to a corporation legal services to itself at the expense of one or more of its bona fide principal stockholders by whom he is employed and by whom no compensation is, directly or indirectly, received for the services;

(11) any person or corporation engaged in the business of making collections from engaging or turning over to an attorney at law for the purpose of instituting and conducting suit or making proof of claim of a creditor in any case in which the attorney at law receives the entire compensation for the work;

(12) any regularly established farm journal or newspaper, devoted to general news, from publishing a department of legal questions and answers ~~thereto to them~~, made by a licensed attorney at law, if no answer is accompanied or at any time preceded or followed by any charge for it, any disclosure of any name of the maker of any answer, any recommendation of or

reference to any one to furnish legal advice or services, or by any legal advice or service for the periodical or any one connected with it or suggested by it, directly or indirectly;

(13) any authorized management agent of an owner of rental property used for residential purposes, whether the management agent is a natural person, corporation, partnership, limited partnership, or any other business entity, from commencing, maintaining, conducting, or defending in its own behalf any action in any court in this state to recover or retain possession of the property, except that the provision of this clause does not authorize a person who is not a licensed attorney at law to conduct a jury trial or to appear before a district court or the *court of appeals* or supreme court pursuant to an appeal; and

(14) any person from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any county or municipal court of this state pursuant to the provisions of section 566.175 or sections 566.18 to 566.33 or from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any county or *county* municipal court of this state for the recovery of rental property used for residential purposes pursuant to the provisions of sections 566.02 or 566.03, subdivision 1, except that the provision of this clause does not authorize a person who is not a licensed attorney at law to conduct a jury trial or to appear before a district court or the *court of appeals* or supreme court pursuant to an appeal, and provided that, except for a nonprofit corporation, a person who is not a licensed attorney at law shall not charge or collect a separate fee for services rendered pursuant to this clause.

Sec. 172. Minnesota Statutes 1982, section 481.02, subdivision 6, is amended to read:

Subd. 6. [ATTORNEYS OF OTHER STATES.] Any attorney or counselor at law residing in any other state or territory ~~wherein~~ *in which* he has been admitted to practice law, who ~~shall attend~~ *attends* any term of the supreme court, *court of appeals*, or district court of this state for the purpose of trying or participating in the trial or proceedings of any action or proceedings there pending, may, in the discretion of the court before which he appears in ~~such the~~ *the* action or proceeding, be permitted to try, or participate in the trial or proceedings in, ~~such the~~ *the* action or proceeding, without being subject to the provisions of this section, other than those set forth in subdivision 2, providing the state in which he is licensed to practice law likewise grants permission to members of the state bar of Minnesota to act as an attorney for a client in ~~such that~~ *that* state under the same terms.

Sec. 173. Minnesota Statutes 1982, section 481.15, subdivision 2, is amended to read:

Subd. 2. [PROCEEDINGS.] Proceedings in ~~such the~~ *the* cases may be taken by the supreme court on its own motion, for matter within its knowledge, or upon accusation. Accusations may be made to the clerk of the ~~supreme court~~ *appellate courts* and shall be investigated, prosecuted, heard and determined in accordance with rules ~~which may be made, from time to time,~~ by the supreme court. The supreme court may refer any accusation to any person, and ~~such the~~ *the* person shall have all the powers of a referee under the rules of civil procedure; . Objections to ~~such the~~ *the* referee may be filed within ten

days of the appointment and shall be heard and determined by the supreme court. The referee shall report the evidence and, if directed by the supreme court, shall make findings ~~thereon~~ *on it*. Persons designated by the supreme court under the authority of this section shall be paid their necessary expenses and ~~such~~ compensation as shall be fixed by the supreme court. Officers and witnesses necessarily employed or called by the prosecution shall receive the fees and mileage allowed by law ~~and~~ . The supreme court shall fix a reasonable compensation for the reporter. All expenses, fees and compensation ~~herein~~ authorized shall be paid upon itemized vouchers approved by one of the justices of the supreme court.

Sec. 174. Minnesota Statutes 1982, section 482.07, subdivision 8, is amended to read:

Subd. 8. [COPIES OF LAWS.] ~~During such time as~~ *When* session laws and resolutions are not available in printed and bound form pursuant to subdivision 1, the revisor of statutes shall upon request furnish one copy of any law or resolution without cost to any member of the legislature, ~~such~~ legislative staff members as ~~may be~~ designated by the legislative coordinating commission, a constitutional officer ~~or~~, justice of the supreme court, ~~or judge of the court of appeals~~.

Sec. 175. Minnesota Statutes 1982, section 485.16, is amended to read:

485.16 [RECORD ALL ACTIONS FILED.]

The clerks of the district courts of the several counties shall keep a record of all actions and proceedings, civil and criminal, filed in the court, and shall furnish to the state ~~Supreme Court~~ *appellate courts* any information concerning ~~said~~ the actions as ~~shall be~~ *is* prescribed by rule of civil procedure.

Sec. 176. Minnesota Statutes 1982, section 487.39, is amended to read:

487.39 [APPEALS.]

Subdivision 1. [TO COURT OF APPEALS.] An aggrieved party may appeal to the ~~district court of appeals~~ from a determination of a county court or a county municipal court. The provisions of this section govern all appeals from the county court and the county municipal court; ~~appeal provisions of all other statutes are inapplicable except as stated in section 484.63.~~

(a) Except as provided in clause (b), the appeal in a civil case shall be ~~taken by filing written notice thereof in accordance with the clerk of court of the county in which the action was heard not more than 30 days after written notice of the court's determination has been served upon the aggrieved party or the party's attorney. Written notice of the court's determination shall be served by the clerk of court upon the aggrieved party or the party's attorney within 45 days after the determination in a civil case rules of civil appellate procedure.~~

(b) In the appeal of petty misdemeanor, ordinance or criminal cases, the written notice of appeal shall be filed with the clerk of court of the county in which the action was heard within ten days of the conviction or other determination, and sentencing ~~thereon~~, appealed from.

(c) A written notice of appeal shall be served by the appellant upon all parties to the original proceedings or their attorneys not more than five days

after filing. A written notice of appeal and proof of service shall be filed with the clerk of county court or county municipal court in the county in which the action was heard not more than three days after the service of notice on the opposite party or the party's attorney. ~~The appeal shall be heard and determined by a district court appellate panel pursuant to section 484.63.~~

Subd. 2. [RECORD.] The appeal shall be confined to the typewritten record. By stipulation of all parties, the record may be shortened. ~~The district court shall, upon request, hear oral argument and receive written briefs. The district court of appeals may affirm, reverse or modify the judgment or order appealed from, or take any other action as the interests of justice may require. On appeal from an order, the district court of appeals may review any order affecting the order from which the appeal is taken and an appeal from a judgment may review any order involving the merits or affecting the judgment. The supreme court shall formulate rules of appellate procedure applicable to a district court panel hearing appeals from a county court or county municipal court. Until otherwise provided, the rules of appellate procedure applicable to appeals to the supreme court shall apply to the district court hearing appeals from a county court or a county municipal court, except as provided in this section. An appeal may be taken from the determination of a district court to the supreme court with leave of the supreme court.~~

Sec. 177. Minnesota Statutes 1982, section 488A.01, subdivision 14, is amended to read:

Subd. 14. [APPEALS.] Appeals from the county municipal court to the ~~district court of appeals~~ shall be subject to the provisions of ~~sections 484.63 and section 487.39 and the rules of appellate procedure.~~

Sec. 178. Minnesota Statutes 1982, section 488A.17, subdivision 12, is amended to read:

Subd. 12. [APPEAL TO SUPREME COURT APPEALS.] Causes removed to municipal court from conciliation court may be ~~removed from municipal court to the supreme court of Minnesota in the same manner, upon like proceedings and with the same effect as causes originally brought in the municipal court appealed to the court of appeals as in other civil cases.~~

Sec. 179. Minnesota Statutes 1982, section 488A.18, subdivision 14, is amended to read:

Subd. 14. [APPEALS.] Appeals from the county municipal court to the ~~district court of appeals~~ shall be subject to the provisions of ~~sections 484.63 and section 487.39 and the rules of appellate procedure.~~

Sec. 180. Minnesota Statutes 1982, section 488A.34, subdivision 11, is amended to read:

Subd. 11. [APPEAL TO SUPREME COURT APPEALS.] Causes removed to municipal court from conciliation court may be ~~removed from municipal court to the supreme court of Minnesota in the same manner, upon like proceedings and with the same effect as causes originally brought in the municipal court appealed to the court of appeals as in other civil cases.~~

Sec. 181. Minnesota Statutes 1982, section 501.35, is amended to read:

501.35 [MAY APPLY TO COURT FOR INSTRUCTIONS.]

Any trustee of an express trust by will or other written instrument whose appointment has been confirmed, or any beneficiary of that trust, may petition the court then having jurisdiction of the trust as a proceeding in rem, and any trustee of an express trust by will or other written instrument whose appointment has not been confirmed, or any beneficiary of that trust, may petition the district or county court of the county ~~wherein~~ *in which* the unconfirmed trustee resides or has his place of business, for instructions in the administration of the trust, for the confirmation of any action taken by the trustee, for a construction of the trust instrument, or upon or after the filing of any account, for the settlement and allowance thereof. Upon the filing of ~~such the~~ petition, the court shall make an order fixing a time and place for hearing ~~thereof~~ *it*, unless hearing has been waived in writing by the beneficiaries of ~~such the~~ trust ~~than~~ *then* in being. Notice of ~~such~~ hearing shall be given by publishing a copy of ~~such the~~ order one time in a legal newspaper of ~~such the~~ county at least 20 days before the date of ~~such the~~ hearing, and by mailing a copy ~~thereof~~ *of it* to each beneficiary of the trust then in being, at his last known address, at least ten days before the date of ~~such the~~ hearing or in ~~such any other~~ manner as the court ~~shall order and orders~~. If ~~such the~~ court ~~shall deem~~ *deems* further notice necessary, it shall be given in ~~such the~~ manner as ~~may be~~ specified in ~~such the~~ order. ~~Upon such~~ *At the* hearing the court shall make such order as it deems appropriate, ~~which~~. The order shall be final and conclusive as to all matters ~~thereby~~ *determined by it* and binding in rem upon the trust estate and upon the interests of all beneficiaries, vested or contingent, even though unascertained or not in being, except that appeal to the supreme court may be taken from such an order of a district court within 30 days from the entry thereof by filing notice of appeal with the clerk of the district court, who shall mail a copy of such notice to each adverse party who has appeared of record in the manner provided in section 487.39. Appeal may be taken from an order of a county court in the manner provided in section 487.39. The appeal shall be taken within 30 days from the entry of the order, notwithstanding the provisions of section 487.39, subdivision 1, clause (a).

Sec. 182. Minnesota Statutes 1982, section 508.29, is amended to read:

508.29 [APPEALS.]

An appeal may be taken to the ~~supreme~~ court of appeals from any order or judgment of the district court under this chapter as follows:

(1) From any final decree, within 90 days from ~~the its~~ date thereof except that the appeal period for those parties who were not personally served shall be six months from the date of the final decree; upon appeal from ~~such the~~ decree, the ~~supreme~~ court of appeals may review any intermediate order involving the merits or necessarily affecting the decree;

(2) From any order granting or denying an application to open, vacate, or set aside ~~such the~~ decree, within 30 days from the date of the filing of ~~such the~~ order;

(3) From any order granting or refusing a new trial, or from any order involving the merits of the proceeding, or some part thereof of them, within 30 days from the filing of ~~such the~~ order;

(4) From any order relating to registered land after ~~the its~~ original registration thereof, within 90 days after the entry of ~~such the~~ order.

All appeals from any order or decree in any proceeding under this chapter shall be taken upon such notice, terms, and conditions as are provided by law for the taking of appeals in other civil actions cases.

Sec. 183. Minnesota Statutes 1982, section 508A.29, is amended to read:
508A.29 [APPEALS.]

An appeal may be taken to the ~~supreme~~ court *of appeals* from any order of the district court relating to land registered under sections 508A.01 to 508A.85 within 90 days after the entry of the order. The appeal shall be ~~taken upon the notice, terms, and conditions as are provided by law for the taking of appeal in other civil actions cases.~~

Sec. 184. Minnesota Statutes 1982, section 525.71, is amended to read:
525.71 [APPEALABLE ORDERS.]

Appeals to the ~~district~~ court *of appeals* may be taken from any of the following orders, judgments, and decrees issued by a judge of the court under chapters 524 or 525:

- (1) An order admitting, or refusing to admit, a will to probate;
- (2) An order appointing, or refusing to appoint, or removing, or refusing to remove, a representative other than a special administrator or special guardian;
- (3) An order authorizing, or refusing to authorize, the sale, mortgage, or lease of real estate, or confirming, or refusing to confirm, the sale or lease of real estate;
- (4) An order directing, or refusing to direct, a conveyance or lease of real estate under contract;
- (5) An order permitting, or refusing to permit, the filing of a claim, or allowing or disallowing a claim or counterclaim, in whole or in part, when the amount in controversy exceeds \$100;
- (6) An order setting apart, or refusing to set apart, property, or making, or refusing to make, an allowance for the spouse or children;
- (7) An order determining, or refusing to determine, venue; an order transferring, or refusing to transfer, venue;
- (8) An order directing, or refusing to direct, the payment of a bequest or distributive share when the amount in controversy exceeds \$100;
- (9) An order allowing, or refusing to allow, an account of a representative or any part ~~thereof of it~~ when the amount in controversy exceeds \$100;
- (10) An order adjudging a person in contempt;
- (11) An order vacating, *or refusing to vacate*, a previous appealable order, judgment, or decree; ~~an order refusing to vacate a previous appealable order, judgment, or decree~~ alleged to have been procured by fraud or misrepresentation, or through surprise or excusable inadvertence or neglect;
- (12) A judgment or decree of partial or final distribution or an order determining or confirming distribution or any order of general protection;
- (13) An order entered pursuant to section 576.142;
- (14) An order granting or denying restoration to capacity;
- (15) An order made directing, or refusing to direct, the payment of repre-

sentative's fees or attorneys' fees, and in such case the representative and the attorney shall each be deemed an aggrieved party and entitled to ~~take such~~ appeal;

(16) An order, judgment, or decree relating to or affecting estate taxes or refusing to amend, modify, or vacate such an order, judgment, or decree; ~~but nothing herein contained shall abridge the right of direct review by the supreme court; and~~

(17) An order extending the time for the settlement of the estate beyond five years from the date of the appointment of the representative.

Sec. 185. Minnesota Statutes 1982, section 525.714, is amended to read:

525.714 [SUSPENSION BY APPEAL.]

~~Such~~ The appeal shall suspend the operation of the order, judgment, or decree appealed from until the appeal is determined or the ~~district court shall of appeals orders~~ otherwise order. The ~~district court of appeals~~ may require the appellant to give additional bond for the payment of damages which may be awarded against him in consequence of ~~such the~~ suspension, in case he fails to obtain a reversal of the order, judgment, or decree ~~so~~ appealed from. Nothing herein contained shall prevent the probate court from appointing special representatives nor prevent special representatives from continuing to act as such.

Sec. 186. Minnesota Statutes 1982, section 525.73, is amended to read:

525.73 [AFFIRMANCE; REVERSAL.]

When the appellant fails to prosecute his appeal, or the order, judgment, or decree appealed from or reviewed ~~on certiorari~~ is sustained, judgment shall be entered in the ~~district court of appeals~~ affirming the decision of the probate court. Upon the filing in the probate court of a certified transcript of ~~such the~~ judgment, the probate court shall proceed as if no appeal had been taken. If the order, judgment, or decree reviewed is reversed or modified, the ~~district court of appeals~~ shall remand the case to the probate court with directions to proceed in conformity with its decision. Upon the filing in the probate court of a certified transcript of ~~such the~~ judgment, it shall proceed as directed by the ~~district court of appeals~~.

Sec. 187. Minnesota Statutes 1982, section 548.29, subdivision 2, is amended to read:

Subd. 2. [STAY OF ENFORCEMENT.] If the judgment debtor at any time shows the district court any ground upon which enforcement of a judgment of any district court or the *court of appeals* or supreme court of this state would be stayed, the court shall stay enforcement of the foreign judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in this state.

Sec. 188. Minnesota Statutes 1982, section 558.215, is amended to read:

558.215 [ORDERS, INTERLOCUTORY JUDGMENTS: APPEALS ~~TO~~ SUPREME COURT.]

Any party to any partition proceedings may appeal from any order or interlocutory judgment made and entered pursuant to sections 558.04,

558.07, 558.14, or 558.21, to the ~~supreme~~ court of appeals within 30 days after the making and filing of any ~~such the~~ order or interlocutory judgment. Any appeal taken pursuant to the provisions hereof shall be governed by the rules and laws applicable to appeals taken as in other civil cases.

All matters determined by any ~~such~~ order or interlocutory judgment shall be conclusive and binding upon all parties to ~~such the~~ proceedings and shall never ~~thereafter~~ be subject to review by the court unless appealed from as provided for herein.

Sec. 189. Minnesota Statutes 1982, section 562.04, is amended to read:

562.04 [EARLY TRIAL OF ACTION, APPEAL TO SUPREME COURT.]

Whenever a bond has been required in any action under section 562.02, the court shall advance the case on its calendar for trial at the earliest feasible date, or the court may ~~so~~ advance for trial only the issues ~~therein~~ which affect the public body. If any appeal is taken from an order granting or denying the motion for filing of ~~such the~~ bond, it shall not stay further proceedings in ~~such the~~ litigation. An appeal from any judgment entered in any district court in any litigation ~~wherein in which~~ a bond has been required hereunder shall be taken to the ~~supreme~~ court of appeals within 30 days after notice of entry of judgment, notwithstanding ~~Rule 404.04~~ of the rules of civil appellate procedure. The party appealing, or the respondent, may apply to the ~~supreme~~ court of appeals for an order fixing the time and manner of the hearing of the appeal, whereupon the ~~supreme~~ court may provide for a speedy hearing in the manner provided by ~~Rule 403.03~~ of the rules of civil appellate procedure.

Sec. 190. Minnesota Statutes 1982, section 571.64, is amended to read:

571.64 [APPEAL.]

Any party to a garnishment proceeding deeming himself aggrieved by any order or final judgment ~~therein may remove the same from the justice court to the district court, or from the district court to the supreme court, by appeal; in like case, manner, and effect, as in a other civil action cases.~~

Sec. 191. Minnesota Statutes 1982, section 574.18, is amended to read:

574.18 [UNDERTAKING IN LIEU OF BOND.]

In all cases of appeal from a county board to the district court upon the allowance or disallowance of claims, ~~in all actions brought before justices of the peace, in all appeals from a justice or probate court to the district court,~~ in all actions begun in the district, ~~county or municipal court,~~ in all cases of appeal or writ of error to remove a cause or proceeding ~~therein~~ to the court of appeals or the supreme court, and in all cases of special or equitable proceedings in the district court, ~~the court of appeals,~~ or the supreme court, the filing or service, or both, as may be required, of an undertaking, signed by a surety or sureties, as the law may require, containing a condition substantially the same as required for bonds, with like sureties, qualifications, and justifications, and without acknowledgment or signature of the principal, shall be deemed a sufficient compliance with the law to sustain ~~any such the~~ action, appeal, or proceeding. Every ~~such~~ undertaking shall save and secure all rights and liabilities to the same extent as a bond ~~and~~ . The damages presumed to accrue to the party against whom ~~such the~~ proceeding is taken

shall be deemed a sufficient consideration for ~~such the~~ undertaking, though no consideration ~~be is mentioned therein; but in it~~. No undertaking or bond need be given upon any appeal or other proceeding instituted in favor of the state, or any county, city, town, or school district ~~therein in it~~, or of any executor or administrator as such.

Sec. 192. Minnesota Statutes 1982, section 582.11, is amended to read:

582.11 [POWERS AND DUTIES OF TRUSTEES IN CERTAIN CASES.]

When a mortgage made or assigned to a trustee or trust deed on any real property or any real and personal property located in this state has been heretofore or shall hereafter be foreclosed and bid in on ~~such the~~ foreclosure by a trustee for the holders of the bonds or notes secured by ~~such the~~ mortgage or trust deed, or for the holders of certificates or other evidences of equitable interest, in ~~such the~~ mortgage or trust deed, or when a mortgagor after the mortgage has been executed and delivered, but not before nor as a part of the mortgage transaction, conveys directly to the mortgage trustee, thereby eliminating his title, the trustee may at any time petition the district court of the county in which ~~such the~~ property, or any portion ~~thereof of it~~, is situated for instructions in the administration of the trust. Upon the filing of the petition, the court shall make an order fixing a time and place for hearing ~~thereof it~~, unless hearing has been waived, in writing, by the beneficiaries of the trust. Notice of the hearing shall be given by publishing a copy of ~~such the~~ order one time in a legal newspaper of ~~such the~~ county at least 20 days before the date of the hearing, and by mailing a copy ~~thereof of it~~ to each known party in interest then in being whose address is known, at his last known address, at least ten days before the date of the hearing, or in ~~such any~~ other manner as the court ~~shall order; and orders~~. If the court ~~shall deem~~ *deems* further notice necessary, it shall be given in ~~such manner~~ as ~~may be~~ specified in the order. Upon the hearing the court shall make such order as it deems appropriate, including an order to sell, mortgage, or lease ~~such the~~ property, or any part ~~thereof of it~~, in ~~such the~~ manner and upon ~~such the~~ terms as the court ~~may prescribe prescribes~~. In the case of a sale, the court, in its discretion, may authorize the trustee to sell at private sale or may direct the sheriff of the county to offer ~~such the~~ property for sale at public auction and sell ~~the same it~~ to the highest bidder ~~therefor~~ for cash. Any sale of ~~such~~ property made at public auction shall be reported to the court for confirmation and ~~be~~ confirmed by the court before ~~the same shall become it is~~ effective and valid. Notice of hearing on ~~such the~~ confirmation shall be given to all parties in interest who have appeared in the proceedings. Upon ~~such~~ confirmation, the sheriff shall make, execute, and deliver, subject to ~~such the~~ terms and conditions as the court in its order of confirmation ~~may impose imposes~~, a good and sufficient instrument of conveyance, assignment, and transfer. No confirmation of a private sale, mortgage, or lease shall be required. The order of confirmation in the case of a sale at public auction, and the order authorizing a private sale, mortgage, or lease, shall be final and conclusive as to all matters ~~thereby~~ determined; ~~and in it~~. It shall be binding in rem upon the trust estate and upon the interests of all beneficiaries, vested or contingent, except that appeal to the ~~supreme court~~ may be taken from ~~such the~~ order by any party in interest within 30 days from ~~the its~~ entry ~~thereof~~, by filing notice of appeal with the clerk of the district court, who shall mail a copy of the notice to each adverse party who has appeared of record.

Sec. 193. Minnesota Statutes 1982, section 586.09, is amended to read:

586.09 [JUDGMENT FOR PLAINTIFF; APPEAL.]

If judgment is given for the plaintiff, he shall recover the damage which he has sustained, together with costs and disbursements, and a peremptory mandamus shall be awarded without delay. An appeal from the district court shall lie to the ~~supreme~~ court of appeals in mandamus as in other civil actions cases.

Sec. 194. Minnesota Statutes 1982, section 586.11, is amended to read:

586.11 [JURISDICTION OF DISTRICT AND SUPREME APPELLATE COURTS.]

The district court has exclusive original jurisdiction in all cases of mandamus, except where ~~such the~~ writ is to be directed to a district court or a judge thereof in his official capacity, in which case the ~~supreme~~ court of appeals has exclusive original jurisdiction, ~~or except where the writ is to be directed to the court of appeals or a judge thereof in his official capacity. In such case the supreme court, or a judge thereof, shall first make an order, returnable in term, that such district court or judge show cause before the court why a peremptory writ of mandamus should not issue, and upon the return day of such order the district court or judge may show cause by affidavit or record evidence; and, upon the hearing, the supreme court shall award a peremptory writ or dismiss the order. In case of emergency, a special term of the supreme court may be appointed for the hearing. If the writ is to be directed to the court of appeals or a judge thereof in his official capacity, the supreme court of a judge thereof has original jurisdiction. The rules of civil appellate procedure shall apply in all proceedings on the writ.~~

Sec. 195. Minnesota Statutes 1982, section 586.12, is amended to read:

586.12 [ISSUES OF FACT; TRIAL.]

Issues of fact in proceedings commenced in a district court shall be tried in the county in which the defendant resides, or in which the material facts stated in the writ are alleged to have taken place; ~~and~~ . Either party shall be entitled to have any issue of fact tried by a jury, as in a civil action. In any case commenced in the supreme court ~~or court of appeals~~, where there is an issue of fact, upon request of either party, that court shall transmit the record to the proper district court, which shall try the issue in the same manner as if the proceeding had been ~~there~~ commenced ~~there~~. A change of venue may be granted as in other cases.

Sec. 196. Minnesota Statutes 1982, section 589.02, is amended to read:

589.02 [PETITION; TO WHOM AND HOW MADE.]

Application for ~~such the~~ writ shall be by petition, signed and verified by the petitioner, or by some person in his behalf, to the supreme court, ~~court of appeals~~, or to the district court of the county within which the petitioner is detained. Any judge of the court to which the petition is addressed, being within the county, ~~or, if addressed to the district court, the court commissioner of the county,~~ may grant the writ. If there be is no ~~such officer judge~~ within the county capable of acting and willing to grant ~~such the~~ writ, it may be granted by ~~some officer having such authority~~ a judge in any adjoining county.

Sec. 197. Minnesota Statutes 1982, section 589.29, is amended to read:

589.29 [APPEAL TO SUPREME COURT APPEALS.]

Any party aggrieved by the final order in proceedings upon a writ of habeas corpus may appeal ~~therefrom~~ to the ~~supreme court~~ *of appeals as in the same manner as other appeals are taken from the district court civil cases*, except that no bond shall be required of the appellant. Upon filing notice of appeal with the clerk of the district court, and payment or tender of his fees ~~therefor~~, ~~such~~ the clerk shall ~~forthwith~~ make, certify, and return to the clerk of the ~~supreme court~~ *appellate courts* copies of the petition, writ, return of respondent, answer, if any, of the relator ~~thereto~~, and the order appealed from.

Sec. 198. Minnesota Statutes 1982, section 589.30, is amended to read:

589.30 [HEARING ON APPEAL; COSTS; PAPERS.]

The appeal may be heard before the ~~supreme court~~ *of appeals when it is in session* upon application of either party to ~~such the court or a justice thereof judge of it~~. The order fixing the time of hearing, which shall not be less than six nor more than 15 days from the date of application, shall be served on the adverse party at least five days before the date ~~so~~ fixed. No costs or disbursements shall be allowed any party to ~~such the~~ appeal, nor shall any of the papers used on ~~such the~~ hearing be required to be printed.

Sec. 199. Minnesota Statutes 1982, section 590.01, subdivision 1, is amended to read:

Subdivision 1. [PETITION.] Except at a time when direct appellate relief is available, a person convicted of a crime, who claims that the conviction was obtained, or that the sentence or other disposition made violated his rights under the constitution or laws of the United States or of the state, may commence a proceeding to secure relief ~~therefrom~~ by filing a petition in the district court in the county ~~wherein~~ *in which* the conviction was had to vacate and set aside the judgment and to discharge the petitioner or to resentence him or grant a new trial or correct the sentence or make ~~such~~ other disposition as may be appropriate. Nothing contained herein shall prevent the supreme court *or the court of appeals*, upon application by a party, from granting a stay of a case on appeal for the purpose of allowing an appellant to apply to the district court for an evidentiary hearing under the provisions of this chapter. ~~Such~~ *The* proceeding shall conform with sections 590.01 to 590.06.

Sec. 200. Minnesota Statutes 1982, section 590.04, subdivision 3, is amended to read:

Subd. 3. [HEARING.] The court may order the petitioner to be present at the hearing. If the petitioner is represented by an attorney, the attorney shall be present at any hearing.

A verbatim record of any hearing shall be made and kept.

Unless otherwise ordered by the court, the burden of proof of the facts alleged in the petition shall be upon the petitioner to establish ~~such the~~ facts by a fair preponderance of the evidence.

In the discretion of the court, it may receive evidence in the form of affidavit, deposition, or oral testimony. The court may inquire into and decide any grounds for relief, even though not raised by the petitioner.

The court may summarily deny a second or successive petition for similar

relief on behalf of the same petitioner and may summarily deny a petition when the issues raised ~~therein~~ *in it* have previously been decided by the ~~Minnesota court of appeals or the supreme court~~ in the same case.

Sec. 201. Minnesota Statutes 1982, section 590.06, is amended to read:

590.06 [APPEAL TO THE SUPREME COURT APPEALS.]

An appeal may be taken to the ~~Minnesota supreme court of appeals or, in a case involving a conviction for first degree murder, to the supreme court~~ from the order granting relief or denying the petition within 60 days after the entry of ~~said~~ *the* order.

The appealing party shall, within the 60 days, serve a notice of appeal from the final order upon the clerk of district court and the opposing party. If the appeal is by the petitioner ~~such~~ *, the* service shall be on the county attorney and the attorney general; . If the appeal is by the state ~~such~~ *, the* service shall be on the petitioner or his attorney. No fees or bond for costs shall be required for ~~such~~ *the* appeal.

Sec. 202. Minnesota Statutes 1982, section 595.024, subdivision 3, is amended to read:

Subd. 3. [DETERMINATION; APPEAL.] The district court shall consider the nature of the proceedings, the merits of the claims and defenses, the adequacies of alternative remedies, the relevancy of the information sought, and the possibility of establishing by other means that which the source is expected or may tend to prove. The court shall make its appropriate order after making findings of fact, ~~which~~ *. The* order may be appealed directly to the ~~supreme court of appeals~~ according to the ~~appropriate rule~~ *rules* of appellate procedure. The order is stayed and nondisclosure shall remain in full force and effect during the pendency of the appeal.

Sec. 203. Minnesota Statutes 1982, section 595.025, subdivision 3, is amended to read:

Subd. 3. [DETERMINATION; APPEAL.] The court shall make its order on the issue of disclosure after making findings of fact, which order may be appealed ~~directly~~ to the ~~supreme court of appeals~~ according to the rules of appellate procedure. During the appeal the order is stayed and nondisclosure shall remain in full force and effect.

Sec. 204. Minnesota Statutes 1982, section 606.04, is amended to read:

606.04 [COSTS.]

The party prevailing on a writ of certiorari in any proceeding of a civil nature shall be entitled to his costs against the adverse party; ~~and, in case such~~ *. If the writ shall appear* to have been brought for the purpose of delay or vexation, the court of appeals may award double costs to the prevailing party.

Sec. 205. [606.06] [CERTIORARI; ADMINISTRATIVE DECISIONS.]

A writ of certiorari for review of an administrative decision pursuant to chapter 14 is a matter of right.

Sec. 206. Minnesota Statutes 1982, section 609.39, is amended to read:

609.39 [MISPRISION OF TREASON.]

Whoever, owing allegiance to this state and having knowledge of the commission of treason against this state, does not, as soon as may be, disclose and make it known ~~the same~~ to the governor or a judge of the supreme court, *court of appeals*, or ~~of the~~ district court, is guilty of misprision of treason against this state and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.

Sec. 207. Minnesota Statutes 1982, section 611.07, subdivision 2, is amended to read:

Subd. 2. [PAYMENT.] ~~If the counsel so appointed shall appeal or procure a writ of error appeals, and after the hearing of the appeal or writ of error, the court of appeals or supreme court shall determine determines~~ that defendant is unable, by reason of poverty, to pay counsel, and that review was sought in good faith and upon reasonable grounds, ~~such the~~ counsel may be paid ~~such the~~ sum for his services and expenses ~~therein as the supreme court shall determine determines~~, to be certified to the county treasurer by the clerk of the ~~supreme court appellate courts. In any case such~~ The compensation and expense shall be paid by the county in which the defendant was accused.

Sec. 208. Minnesota Statutes 1982, section 611.07, subdivision 3, is amended to read:

Subd. 3. [TRANSCRIPT.] When a defendant convicted of a felony or a gross misdemeanor who has appealed ~~to the supreme court~~ or has procured a writ of error, or who has otherwise brought the validity of his conviction before the *court of appeals* or supreme court for review, applies to the district court and makes an adequate showing that because of his poverty he is unable to pay for a transcript which he reasonably needs in presenting the alleged errors raised for appellate review, the district court shall order a transcript in accordance with ~~Rule 29.02, Subdivision 7, of the rules of criminal procedure.~~

Sec. 209. Minnesota Statutes 1982, section 611.071, subdivision 1, is amended to read:

Subdivision 1. [COUNSEL; FEES.] The supreme court *or the court of appeals* may order the appointment of counsel, provide for the payment of counsel fees, and direct the payment of expenses in conformity with the provisions of this section.

Sec. 210. Minnesota Statutes 1982, section 611.071, subdivision 2, is amended to read:

Subd. 2. [COUNSEL; FEES.] Application may be made to the supreme court *or the court of appeals* for the appointment of counsel, the allowance of counsel fees, and the payment of expenses in the following cases:

(a) A person who has been convicted of a felony in the district court, who is without counsel, whose time for appeal from the judgment of conviction has not expired, and who is unable, by reason of poverty, to pay counsel and the expenses of an appeal.

(b) A person who has been convicted of a felony, who is without counsel, whose time for appeal from the judgment of conviction has expired, and who is unable by reason of poverty to pay counsel and the expenses of a

post-conviction proceeding.

Sec. 211. Minnesota Statutes 1982, section 611.14, is amended to read:

611.14 [RIGHT TO REPRESENTATION BY PUBLIC DEFENDER.]

The following persons ~~hereinafter described~~ who are financially unable to obtain counsel, shall be entitled to be represented by a public defender:

(a) a person charged with a felony or gross misdemeanor, including ~~such~~ a person ~~when~~ charged pursuant to sections 629.01 to 629.29;

(b) a person appealing ~~to the supreme court~~ from a conviction of a felony or gross misdemeanor, or a person convicted of a felony or gross misdemeanor who is pursuing a post-conviction proceeding, after the time for appeal from the judgment has expired;

(c) a person who is entitled to be represented by counsel pursuant to the provisions of section 609.14, subdivision 2, or section 609.16;

(d) a minor who is entitled to be represented by counsel pursuant to the provisions of section 260.155, subdivision 2, if the judge of the juvenile court concerned has requested and received the approval of a majority of the district court judges of the judicial district to utilize the services of the public defender in such cases, and approval of the compensation on a monthly, hourly or per diem basis to be paid for such services pursuant to section 260.251, subdivision 2, clause (e); or

(e) a person, entitled by law to be represented by counsel, charged with an offense within the trial jurisdiction of a municipal, county, or probate court ~~with municipal court jurisdiction, presided over by a full time salaried judge or a judge of probate court,~~ if the trial judge or a majority of the trial judges of the court concerned have requested and received approval of a majority of the district court judges of the judicial district to utilize the services of the public defender in such cases and approval of the compensation on a monthly, hourly or per diem basis to be paid for such services by the county or municipality within the court's jurisdiction.

Sec. 212. Minnesota Statutes 1982, section 611.18, is amended to read:

611.18 [APPOINTMENT OF PUBLIC DEFENDER.]

~~When~~ If it shall ~~appear~~ appears to a court or magistrate that a person requesting the appointment of counsel satisfies the requirements of ~~Laws 1965, Chapter 869 this chapter,~~ the court or magistrate shall order the appropriate public defender to represent him at all further stages of the proceeding through appeal, if any. For those persons appealing to the supreme court from a conviction or pursuing a post conviction proceeding, after the time for appeal has expired, the state public defender shall be appointed. For all other persons covered by section 611.14, a district public defender shall be appointed to represent them. If (a) conflicting interests exist, ~~or if~~ (b) the district public defender for any other reason is unable to act, or ~~if~~ (c) the interests of justice require, the state public defender may be ordered to represent ~~such~~ a person. If at any stage of the proceedings, including an appeal, the court finds that the defendant is financially unable to pay counsel whom he had retained, the court may appoint the appropriate public defender to represent him, as provided in this section. ~~Provided, however, that~~ Prior to

any court appearance, a public defender may represent a person accused of violating the law, who appears to be financially unable to obtain counsel, and shall continue to represent ~~such~~ the person unless it is subsequently determined that ~~such~~ the person is financially able to obtain counsel. ~~Such~~ The representation may be made available at the discretion of the public defender, upon the request of ~~such~~ the person or someone on his behalf. Any law enforcement officer may notify the public defender of the arrest of any such person.

Sec. 213. Minnesota Statutes 1982, section 611.25, is amended to read:

611.25 [POWERS; DUTIES; LIMITATIONS.]

The state public defender shall represent, without charge, a defendant or other person appealing ~~to the supreme court~~ from a conviction or pursuing a post conviction proceeding after the time for appeal has expired when the state public defender is directed ~~so~~ to do so by a judge of the district court, *of the court of appeals* or of the supreme court. The state public defender shall represent any other person, who is financially unable to obtain counsel, when directed ~~so~~ to do so by the supreme court *or the court of appeals*, except that he shall not represent a person in any action or proceeding in which a party is seeking a monetary judgment, recovery or award. The state public defender may assist a district public defender in the performance of his duties when the district public defender ~~so~~ requests. Whenever the state public defender is directed by a court to represent any defendant or other person, with the approval of the court he may assign ~~such~~ the representation to any district public defender.

He also shall supervise the training of all state and district public defenders, and may establish a training course for such purpose.

Sec. 214. Minnesota Statutes 1982, section 645.44, is amended by adding a subdivision to read:

Subd. 1a. [APPELLATE COURTS.] "Appellate courts" means the supreme court and the court of appeals.

Sec. 215. Minnesota Statutes 1982, section 648.39, subdivision 1, is amended to read:

Subdivision 1. [FREE DISTRIBUTION.] The revisor of statutes shall without charge distribute each edition of Minnesota Statutes, supplement to the Minnesota Statutes, and the Laws of Minnesota to the persons, officers, departments, agencies, or commissions listed in this subdivision. Prior to distribution of Minnesota Statutes, supplement to the Minnesota Statutes, or the Laws of Minnesota, the revisor of statutes shall inquire whether the full number of copies authorized by this subdivision are required for their work. Unless a smaller number is needed, each edition shall be distributed without charge as follows:

(a) 30 copies to the supreme court;

(b) 30 copies to the court of appeals;

~~(c)~~ (c) 1 copy to each judge of a district court;

~~(d)~~ (d) 1 copy to the clerk of each district court for use in each courtroom of the district court of his county;

~~(d)~~ (e) 100 copies to the state law library;

~~(e)~~ (f) 100 copies to the law school of the University of Minnesota;

~~(f)~~ (g) 100 copies to the office of the attorney general;

~~(g)~~ (h) 10 copies each to the governor's office, the departments of agriculture, commerce, corrections, education, health, transportation, labor and industry, economic security, natural resources, public safety, public service, public welfare, and revenue, and the pollution control agency;

~~(h)~~ (i) 1 copy each to other state departments, agencies, boards, and commissions not specifically named in this subdivision;

~~(i)~~ (j) 1 copy to each member of the legislature;

~~(j)~~ (k) 100 copies for the use of the senate and 150 copies for the use of the house of representatives;

~~(k)~~ (l) 4 copies to the secretary of the senate;

~~(l)~~ (m) 4 copies to the chief clerk of the house of representatives;

~~(m)~~ (n) 1 copy to each judge, district attorney, clerk of court of the United States and the deputy clerk of each division of the United States district court in this state, the secretary of state of the United States, the library of congress, and the Minnesota historical society;

~~(n)~~ (o) 20 copies each to the department of administration, state auditor, and legislative auditor;

~~(o)~~ (p) 1 copy to each county library maintained pursuant to section 134.12 or 375.33, except in counties containing cities of the first class. If a county has not established a county library pursuant to section 134.12 or 375.33, the copy shall be provided to any public library in the county; and

~~(p)~~ (q) 50 copies to the revisor of statutes.

Sec. 216. Laws 1982, chapter 501, section 27, is amended to read:

Sec. 27. [EFFECTIVE DATE; TRANSITION.]

Sections 3 to 25 shall become effective only upon ratification of the amendment proposed in section 1 of this act as provided in the Minnesota Constitution. If the constitutional amendment proposed by section 1 is adopted by the people,

(a) sections 3 to 7 and section 24 of this act are effective July 1, 1983, and

(b) sections 8 to 23 and 25 and 26 are effective August 1, 1983. The court of appeals shall have jurisdiction over cases in which the notice of appeal, petition for review, or writ, is filed on or after August 1, 1983. In all cases in which the notice, petition or writ was filed on or before July 31, 1983, the court to which such appeal, petition, or writ was taken shall continue to exercise jurisdiction, notwithstanding any change introduced by this act. In any such case in which a district or county court retains jurisdiction and appeal is taken against its decision on or after August 1, 1983, appeal shall be taken to the court of appeals as provided herein.

Sec. 217. [REPEALER.]

Minnesota Statutes 1982, sections 14.70; 72A.24, subdivision 2; 80A.24,

subdivision 3; 177.19, subdivisions 2 and 3; 216.24; 216.271; 216B.52, subdivisions 2, 3, 4, and 5; 216B.55; 360.072, subdivisions 2, 3, 4, and 5; 363.10; 375.67, subdivisions 2 and 3; 484.63; 525.711; and 525.74; and Laws 1982, chapter 501, sections 17, 18, 19, and 25 are repealed.

Sec. 218. [REVISOR'S INSTRUCTION.]

On or before February 1, 1984 the revisor of statutes shall present to the chairmen of the committees on the judiciary in the house and senate a report summarizing all provisions of Laws 1983 which are inconsistent with section 480A.02 or the applicable sections of this act. The report shall identify provisions for:

- a) direct appeal from the district court to the supreme court,*
- b) appeals from the county or county municipal courts to the district court, and*
- c) appeals pursuant to chapter 14 which provide for appeal to district court.*

The report shall be in the form of a bill amending the identified sections to provide for appeal to the court of appeals in a manner consistent with section 480A.06 and the applicable sections of this act.

Sec. 219. [EFFECTIVE DATE.]

Section 216 is effective July 1, 1983. The remainder of this act is effective August 1, 1983, and applies to all appeals taken on or after that date."

Delete the title and insert:

"A bill for an act relating to courts; providing for the appeal of various matters to the court of appeals; providing for the manner of election of court of appeals judges; amending Minnesota Statutes 1982, sections 2.724, subdivision 2; 3.737, subdivision 4; 3.751, subdivision 4; 5.08, subdivision 2; 10A.01, subdivisions 5 and 19; 14.45; 14.62, subdivision 2; 14.63; 14.64; 14.65; 14.66; 14.67; 14.68; 15A.18; 16.863; 25.43, subdivision 5; 32A.09, subdivision 5; 43A.02, subdivision 25; 43A.24, subdivision 2; 43A.27, subdivision 4; 44.09, subdivision 3; 45.07; 45.17, subdivision 5; 47.54, subdivision 5; 49.18; 56.23; 60A.05; 60A.15, subdivisions 11 and 12; 62A.02, subdivision 6; 62C.14, subdivision 12; 62G.16, subdivision 11; 65B.04, subdivision 1; 70A.22, subdivision 3; 72A.24, subdivision 1; 72A.27; 79.073; 84.59; 88.78; 97.481, subdivision 2; 97.50, subdivision 6; 105.462; 106.631, subdivisions 5 and 6; 110A.36; 111.42; 112.82; 114.13, subdivision 4; 115.49, subdivision 5; 116.07, subdivision 7; 116.11; 116A.19, subdivision 4; 116C.65; 120.17, subdivision 3b; 122.23, subdivision 16c; 123.32, subdivision 25; 124.15, subdivision 7; 127.25, subdivision 3; 127.33; 141.29, subdivision 2; 145.698, subdivision 2; 149.05, subdivision 3; 155A.11, subdivision 2; 156A.071, subdivision 9; 161.34, subdivision 4; 168.65, subdivision 2; 168.68; 169.073; 169.123, subdivision 7; 174A.05; 176.471, subdivisions 6, 8, and 9; 177.29, subdivision 1; 178.09, subdivision 2; 179.64, subdivision 5; 179.741, subdivision 3; 181A.10, subdivision 2; 185.15; 192A.255, subdivision 1; 197.481, subdivision 6; 204B.06, subdivisions 4 and 6; 204B.11, subdivision 1; 204B.34, subdivision 3; 204B.36, subdivision 4; 204D.02, subdivision 1; 204D.08, subdivision 6; 204D.11, subdivision 1; 209.09; 210A.01, sub-

division 3; 216.25; 216.27; 216B.16, subdivision 3; 216B.52, subdivision 1; 231.33; 237.075, subdivision 3; 237.20; 237.25; 237.27; 237.39; 244.11; 246.55; 252A.21, subdivision 1; 253B.19, subdivision 5; 253B.23, subdivision 7; 256.045, subdivisions 9 and 10; 259.32; 260.291, subdivision 2; 268.06, subdivision 20; 268.10, subdivision 8; 268.12, subdivision 13; 270.22; 270.23; 270.26; 270.68, subdivision 2; 273.16; 279.21; 282.01, subdivision 3; 290.48, subdivision 6; 290.92, subdivision 6; 294.09, subdivision 3; 297.08, subdivisions 3 and 4; 297.37, subdivision 5; 297A.15, subdivision 4; 298.09, subdivision 3; 299D.03, subdivision 11; 299F.25; 299F.26, subdivision 3; 327B.05, subdivision 2; 340.404, subdivision 7; 340.54, subdivision 2; 351.03; 352.01, subdivision 2B; 352D.02, subdivision 1; 357.07; 357.08; 360.019, subdivision 2; 360.072, subdivision 1; 363.072, subdivisions 1 and 2; 373.11; 375.67, subdivision 1; 387.41; 412.092, subdivision 1; 414.07, subdivision 2; 414.08; 419.12; 420.13; 430.03; 430.031, subdivision 4; 458A.06, subdivision 4; 462.14, subdivision 12; 462.715; 465.43; 473.413, subdivision 4; 473.675, subdivision 4; 480.054; 480.055, subdivision 1; 480.061, subdivision 8; 480.062; 480.07; 480.19; 480A.02, by adding a subdivision; 480A.04; 480A.06, subdivision 1; 480A.08, subdivision 3; 481.02, subdivisions 3 and 6; 481.15, subdivision 2; 482.07, subdivision 8; 485.16; 487.39; 488A.01, subdivision 14; 488A.17, subdivision 12; 488A.18, subdivision 14; 488A.34, subdivision 11; 501.35; 508.29; 508A.29; 525.71; 525.714; 525.73; 548.29, subdivision 2; 558.215; 562.04; 571.64; 574.18; 582.11; 586.09; 586.11; 586.12; 589.02; 589.29; 589.30; 590.01, subdivision 1; 590.04, subdivision 3; 590.06; 595.024, subdivision 3; 595.025, subdivision 3; 606.04; 609.39; 611.07, subdivisions 2 and 3; 611.071, subdivisions 1 and 2; 611.14; 611.18; 611.25; 645.44, by adding a subdivision; and 648.39, subdivision 1; amending Laws 1982, chapter 501, section 27; proposing new law coded in Minnesota Statutes, chapter 606; repealing Minnesota Statutes 1982, sections 14.70; 72A.24, subdivision 2; 80A.24, subdivision 3; 177.19, subdivisions 2 and 3; 216.24; 216.271; 216B.52, subdivisions 2, 3, 4, and 5; 216B.55; 360.072, subdivisions 2, 3, 4, and 5; 363.10; 375.67, subdivisions 2 and 3; 484.63; 525.711; and 525.74; and Laws 1982, chapter 501, sections 17, 18, 19, and 25."

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

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

H.F. No. 561 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for 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.
561	458				

and that the above 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. Report adopted.

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

H.F. No. 30 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.
30	150				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 30 be amended as follows:

Page 2, line 8, delete everything after the period

Page 2, delete lines 9 to 11

And when so amended H.F. No. 30 will be identical to S.F. No. 150, and further recommends that H.F. No. 30 be given its second reading and substituted for S.F. No. 150, 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. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 810: A bill for an act relating to state government; reorganizing the energy regulation functions in state government; creating an energy department; creating an energy coordination board; creating an energy partnership; creating an intervention office; appropriating money; amending Minnesota Statutes 1982, sections 116C.03, subdivision 2; 116J.09; and 116J.10; proposing new law coded in Minnesota Statutes, chapters 116H and 216B; repealing Minnesota Statutes 1982, sections 116J.28 and 268.37.

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

Delete everything after the enacting clause and insert:

“ARTICLE I

CREATION OF DEPARTMENT OF ENERGY; TRANSFER OF DUTIES

Section 1. [TRANSFER OF CERTAIN POWERS RELATING TO ENERGY FROM THE DEPARTMENT OF ENERGY, PLANNING AND DEVELOPMENT TO THE MINNESOTA DEPARTMENT OF ENERGY.]

Subdivision 1. [AUTHORIZATION.] The Minnesota department of energy is the successor to the department of energy, planning and development in the administration of certain laws related to energy. The department is a continuation of the former authority and not a new authority for the purpose of succession to the rights, powers, duties, and obligations of the department of energy, planning and development relating to energy as they were constituted immediately prior to the effective date of this act.

Subd. 2. [EFFECT OF RULES TRANSFERRED.] All rules previously adopted under the authority of a power, duty, or responsibility transferred by this act to the department of energy remain in force until modified or repealed in accordance with law by the department of energy.

Subd. 3. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of this act and undertaken or commenced by the department of energy, planning and development under the authority of any power, duty, or responsibility transferred by this act to the department of energy may be conducted and completed by the department of energy in the same manner, under the same terms and conditions, and with the same effect as though no transfer were made.

Subd. 4. [TRANSFER OF CUSTODY OF DOCUMENTS.] Every individual responsible under law for administration of any function transferred by this act to the department of energy shall, upon request by the department of energy or by any of its designated employees, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the transferred function and necessary or convenient for the proper discharge of the agency's new duties. The transfer shall be made in accordance with the directions of the department of energy or its designated representative.

Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to the department of energy, planning and development for the purpose of performing any of the functions, powers, or duties which are transferred by this act are transferred to the department receiving those functions, powers, or duties.

Subd. 6. [PERSONNEL.] The positions associated with the responsibilities being transferred are abolished in the department of energy, planning and development. The approved staff complement for that agency is decreased accordingly. The employees who filled the positions abolished in the department of energy, planning and development become employees of the agencies to which the duties are transferred. Personnel changes are effective on the date of transfer of responsibilities.

Sec. 2. [116H.41] [CREATION OF DEPARTMENT.]

There is created in the executive branch the Minnesota department of energy. The department shall be under the supervision of a commissioner who shall organize the department. The commissioner shall be appointed by the governor under section 15.06. The commissioner may appoint a deputy commissioner and a personal secretary to serve at his pleasure. The commissioner and his deputy and his personal secretary shall serve in the unclassified service. The department shall be responsible for the administration of the laws contained in chapter 116H and for the performance of other duties assigned to it.

Sec. 3. Minnesota Statutes 1982, section 116C.03, subdivision 2, is amended to read:

Subd. 2. The board shall include as permanent members ~~the commissioner of the department of energy, planning and development,~~ the director of the pollution control agency, the commissioner of natural resources, the commissioner of agriculture, ~~the commissioner of energy,~~ the commissioner of health, the commissioner of transportation, and a representative of the governor's office designated by the governor. The governor shall appoint five members from the general public to the board, subject to the advice and consent of the senate.

Sec. 4. Minnesota Statutes 1982, section 116J.09, is amended to read:

116J.09 [DUTIES.]

The commissioner shall:

(a) Manage the department as the central repository within the state government for the collection of data on energy;

(b) Prepare and adopt an emergency allocation plan specifying actions to be taken in the event of an impending serious shortage of energy, or a threat to public health, safety, or welfare;

(c) Undertake a continuing assessment of trends in the consumption of all forms of energy and analyze the social, economic, and environmental consequences of these trends;

(d) Carry out energy conservation measures as specified by the legislature and recommend to the governor and the legislature additional energy policies and conservation measures as required to meet the objectives of sections 116J.05 to 116J.30;

(e) Collect and analyze data relating to present and future demands and resources for all sources of energy, and specify energy needs for the state and various service areas as a basis for planning large energy facilities;

~~(f) Require certificate of need for construction of large energy facilities;~~

~~(g)~~ Evaluate policies governing the establishment of rates and prices for energy as related to energy conservation, and other goals and policies of sections 116J.05 to 116J.30, and make recommendations for changes in energy pricing policies and rate schedules;

~~(h)~~ (g) Study the impact and relationship of the state energy policies to international, national, and regional energy policies;

~~(i)~~ (h) Design and implement a state program for the conservation of energy; this program shall include but not be limited to, general commercial, industrial, and residential, and transportation areas; such program shall also provide for the evaluation of energy systems as they relate to lighting, heating, refrigeration, air conditioning, building design and operation, and appliance manufacturing and operation;

~~(j)~~ (i) Inform and educate the public about the sources and uses of energy and the ways in which persons can conserve energy;

~~(k)~~ (j) Dispense funds made available for the purpose of research studies and projects of professional and civic orientation, which are related to either energy conservation or the development of alternative energy technologies which conserve nonrenewable energy resources while creating minimum environmental impact;

~~(l)~~ (k) Charge other governmental departments and agencies involved in energy related activities with specific information gathering goals and require that those goals be met;

(l) *Effective July 1, 1984, administer for the state, energy programs pursuant to federal law, regulations, or guidelines, excluding the crisis fuel assistance and weatherization programs administered by the department of economic security, and coordinate the programs and activities with other state agencies, units of local government, and educational institutions.*

(m) *Serve as a member of the environmental quality board;*

(n) *Serve as chairperson of the energy coordination board.*

Sec. 5. Minnesota Statutes 1982, section 116J.10, is amended to read:

116J.10 [POWERS.]

The commissioner may:

(a) Adopt rules pursuant to chapter 14 as necessary to carry out the purposes of sections 116J.05 to 116J.30 and, when necessary for the purposes of section 116J.15, adopt temporary rules pursuant to sections 14.29 to 14.36;

(b) Make all contracts pursuant to sections 116J.05 to 116J.30 and do all things necessary to cooperate with the United States government, and to qualify for, accept and disburse any grant intended for the administration of sections 116J.05 to 116J.30. Notwithstanding ~~any~~ other law the commissioner is designated the state agent to apply for, receive and accept federal or other funds made available to the state for the purposes of sections 116J.05 to 116J.30.

(c) Contract for professional services if such work or services cannot be satisfactorily performed by employees of the department or by any other state agency;

(d) Enter into interstate compacts to jointly carry out such research and planning with other states or the federal government where appropriate;

(e) Distribute informational material at no cost to the public upon reasonable request;

(f) Provide on-site technical assistance to units of local government ~~in order~~ to enhance local capabilities for dealing with energy problems;

(g) ~~Administer for the state, energy programs pursuant to federal law, regulations or guidelines, except for the crisis fuel assistance and low income weatherization programs administered by the department of economic security, and coordinate the programs and activities with other state agencies, units of local government and educational institutions. Intervene in certificate of need proceedings.~~

Sec. 6. [216B.242] [CERTIFICATE OF NEED.]

Subdivision 1. [ASSESSMENT OF NEED CRITERIA.] The commission shall, pursuant to chapter 14 and sections 116J.05 to 116J.30, adopt assessment of need criteria to be used in the determination of need for large energy facilities pursuant to this section.

Subd. 2. [TRANSFER OF CERTIFICATE OF NEED PROGRAM.] All powers, responsibilities, and authorities for the issuance of certificates of need for large energy facilities are transferred from the department of energy, planning and development or its successor agency to the public utilities commission.

Sec. 7. [INSTRUCTION TO REVISOR.]

In Minnesota Statutes, the revisor of statutes shall renumber each section specified in column A with the number set forth in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

Column A

116J.04

116J.05

116J.06

Column B

116H.411

116H.43

116H.45

116J.07	116H.46
116J.08	116H.47
116J.09	116H.48
116J.10	116H.49
116J.11	116H.51
116J.12	116H.52
116J.13	116H.53
116J.14	116H.54
116J.15	116H.55
116J.16	116H.56
116J.17	116H.57
116J.18	116H.58
116J.19	116H.59
116J.20	116H.60
116J.21	116H.61
116J.22	116H.62
116J.23	116H.63
116J.24	116H.64
116J.25	116H.65
116J.26	116H.66
116J.27	116H.67
116J.29	116H.68
116J.30	116H.69
116J.31	116H.70
116J.32	116H.71
116J.33	116H.72
116J.34	116H.73
116J.35	116H.74
116J.36	116H.75

Sec. 8. [REPEALER.]

Minnesota Statutes 1982, section 116J.28 is repealed.

ARTICLE 2 ENERGY COORDINATION BOARD

Section 1. [116H.42] [ENERGY COORDINATION BOARD.]

Subdivision 1. [CREATION.] There is created an energy coordination board. The board shall be composed of the commissioner of the department of energy as chairperson and the heads of the following agencies:

- (1) economic development function of the department of energy, planning and development or the successor agency which assumes those functions;*
- (2) housing finance agency;*
- (3) administration department;*
- (4) public service department;*
- (5) agriculture department;*
- (6) natural resources department;*
- (7) statewide planning function of the department of energy, planning and development or the successor agency which assumes those functions;*
- (8) public utilities commission;*

(9) *education department.*

Subd. 2. [POWERS AND DUTIES.] The energy coordination board shall serve as the chief advisory board to the governor on coordinating energy activities within state government. It shall assist in the development of policies, plans, and programs for improving the coordination, administration, and effectiveness of energy activities.

The energy coordination board shall advise the director of the department of public service on the activities of the intervention office created in article 3.

ARTICLE 3

ENERGY INTERVENTION OFFICE

Section 1. [216A.096] [INTERVENTION OFFICE.]

There is created in the department of public service an intervention office to carry out intervention activities before federal and other energy regulatory agencies outside of the state. The office shall be staffed by one full-time staff member appointed by the director of the department of public service to serve in the unclassified service, and as the need arises by appropriate employees of the departments and agencies represented on the energy coordination board. Policies and functions of the intervention office shall be carried out under the direction of the director of the department of public service. The director shall keep the energy coordination board apprised of all intervention activities.

ARTICLE 4

ENERGY AUTHORITY

Section 1. [CITATION.]

Article 4 may be cited as the Minnesota energy authority law of 1983.

Sec. 2. [DEFINITIONS.]

Subdivision 1. [GENERAL.] For purposes of Article 4, the terms defined in this section have the meanings ascribed to them unless the context in which they are used clearly indicates otherwise.

Subd. 2. [BOARD.] "Board" means the Minnesota energy coordination board established in Article 2.

Subd. 3. [COMMISSIONER.] "Commissioner" means the commissioner of the department of energy.

Subd. 4. [DEPARTMENT.] "Department" means the department of energy.

Subd. 5. [AUTHORITY.] "Authority" means the Minnesota energy authority created in section 4.

Subd. 6. [PERSON.] "Person" includes an individual, firm, partnership, corporation, or association.

Subd. 7. [CONSERVATION.] "Conservation" means a capital investment designed to reduce the use of energy so that the resulting fuel savings amortize the cost of the investment over a period of ten years or less.

Subd. 8. [MUNICIPALITY.] "Municipality" means a city, town, county, school district, special taxing district, or a municipal power agency governed by chapter 453, or a group or combination of those units operating under an agreement to jointly undertake projects authorized by this article.

Subd. 9. [ALTERNATIVE ENERGY RESOURCE.] "Alternative energy resource" means a source of energy available from indigenous Minnesota resources including but not limited to peat, biomass, solar energy, wind, municipal wastes, agricultural or forestry wastes, hydro-power, and agricultural crops suitable for conversion to an energy fuel.

Subd. 10. [RENEWABLE ENERGY RESOURCE.] "Renewable energy resource" means a source of energy occurring in Minnesota which, when consumed for energy purposes, is replaced within a matter of days, months, or years by new or additional supplies of the energy source. Renewable energy resources include, but are not limited to, forestry products and forest harvest residues, solar energy, wind energy, water-power, and agricultural wastes.

Subd. 11. [ENERGY RECOVERY.] "Energy recovery" means the extraction of energy from materials, components, or processes which would normally represent wasted energy resources. Municipal solid wastes, volatile sewer gases, and power plant waste heat, among others, offer the potential for energy recovery.

Subd. 12. [MINNESOTA ENERGY AUTHORITY.] "Minnesota energy authority" or "authority" means the constituted authority of the state created in this section.

Subd. 13. [FINANCIAL INSTITUTION.] "Financial institution" means a bank or other financial corporation described in chapter 47, an insurance company licensed to do business under chapter 60A, a securities broker-dealer licensed under chapter 80A, or a credit union.

Sec. 3. [POLICIES.]

Subdivision 1. [FINDINGS.] It is hereby declared that a reliable, economic supply of energy is essential for the state's households and local governments. Imported supplies are increasingly costly, unreliable, and environmentally disadvantageous. As a result, a partnership of the private and public sectors is needed to provide leadership, cooperation, and aid for the purposes of planning, developing, and managing economically viable energy conservation programs.

Subd. 2. [FUNDING POLICY.] It is further declared that adequate funds and assistance must be provided to assist and to encourage the establishment, maintenance, and growth of energy conservation and indigenous energy resources in the state and to reduce to a manageable level the cost of energy to households and local governments, including, without limitation, the provision of loans to assist households and municipalities in the design, distribution, promotion, maintenance, installation, or acquisition of energy conservation and alternative energy resource materials and devices.

Subd. 3. [PARTNERSHIP POLICY.] It is further declared that a partnership of the private and public sectors, established through the creation of an energy authority, will promote the purpose of reducing energy costs, in-

creasing energy efficiency, and developing Minnesota's indigenous energy resources. By providing an arrangement where monies, personnel, information, material, and technologies can be pooled and costs shared, the partnership between the public and private sectors will promote the policies declared in this section more effectively than would be the case if these sectors acted independently.

Subd. 4. [HEALTH AND WELFARE PROMOTED.] It is further declared that a partnership of the private and public sectors and the creation of an energy authority will promote the welfare and prosperity of the state by maintaining and increasing the career and job opportunities of the citizens of the state, by reducing waste of resources, and by protecting and enhancing the tax base on which state and local governments depend for the financing of public services.

Sec. 4. [CREATION OF AUTHORITY; MEMBERS.]

Subdivision 1. [MEMBERS.] There is created a constituted authority of the state to be known as the "Minnesota energy authority," which shall perform the functions and exercise the powers given to it in furtherance of public policies and purposes declared in section 3. The authority shall have four ex officio members and 11 public members knowledgeable concerning energy appointed by the governor with the advice and consent of the senate. The ex officio members shall consist of one designee of the governor, the commissioner of energy, the commissioner of finance, and the executive director of the housing finance agency. Of the 11 public members, at least two shall be knowledgeable in consumer or development finance, at least two shall be knowledgeable in marketing, advertising, or retailing, and the remainder shall be selected from groups representing small business, labor, education, agriculture, utilities, or nonprofit community or philanthropic organizations.

Subd. 2. [TERMS; COMPENSATION; REMOVAL; VACANCIES.] The 11 public members of the authority shall serve three year terms. The first members shall be appointed for terms as follows: (a) three for terms ending the first Monday in January, 1984; (b) four for terms ending the first Monday in January, 1985; and (c) four for terms ending the first Monday in January, 1986. Members' compensation, removal of members, and filling of vacancies for the public members of the authority shall be as provided in section 15.0575.

Subd. 3. [CHAIR.] The commissioner of energy shall be the chair of the authority. The members of the authority shall annually elect other officers they deem necessary.

Subd. 4. [MANAGEMENT AND CONTROL.] The management and control of the authority shall be vested solely in the members.

Subd. 5. [QUORUM; MAJORITY VOTE.] The powers of the authority shall be vested solely in the members thereof in office from time to time and a majority of the members of the authority constitutes a quorum for the purpose of conducting its business and exercising its powers and for all other purposes notwithstanding the existence of any vacancies. Action may be taken by the authority upon a vote of a majority of the members present.

Subd. 6. [STAFF.] The authority shall be under the administrative control

of an executive director which office is established. He shall be appointed by the governor under the provisions of section 15.06. The executive director shall hire permanent and temporary employees necessary for the performance of the authority's duties. The authority may enter into agreements under which staff from private corporations, agencies, or other organizations are loaned to the authority for the purpose of fulfilling its prescribed duties.

Subd. 7. [SERVICES.] The authority shall identify general consultative and technical services to assist in financing and marketing household and municipal energy conservation or alternative energy development. It may enter into agreements or other transactions concerning the receipt or provisions of those services.

Subd. 8. [LIABILITY OF MEMBERS.] The members and officers of the authority shall not be liable personally, either jointly or severally, for any debt or obligation created or incurred by the authority.

Sec. 5. [PROGRAMS.]

The authority shall design and administer a statewide program in furtherance of the policies stated in section 3. The authority shall actively involve major organizations and community leaders in its work and shall solicit funds from all sources. The authority may assist energy efficiency improvements in low income housing and municipal facilities through (1) loans, (2) loan guarantees, (3) interest subsidies, (4) grants, and (5) other forms of assistance. The authority, in consultation with the commissioner of energy, shall develop a state energy investment plan with yearly energy conservation and alternative energy development goals, investment targets, and marketing strategies. The authority shall implement the plan. By the start of the 1984 legislative sessions, (1) the authority shall have identified various non-governmental funding sources; (2) provided for the efficient administration of its affairs; (3) solicited public comment on its plans; and (4) prepared recommendations as to appropriate reserve and guarantee fund levels required by this article. The authority shall annually report to the legislature and shall request additional legislation as necessary to expand its activities and better coordinate the energy activities of state government.

Sec. 6. [POWERS AND DUTIES OF THE AUTHORITY.]

Subdivision 1. [BROAD INTERPRETATION.] The authority shall perform, direct, or closely oversee the functions and programs delegated to it. In order to accomplish these activities the authority may request that staff be loaned by existing state agencies, or contract for services from public or private sources.

The powers and authorities granted to the authority shall be broadly interpreted to facilitate innovative leadership in all areas of energy including policy setting, goal definition, strategy planning, conservation, development of renewable and alternative energy resources, energy recovery, and monitoring.

Subd. 2. [CAMPAIGN FOR ENERGY EFFICIENCY.] The authority shall manage and promote a campaign for energy efficiency. The authority shall actively promote public awareness of the potentials and benefits of energy efficiency.

Subd. 3. [MARKET ANALYSIS.] The authority shall perform market analysis studies relating to conservation, alternative and renewable energy resources, and energy recovery.

Subd. 4. [JOB CREATION, LOW INCOME.] The authority shall assure that programs under its control and direction make accommodation wherever possible for job creation and the needs of low income families and persons.

Subd. 5. [ENERGY LEGISLATION.] The authority shall maintain oversight of energy legislation and programs authorized by the legislature. The authority shall annually, not later than February 1, report to the governor and the legislature on the effectiveness and efficiency of these programs.

Subd. 6. [LOAN GUARANTEES.] The authority shall operate a program of loan guarantees for commercial projects as specified in section 7.

Subd. 7. [REVENUE BONDS.] The authority shall operate a revenue bonding program for commercial projects as specified in section 8.

Subd. 8. [BONDS IN OWN NAME.] The authority shall issue revenue bonds in its own name for purposes of the program authorized in subdivision 7 and section 8.

Subd. 9. [MUNICIPALITIES.] The authority shall operate a program of loans to municipalities for capital expenses relating to energy conservation, recovery, or development as specified in section 7.

Subd. 10. [GENERAL OBLIGATION BOND LOANS.] The authority shall administer any loan programs to municipalities which use funds generated by the sale of general obligation bonds issued by the commissioner of finance on behalf of the commissioner of finance.

Subd. 11. [DISTRICT HEATING PROGRAM.] The authority shall administer the district heating loan program established in section 116J.36 on behalf of the commissioner.

Subd. 12. [RULES.] The authority may adopt temporary or permanent rules necessary to operate the programs authorized in subdivisions 6 to 10. The rules authorized under this section may be adopted without complying with the administrative procedures act contained in chapter 14.

Subd. 13. [TECHNICAL ASSISTANCE.] The authority may provide general technical assistance to project applicants to assure the preparation of complete, fully descriptive proposals for projects.

Subd. 14. [PROJECT PROPOSALS.] The authority may seek out and assist with the preparation of proposals for innovative conservation, renewable, alternative, or energy recovery projects.

Subd. 15. [CONSERVATION EQUIPMENT.] The authority may engage or assist in the development and operation of conservation or alternative or renewable energy system equipment if the federal government or another funding source provides assistance in connection with the development and operation.

Subd. 16. [RESEARCH STUDIES.] The authority may manage and disburse funds made available to it for the purpose of research studies or de-

monstration projects related to energy conservation or other activities deemed appropriate by the authority.

Subd. 17. [GIFTS, GRANTS.] The authority may accept appropriations, gifts, grants, bequests, and devises and utilize or dispose of the same to carry out any provisions of this article. All gifts, grants, bequests, and revenues from other such sources are hereby appropriated to the authority for purposes of this act. The funding may include, but is not limited to, public utility investments and expenditures ordered by the public utilities commission pursuant to the provisions of chapter 216B.241.

Sec. 7. [ENERGY LOAN GUARANTY PROGRAM.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given:

(a) "Fund" means the energy loan guaranty fund created by subdivision 2.

(b) "Lender" means any state or federally chartered bank, credit union, savings bank, savings and loan association, savings association, trust company or a lender certified by the secretary of housing and urban development or the administrator of veterans affairs or approved or certified by the administrator of the farmers home administration.

(c) "Loan" means a loan or advance of credit, secured by a mortgage, to a borrower for purposes specified by authority rule.

(d) "Mortgage" means (1) a second mortgage on the real property on which the equipment is to be installed or a first mortgage on the property, if there is no outstanding mortgage on the property at the time the loan is made, and (2) any security interest, under sections 336.9-101 to 336.9-508, in personal property or fixtures acquired with the proceeds of an insured loan, which the authority may require by rule.

(e) "Qualified energy project" means acquiring, installing or constructing any conservation, renewable energy, alternative energy or other capital improvements for use in a trade or business and other projects described by rule of the authority.

Subd. 2. [ENERGY LOAN GUARANTEE FUND.] An energy loan guaranty fund is created. The fund shall be used by the authority as a revolving fund for carrying out the provisions of this section with respect to loans insured under subdivision 3.

Subd. 3. [INSURANCE OF LOANS.] (a) [AUTHORIZATION.] The authority is authorized, upon application by a lender, to insure any eligible loan as provided in this section; and under terms as the authority may prescribe by rule, to make commitments for the insuring of loans prior to the date of their execution or disbursement.

(b) [ELIGIBILITY REQUIREMENTS.] To be eligible for insurance under this section:

(1) A loan shall be in an original principal amount not to exceed \$———.

(2) The proceeds of the loan shall be used solely for the purpose of financing a qualified energy project.

(3) The loan agreement shall have a maturity satisfactory to the authority.

but not to exceed ——— years unless the loan is made in connection with financing for the purchase or construction of the building, in which case the maturity shall not exceed the maturity of the loan financing or 30 years, whichever is less.

(4) The loan agreement shall contain complete amortization provisions satisfactory to the authority requiring periodic payments by the borrower not in excess of his reasonable ability to pay as determined by the authority.

(5) The loan agreement shall contain terms and provisions with respect to insurance, repairs, alterations, payment of taxes, foreclosure proceedings, acceleration of maturity, delinquency charges and any other matters as the authority may prescribe.

(6) The loan shall be secured by a mortgage which has priority over any other liens against the property, except a contract for deed or first mortgage securing a loan, the proceeds of which were used to acquire or construct the property.

(c) [CONCLUSIVE EVIDENCE OF INSURABILITY.] Any contract of insurance executed by the authority under this section shall be conclusive evidence of the eligibility of the loan for insurance, and the validity of any contract of insurance properly executed and in the hands of any approved lender shall not be contestable, except for fraud or misrepresentation on the part of the lender.

(d) [PREMIUMS.] The authority is authorized to fix premium charges not to exceed of one percent for the insurance of loans under this section.

(e) [PROCEDURES UPON DEFAULT.] The failure of the borrower to make any payment as provided by any loan agreement insured under this section shall be considered a default under the loan. If the default continues for a period of 30 days, the lender shall be entitled to receive the benefits of the insurance upon assignment, transfer, and delivery to the authority, within 120 days of the default, of the following:

(1) all rights and interests arising under the loan, mortgage, and any other security interests securing the loan;

(2) all claims of the lender against the borrower or others, arising out of the mortgage transactions;

(3) all policies of insurance, surety bonds or other guarantees and any claims thereunder;

(4) any balance of the loan not advanced to the borrower;

(5) any cash or property held by the lender, or to which it is entitled, including deposits made to the account of the borrower which have not been applied in reduction of the principal of the loan indebtedness; and

(6) all records, documents, books, papers, and accounts relating to the loan transaction.

Alternatively, the lender may in the event of default under the loan, in accordance with rules of and within a period to be determined by the authority, obtain possession of the property, through foreclosure or otherwise, and receive the benefits of the insurance as provided in paragraph (f) upon:

(1) prompt conveyance to the authority of title to the property, as provided in rules promulgated by the authority, and

(2) assignment to the authority of all claims of the lender against the borrower or others, arising out of the loan transaction or foreclosure, except claims which have been released with the consent of the authority.

(f) [PAYMENT OF INSURANCE.] Upon the lender's compliance with the requirements provided in or established under paragraph (e) the authority shall pay to the lender an amount equal to the outstanding unpaid principal indebtedness at the time of default less —— percent, plus interest at —— percent per annum from the date of default.

Subd. 4. [INVESTMENT INTEREST.] All interest and profits accruing from investment of the fund's money shall be credited to and be a part of the fund, and any loss incurred in the principal of the investments of the fund shall be borne by the fund.

Subd. 5. [MAXIMUM AUTHORIZED INSURANCE.] The authority may not at any time issue insurance under this section aggregating in excess of an amount equal to the current balance contained in the fund multiplied by ten.

Sec. 8. [REVENUE BOND PROGRAM.]

Subdivision 1. [AUTHORITY TO MAKE LOANS.] The authority may make loans to individuals, partnerships, corporations, or other entities for the financing of capital improvements to be used in connection with a trade or business if the principal purpose of improvement is energy conservation, to reduce the usage of conventional fuels as a source of energy, or to develop Minnesota's alternative energy resources as provided by the authority's rules.

Subd. 2. [BONDING AUTHORITY.] The authority may borrow money and may issue bonds, notes, or other obligations as evidence of the borrowing in accordance with sections 462A.08 to 462A.17, all with the force and effect stated and the incidental powers granted and duties imposed in those sections. The authority may sell any of its obligations at public or private sale, at the price or prices as the authority determines are appropriate, notwithstanding the limitations on sale price in section 462A.09.

Subd. 3. [LIMITATIONS ON OBLIGATIONS.] Neither the state nor any agency or political subdivision of the state shall be liable on bonds, notes, or other obligations issued by the authority. No bond, note, or other obligation of the authority shall constitute a debt or loan of the credit of the state or any political subdivision or any individual member of the authority.

Subd. 4. [ENERGY DEVELOPMENT FUND.] A Energy Development Fund is created and is eligible to receive appropriations. The authority may irrevocably pledge and appropriate all or a segregated portion of the energy development fund to make principal and interest payments when due on all or one or more series of its obligations for which other funds are not available, pursuant to the terms and conditions the authority shall prescribe. Unless the energy development fund has been pledged and appropriated to secure the obligations, the energy development fund shall not be available to make principal or interest payments on the obligations.

Subd. 5. [LOAN PAYMENTS; FEES.] The authority may impose and col-

lect interest and amortization payments on loans, may authorize the collection of fees and charges, and may require funds to be placed in escrow. The payments, fees, charges and amounts placed in escrow shall be sufficient to provide for the payment and security of the obligations issued and for their servicing, to provide for insurance against losses, and to cover the cost of issuance of the obligations and technical, consultative and other assistance services.

Subd. 6. [INVESTMENT INCOME.] *All interest and profits accruing from investment of the reserve fund's moneys shall be credited to and be part of the reserve fund, and any loss incurred in the principal of the investment of the reserve fund shall be borne by the fund. The assets of the reserve fund shall be invested only in direct obligations or agencies of the United States or in insured depository accounts up to the amount of the insurance, in any institution insured by an agency of the United States government.*

Subd. 7. [ADDITIONAL POWERS.] *In addition to the powers specifically enumerated, the authority shall have any corporate powers necessary to effectuate or appropriate to the efficient implementation and operation of the revenue bond loan program authorized by this section, except to the extent explicitly limited by this section.*

Subd. 8. [INVESTMENTS.] *The authority may invest any funds not required for immediate disbursement in direct obligations of or obligations guaranteed as to principal and interest by the United States, or in insured savings accounts, up to the amount of the insurance, in any institution the accounts of which are insured by the federal savings and loan insurance corporation or in a savings or other account in a bank insured by the federal deposit insurance corporation or in time certificates of deposit issued by a bank insured by the federal deposit insurance corporation and maturing within one year or less. It may deposit funds in excess of the amount insured with security as provided in chapter 118. Notwithstanding the foregoing, it may invest and deposit funds in accounts established pursuant to resolutions or indentures securing its bonds or notes in the investments and deposit accounts or certificates, and with the security, as may be agreed to with the holders or a trustee for the holders.*

Subd. 9. [FUNDING.] *All proceeds of the authority's bonds, notes and other obligations, any amounts granted or appropriated to the authority to make, purchase, insure, or guarantee loans or for bond reserves, all income from the investment thereof and all revenues from loans, fees, and charges of the authority are annually appropriated to the authority to accomplish its corporate purposes and shall be expended, administered, and accounted for in accordance with the applicable provisions of all bond and note resolutions, indentures, and other instruments, contracts, and agreements of the authority.*

Subd. 10. [LIABILITY.] *Neither the state nor any other agency or political subdivision of the state shall be liable on any bond, note, or other obligation of the authority, and no bond, note, or other obligation of the authority shall constitute a debt or loan of credit of the state or any political subdivision.*

Subd. 11. [LIMIT OF STATE ACTION.] *The state pledges and agrees with all holders of obligations of the authority that it will not limit or alter the*

rights vested in the authority to fulfill their terms, and it will not in any way impair the rights or remedies of the holders, until all of the obligations and interest on them, with interest on any unpaid installments of interest and all costs and expenses in connection with any action or proceeding by or on behalf of the holders to enforce the payment and other provisions of the obligations, are fully met and discharged. The authority may include and recite this pledge and agreement of the state in any obligation or related document. This section does not affect the power of the state to supervise and control the authority or to discontinue its operation or alter its organization, programs, or activities or transfer its powers to a successor agency, but the action of the state must be consistent with section 8 and title to all property owned by the authority at the time of the state's action must remain or vest in the authority, its successor, or the state, as the case may be.

Subd. 12. [TAXES.] The property of the authority and its income and operation shall be exempt from all taxation by the state or any of its political subdivisions and all bonds and notes of the authority shall be exempt from all taxation by the state or any of its political subdivisions.

Subd. 13. [BONDS; TAX STATUS.] The state covenants with the purchasers and all subsequent holders and transferees of notes and bonds issued by the authority, in consideration of the acceptance of and payment for the notes and bonds, that the notes and bonds of the authority issued pursuant to Article 5 and the income from them and all the authority's fees, charges, gifts, grants, revenues, receipts, and other moneys received or to be received pledged to pay or secure the payment of the notes or bonds shall at all times be free and exempt from all state, city, county, or other taxation provided by the laws of the state, except for estate and gift taxes, taxes on transfers, and the Minnesota corporate franchise tax measured by income so long as the interest on federal bonds is included in the income by which the corporate franchise tax is measured.

Sec. 9. [LOANS TO MUNICIPALITIES.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given:

(a) "Municipality" means a statutory or home rule charter city, county, township, school district, or other political subdivision with ad valorem taxing authority.

(b) "Qualified improvements" means improvements to public land, buildings or other improvements undertaken by a municipality for the principal purpose of energy conservation or to reduce usage of conventional energy sources, as provided by rules adopted by the authority.

Subd. 2. [AUTHORITY TO MAKE LOANS.] The authority may make loans to municipalities to finance the acquisition or construction of qualified improvements, including interest costs incurred during the first three years after the loans are made.

Subd. 3. [APPLICATIONS.] Application for a loan to be made pursuant to this section shall be made by the municipality to the authority. The authority shall establish procedures, form, and the required contents of the applications.

Subd. 4. [MUNICIPAL OBLIGATION.] The authority shall not make a

loan until it has entered into an agreement with the municipality providing that the municipality shall make payments equal to the principal and interest payments on the state bonds at the times transfers are required to be made pursuant to sections 16A.64 and 16A.65. The agreement shall obligate the municipality to levy an ad valorem property tax equal to the amounts necessary to make the payments. The amount required to be levied may be reduced by any other available amounts contained in a special fund dedicated to payment of the loan obligation.

Subd. 5. [RECEIPTS.] The principal and interest in repayment of the loans authorized by this section shall be deposited in the state treasury and credited to the state bond fund and are appropriated to the commissioner of finance for the purpose of that fund.

Sec. 10. [GENERAL POWERS OF THE AUTHORITY.]

Subdivision 1. For the purpose of exercising the specific powers granted in section 6 and effectuating the other purposes of this article, the authority shall have the general powers granted in this section.

Subd. 2. It may sue and be sued.

Subd. 3. It may have a seal and alter the same at will.

Subd. 4. It may make, and from time to time, amend and repeal rules and temporary rules not inconsistent with this article.

Subd. 5. It may acquire, hold and dispose of personal property for its corporate purposes.

Subd. 6. It may enter into agreements or other transactions with any federal or state agency, any person and any domestic or foreign partnership, corporation, association or organization.

Subd. 7. It may acquire real property, or an interest therein, in its own name, by purchase or foreclosure, where the acquisition is necessary or appropriate to protect any loan in which the authority has an interest and may sell, transfer and convey any such property to a buyer and, in the event such sale, transfer or conveyance cannot be effected with reasonable promptness or at a reasonable price, may lease such property to a tenant.

Subd. 8. It may sell, at public or private sale, any note, mortgage or other instrument or obligation evidencing or securing a loan.

Subd. 9. It may procure insurance against any loss in connection with its property in such amounts, and from such insurers, as may be necessary or desirable.

Subd. 10. It may consent, whenever it deems it necessary or desirable in the fulfillment of its corporate purpose, to the modification of the rate of interest, time of payment or any installment of principal or interest, or any other term, of any loan, loan commitment, contract or agreement of any kind to which the authority is a party.

Subd. 11. It may borrow money to carry out and effectuate its corporate purpose and may issue its negotiable bonds or notes as evidence of any such borrowing in accordance with provisions of this act.

Subd. 12. Financial information, including but not limited to credit re-

ports, financial statements and net worth calculations, received or prepared by the agency regarding any partnership loan or loan guarantee is private data on individuals, pursuant to section 13.02, subdivision 12.

Sec. 11. [APPROPRIATION.]

\$..... is appropriated from the general fund to the authority to be deposited in the energy loan guarantee fund pursuant to section 10.

Sec. 12. [APPROPRIATION.]

\$..... is appropriated to the authority from the state building fund for the purpose of making loans to municipalities pursuant to section 11.

Sec. 13. [BOND SALE.]

To provide the funds appropriated by section 11, the commissioner of finance shall issue and sell the bonds authorized by and as provided in Laws 1981, chapter 334, section 12.

ARTICLE 5

HOUSING FINANCE AGENCY

Section 1. Minnesota Statutes 1982, section 462A.02, subdivision 10, is amended to read:

Subd. 10. It is further declared that supplies of conventional energy resources are rapidly depleting in quantity and rising in price and that the burden of these occurrences falls heavily upon *the citizens of Minnesota generally and persons of low and moderate income in particular.* These conditions are adverse to the health, welfare, and safety of *all of the* citizens of this state. It is further declared that it is a public purpose to ensure the availability of financing to be used by ~~low and moderate income people~~ *all citizens of the state* to install in their dwellings reasonably priced energy conserving systems ~~using~~ *including the use of* alternative energy resources and equipment *so that by the improvement of the energy efficiency of all housing, the adequacy of the total energy supply may be preserved for the benefit of all citizens.*

Sec. 2. Minnesota Statutes 1982, section 462A.05, is amended by adding a subdivision to read:

Subd. 14b. It may agree to purchase, make, or otherwise participate in the making, and may enter into commitments for the purchase, making, or participating in the making, of loans to persons and families, without limitations relating to the maximum incomes of the borrowers, to assist in energy conservation rehabilitation measures for existing housing owned by those persons or families including, but not limited to: weatherstripping and caulking, chimney construction or improvement, furnace or space heater repair, cleaning or replacement, insulation, storm windows and doors, and structural or other directly related repairs essential for energy conservation. Loans shall be made only when the agency determines that financing is not otherwise available, in whole or in part, from private lenders upon equivalent terms and conditions.

Sec. 3. Minnesota Statutes 1982, section 462A.05, is amended by adding a subdivision to read:

Subd. 23. The agency may participate in loans or establish a fund to insure loans, or portions of loans, which are made by any banking institution, savings and loan association, or other lender approved by the agency, organized under the laws of this or any other state or of the United States having an office in this state, to owners of renter occupied homes or apartments which do not comply with standards set forth in section 116J.27, subdivision 3, without limitations relating to the maximum incomes of the owners or tenants. The proceeds of the insured portion of the loan must be used to pay the costs of improvements, including all related structural and other improvements, which will reduce energy consumption.

Sec. 4. Minnesota Statutes 1982, section 462A.21, is amended by adding a subdivision to read:

Subd. 4j. It may expend money for the purposes of section 462A.04, subdivision 23, and may pay the costs and expenses for the development and operation of the program.

Sec. 5. [462A.27] [RULES.]

The agency may adopt temporary and permanent rules necessary for the efficient administration of sections 15 to 18. The rules authorized under this section may be adopted without complying with the administrative procedures act contained in chapter 14.

Sec. 6. [462A.072] [PROVISION OF FINANCIAL EXPERTISE TO OTHER AGENCIES.]

Upon request of the commissioner of energy, the director shall provide financial management assistance to the energy authority. Reimbursement for these services shall be at a reasonable rate established by negotiation between the director and the commissioner of energy.

Sec. 7. [COST CEILING AND COMPLEMENT.]

The spending limit of the Minnesota housing finance agency for general administration is increased by \$350,000 for both fiscal years 1984 and 1985.

The authorized complement of the Minnesota housing finance agency is increased by three."

Delete the title and insert:

"A bill for an act relating to energy; providing for omnibus energy measures; creating a department of energy; transferring energy related duties; creating an energy coordination board; creating an intervention office; creating an energy authority; authorizing the Minnesota housing finance agency to participate in energy projects; amending Minnesota Statutes 1982, sections 116C.03, subdivision 2; 116J.09; 116J.10; 462A.02, subdivision 10; 462A.05, by adding subdivisions; and 462A.21, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 116H; 216A; 216B; and 462A; repealing Minnesota Statutes 1982, section 116J.28."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 560, 494, 714, 854, 534, 676, 287, 611, 238, 411, 652, 108,

609, 844, 708 and 392 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 413, 468, 330, 561 and 30 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Stumpf moved that the name of Mr. Johnson, D.E. be added as a co-author to S.F. No. 392. The motion prevailed.

Mr. Samuelson moved that the name of Mr. Chmielewski be added as a co-author to S.F. No. 572. The motion prevailed.

Mr. Johnson, D.E. moved that his name be stricken as a co-author to S.F. No. 617. The motion prevailed.

Mr. Johnson, D.E. moved that the name of Mr. Knutson be added as a co-author to S.F. No. 647. The motion prevailed.

Mr. Merriam moved that the name of Mr. Dahl be added as a co-author to S.F. No. 673. The motion prevailed.

Mr. Novak moved that the name of Mr. Freeman be added as a co-author to S.F. No. 750. The motion prevailed.

Mr. Peterson, R.W. moved that the name of Mr. Nelson be added as a co-author to S.F. No. 807. The motion prevailed.

Mr. Merriam moved that the names of Messrs. Ulland and Ramstad be added as co-authors to S.F. No. 856. The motion prevailed.

Mr. Ulland moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 894. The motion prevailed.

Mr. Solon moved that the names of Messrs. Merriam and Dicklich be added as co-authors to S.F. No. 909. The motion prevailed.

Mr. Merriam moved that the name of Mr. Lessard be added as a co-author to S.F. No. 932. The motion prevailed.

Mr. Luther moved that the names of Messrs. Wegscheid, Dahl and Merriam be added as co-authors to S.F. No. 934. The motion prevailed.

Mr. Nelson moved that the name of Mr. Merriam be added as a co-author to S.F. No. 937. The motion prevailed.

Mr. Nelson moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 942. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Dahl be added as a co-author to S.F. No. 957. The motion prevailed.

Mr. Waldorf moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 962. The motion prevailed.

Mr. Luther moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 966. The motion prevailed.

Mr. Bernhagen moved that his name be stricken as a co-author to S.F. No. 967. The motion prevailed.

Mr. Peterson, C.C. moved that the name of Mr. Benson be added as a co-author to S.F. No. 967. The motion prevailed.

Mr. Nelson moved that the names of Messrs. Moe, R.D.; Waldorf and Taylor be added as co-authors to S.F. No. 944. The motion prevailed.

Mr. Renneke moved that the name of Mr. Merriam be added as a co-author to S.F. No. 301. The motion prevailed.

Mr. Pehler moved that S.F. No. 700 be withdrawn from the Committee on Economic Development and Commerce and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Kroening moved that S.F. No. 889 be withdrawn from the Committee on Local and Urban Government and re-referred to the Committee on Economic Development and Commerce. The motion prevailed.

Mr. Chmielewski introduced—

Senate Resolution No. 38: A Senate resolution congratulating the Bombers boys basketball team from Barnum High School for winning the 1983 Class A State High School Boys Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. Ramstad introduced—

Senate Resolution No. 39: A Senate resolution congratulating the girl's gymnastic team from Robbinsdale Armstrong High School for winning the 1983 Class AA State High School Girl's Gymnastic Championship.

Referred to the Committee on Rules and Administration.

Mr. Ramstad introduced—

Senate Resolution No. 40: A Senate resolution congratulating the Falcons boys basketball team from Robbinsdale Armstrong High School for winning the 1983 Lake North Conference Championship.

Referred to the Committee on Rules and Administration.

Mr. Ramstad introduced—

Senate Resolution No. 41: A Senate resolution congratulating the Wayzata hockey team for winning the 1983 Lake North Conference Championship.

Referred to the Committee on Rules and Administration.

Mr. Renneke introduced—

Senate Resolution No. 42: A Senate resolution congratulating the Tigers girls basketball team from Henderson High School for winning the 1983 Class A State High School Girls Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. DeCramer introduced—

Senate Resolution No. 43: A Senate resolution congratulating the Cardinals boys' basketball team from Luverne High School for winning second place in the 1983 Class A State High School Boys' Basketball Tournament.

Referred to the Committee on Rules and Administration.

Mr. Novak introduced—

Senate Resolution No. 44: A Senate resolution extending congratulations to the Mounds View Boys' Swimming Team for winning the 1983 State High School Swimming Championship.

Referred to the Committee on Rules and Administration.

S.F. No. 15 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 15

A bill for an act relating to metropolitan government; changing the terms of members of the metropolitan council; requiring that metropolitan council district boundaries be redrawn after each federal census; redrawing metropolitan council district boundaries; establishing new metropolitan commission districts, formerly called precincts; changing references to precincts; changing the terms of commission members and chairmen; requiring the governor to appoint council members and establishing terms; requiring the newly appointed metropolitan council to appoint commission members and establishing terms; amending Minnesota Statutes 1982, sections 473.123, subdivision 3, and by adding subdivisions; 473.141, subdivisions 2, 4, and 5, and by adding a subdivision; and 473.303, subdivisions 2, 4, and 5, and by adding a subdivision; repealing Minnesota Statutes 1982, section 473.123, subdivision 2.

March 23, 1983

The Honorable Jerome M. Hughes
President of the Senate

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

We, the undersigned conferees for S.F. No. 15, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 15 be further amended as follows:

Page 2, line 4, delete "*all members and chairmen*" and insert "*the member*"

Page 2, line 5, delete "*their successors are*"

Page 2, line 6, delete "*appointed and qualified*" and insert "*the governor appoints 16 council members, one from each of the newly drawn council districts as provided under section 3, to serve terms as provided under this section*"

Page 2, line 9, before "*The*" insert "*(a)*"

Page 2, line 10, strike "*sixteen*" and insert "*16*"

Page 2, line 13, strike "the area composing"

Page 11, after line 7, insert:

"(b) In addition to the notice required by section 15.0597, subdivision 4, notice of vacancies and expiration of terms shall be published in newspapers of general circulation in the metropolitan area and the appropriate districts."

Page 11, line 13, delete everything after the period

Page 11, delete lines 14 and 15

Page 11, line 16, delete everything before "Redistricting"

Page 11, line 17, delete "of each"

Page 11, line 18, delete "decade"

Page 14, line 30, after the semicolon insert "and"

Page 16, line 27, before "Each" insert "(a)"

Page 16, line 29, strike "eight members" and insert "metropolitan council"

Page 16, line 29, strike "be appointed by the"

Page 16, line 30, strike "metropolitan council" and insert "appoint the eight members on a nonpartisan basis after consultation with the members of the legislature from the commission district for which the member is to be appointed"

Page 16, line 30, after the period insert:

"Appointments are subject to the advice and consent of the senate."

(b) Following the submission of commission member applications to the metropolitan council as provided under section 15.0597, subdivision 5, the council shall conduct one or more public hearings on the matter of the appointments for the commission districts to accept statements from persons who have applied for appointment and to allow consultation with and secure the advice of the public."

Page 16, line 30, before "One" insert

"(c)"

Page 17, line 1, delete "6" and insert "5"

Page 17, line 3, strike "5 and" and reinstate the stricken "6"

Page 17, line 3, delete "12" and insert "and 10"

Page 17, line 7, delete "10" and strike "and"

Page 17, line 7, after "11" insert "and 12"

Page 18, line 3, before "A" insert "A chairman shall continue to serve until a successor is appointed and qualified."

Page 18, line 3, delete "or chairman"

Page 18, line 6, delete "all members and chairmen" and insert "the

member''

Page 18, line 7, delete *''their successors are appointed and''*

Page 18, line 8, delete *''qualified''* and insert *''the metropolitan council appointed pursuant to section 3 appoints eight commission members as provided under section 473.141, subdivision 2, to serve terms as provided under this section''*

Page 19, line 5, strike *''eight members''* and insert *''metropolitan council''*

Page 19, line 5, strike *''be appointed by the''*

Page 19, line 6, strike *''council''* and insert *''appoint the eight members on a nonpartisan basis''*

Page 19, line 13, delete *''6''* and insert *''5''*

Page 19, line 15, strike *''5 and''* and reinstate the stricken *''6''*

Page 19, line 15, delete *''12''* and insert *''and 10''*

Page 19, line 19, strike *''and''*

Page 19, line 19, after *''11''* insert *''and 12''*

Page 19, after line 23, insert:

''Sec. 10. Minnesota Statutes 1982, section 473.303, subdivision 3, is amended to read:

Subd. 3. [CHAIRMAN.] The chairman of the commission shall be appointed by the council and shall be the ninth member of the commission and shall meet all qualifications established for members, except the chairman need only reside within the metropolitan area. ~~The commission chairman shall serve at the pleasure of the council for a four year term.~~ The chairman shall preside at all meetings of the commission, if present, and shall perform all other duties and functions assigned to him by the commission or by law. The commission may appoint from among its members a vice-chairman to act for the chairman during his temporary absence or disability."

Page 20, line 12, before *''A''* insert *''The chairman shall continue to serve until a successor is appointed and qualified.''*

Page 20, line 12, delete *''or chairman''*

Page 20, line 15, delete *''all members and the chairman''* and insert *''the member''*

Page 20, line 16, delete *''their successors are appointed and''*

Page 20, line 17, delete *''qualified''* and insert *''the metropolitan council appointed pursuant to section 3 appoints eight commission members as provided under section 473.303, subdivision 2, to serve terms as provided under this section''*

Page 20, line 35, after *''members''* insert *''except the chairman''*

Page 21, line 1, delete *''all''* and insert *''the''*

Page 21, line 5, after *''members''* insert *''except the chairmen''*

Page 21, line 5, after *“serving”* insert *“prior to the effective date of this act”*

Page 21, line 7, delete *“all”* and insert *“the”*

Page 21, line 9, after *“appoints”* insert *“eight”*

Page 21, line 10, delete *“5”* and insert *“473.141, subdivision 2,”*

Page 21, line 12, after *“members”* insert *“except the chairman”*

Page 21, line 12, after *“serving”* insert *“prior to the effective date of this act”*

Page 21, line 15, delete *“all”* and insert *“the”*

Page 21, line 17, after *“appoints”* insert *“eight”*

Page 21, line 17, delete *“9”* and insert *“473.303, subdivision 2,”*

Page 21, line 18, delete *“11”* and insert *“12”*

Page 21, line 23, delete *“14”* and insert *“15”*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete *“metropolitan”*

Page 1, line 17, after the first comma insert *“3,”*

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

Senate Conferees: (Signed) Robert J. Schmitz, William P. Luther, Carl W. Kroening

House Conferees: (Signed) Thomas C. Osthoff, James P. Metzen, Kathleen Blatz

Mr. Schmitz moved that the foregoing recommendations and Conference Committee Report on S.F. No. 15 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 15 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 38 and nays 24, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Langseth	Peterson, C.C.	Solon
Belanger	Diessner	Lantry	Peterson, D.C.	Spear
Berglin	Dieterich	Lessard	Peterson, R.W.	Stumpf
Bertram	Frank	Luther	Petty	Vega
Chmielewski	Freeman	Moe, D.M.	Pogemiller	Waldorf
Dahl	Hughes	Moe, R.D.	Purfeerst	Wegscheid
Davis	Johnson, D.J.	Novak	Reichgott	
DeCramer	Kroening	Pehler	Schmitz	

Those who voted in the negative were:

Benson	Frederickson	Knutson	Merriam	Sieloff
Berg	Isackson	Kronebusch	Olson	Storm
Bernhagen	Johnson, D.E.	Laidig	Peterson, D.L.	Taylor
Brataas	Kamrath	McQuaid	Ramstad	Ulland
Frederick	Knaak	Mehrkins	Renneke	

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

CALENDAR

S.F. No. 428: A bill for an act relating to state government; extending the expiration date of certain advisory committees and councils; repealing certain inactive advisory councils, committees, and task forces; amending Minnesota Statutes 1982, sections 3.9223, subdivision 1; 4.31, subdivision 5; 11A.08, subdivision 4; 15.059, subdivision 5; 16.02, subdivision 28; 16.872, subdivision 3; 21.112, subdivision 2; 41.54, subdivision 2; 52.062, subdivisions 1 and 2; 115A.12, subdivision 1; 121.938; 123.581, subdivision 1; 126.531; 145.919; 145.93, subdivision 3; 145.98, subdivision 1; 148.191, subdivision 2; 152.02, subdivision 13; 155A.06, subdivision 5; 156A.06, subdivision 1; 161.1419, by adding a subdivision; 198.055, by adding a subdivision; 241.64; 241.71; 246.017, subdivision 2; 256B.58; 268.12, subdivision 6; and 507.09; Laws 1975, chapter 235, section 2; Laws 1976, chapter 314, section 3; and Laws 1980, chapter 614, section 192; repealing Minnesota Statutes 1982, sections 16.91; 16.853; 31.60, subdivisions 2 and 3; 43A.31, subdivision 4; 52.061; 52.062, subdivision 3; 82.30; 84.524; 86A.10; 115A.12, subdivision 2; 116J.04; 121.934; 123.581, subdivisions 2, 3, 4, 5, and 7; 124.215; 128A.03; 129B.09, subdivision 8; 136A.02, subdivision 6; 141.24; 144.011, subdivision 2; 144.571; 144A.17; 144A.55; 145.93, subdivision 2; 151.13, subdivision 2; 152.02, subdivision 11; 184.23; 214.14; 222.65; 245.84, subdivision 4; and 363.04, subdivisions 4, 4a, and 5.

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 49 and nays 10, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kroening	Pehler	Solon
Belanger	Dicklich	Kronebusch	Peterson, C.C.	Spear
Berg	Diessner	Laidig	Peterson, R.W.	Storm
Berglin	Dieterich	Lantry	Petty	Stumpf
Bernhagen	Frank	Lessard	Pogemiller	Taylor
Bertram	Freeman	Luther	Purfeerst	Ulland
Brataas	Hughes	McQuaid	Ramstad	Vega
Chmielewski	Johnson, D.E.	Moe, D.M.	Reichgott	Waldorf
Dahl	Johnson, D.J.	Moe, R.D.	Schmitz	Wegscheid
Davis	Knaak	Novak	Sieloff	

Those who voted in the negative were:

Benson	Frederickson	Kamrath	Mehrkins	Peterson, D.L.
Frederick	Isackson	Knutson	Merriam	Renneke

So the bill passed and its title was agreed to.

S.F. No. 278: A bill for an act relating to Hennepin County; providing for

financing of motor vehicle parking facilities; authorizing the issuance of general obligation or revenue bonds of the county; authorizing the construction of one off-street parking facility within the city of Minneapolis; amending Laws 1969, chapter 1037, section 1, subdivisions 1 and 2, and by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Novak	Schmitz
Anderson	Diessner	Kroening	Olson	Sieloff
Belanger	Dieterich	Kronebusch	Pehler	Solon
Benson	Frank	Laidig	Peterson, C.C.	Spear
Berg	Frederick	Langseth	Peterson, D.C.	Storm
Berglin	Frederickson	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Freeman	Lessard	Peterson, R.W.	Taylor
Bertram	Hughes	Luther	Petty	Ulland
Brataas	Isackson	McQuaid	Pogemiller	Vega
Chmielewski	Johnson, D.E.	Mehrkins	Purfeerst	Waldorf
Dahl	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Davis	Knaak	Moe, D.M.	Reichgott	
DeCramer		Moe, R.D.	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 240: A bill for an act relating to domestic abuse; protecting persons from abuse by former spouses and others; authorizing an arrest for violations of certain orders; amending Minnesota Statutes 1982, section 518B.01, subdivisions 2, 13, and 14.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 6, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kronebusch	Pehler	Solon
Anderson	Diessner	Laidig	Peterson, C.C.	Spear
Belanger	Dieterich	Langseth	Peterson, D.C.	Storm
Benson	Frank	Lantry	Peterson, D.L.	Stumpf
Berg	Frederick	Lessard	Peterson, R.W.	Taylor
Berglin	Frederickson	Luther	Petty	Ulland
Bernhagen	Hughes	McQuaid	Pogemiller	Vega
Bertram	Isackson	Mehrkins	Purfeerst	Wegscheid
Brataas	Johnson, D.E.	Merriam	Ramstad	
Dahl	Johnson, D.J.	Moe, D.M.	Reichgott	
Davis	Knaak	Moe, R.D.	Samuelson	
DeCramer	Knutson	Olson	Schmitz	

Those who voted in the negative were:

Chmielewski	Kroening	Renneke	Sieloff	Waldorf
Kamrath				

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H.F. No. 236: A bill for an act relating to occupations and professions;

regulating physicians attending the graduate school of the Mayo Foundation; amending Minnesota Statutes 1982, section 147.20.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Novak	Samuelson
Anderson	Diessner	Kroening	Olson	Schmitz
Belanger	Dieterich	Kronebusch	Pehler	Sieloff
Benson	Frank	Laidig	Peterson, C.C.	Solon
Berg	Frederick	Langseth	Peterson, D.C.	Spear
Berglin	Frederickson	Lantry	Peterson, D.L.	Storm
Bernhagen	Freeman	Lessard	Peterson, R.W.	Stumpf
Bertram	Hughes	Luther	Petty	Taylor
Brataas	Isackson	McQuaid	Pogemiller	Ulland
Chmielewski	Johnson, D.E.	Mehrkins	Purfeerst	Vega
Dahl	Johnson, D.J.	Merriam	Ramstad	Waldorf
Davis	Kamrath	Moe, D.M.	Reichgott	Wegscheid
DeCramer	Knaak	Moe, R.D.	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 427: A bill for an act relating to safety glazing material; establishing new requirements for the use of glazed safety glass in hazardous locations; amending Minnesota Statutes 1982, section 299G.13, subdivisions 3 and 10.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Novak	Samuelson
Anderson	Diessner	Kroening	Olson	Schmitz
Belanger	Dieterich	Kronebusch	Pehler	Sieloff
Benson	Frank	Laidig	Peterson, C.C.	Solon
Berg	Frederick	Langseth	Peterson, D.C.	Spear
Berglin	Frederickson	Lantry	Peterson, D.L.	Storm
Bernhagen	Freeman	Lessard	Peterson, R.W.	Stumpf
Bertram	Hughes	Luther	Petty	Taylor
Brataas	Isackson	McQuaid	Pogemiller	Ulland
Chmielewski	Johnson, D.E.	Mehrkins	Purfeerst	Vega
Dahl	Johnson, D.J.	Merriam	Ramstad	Waldorf
Davis	Kamrath	Moe, D.M.	Reichgott	Wegscheid
DeCramer	Knaak	Moe, R.D.	Renneke	

So the bill passed and its title was agreed to.

H.F. No. 298: A bill for an act relating to the city of St. Paul; regulating appeals, hearings, and procedures concerning the human rights commission; amending Laws 1965, chapter 866, section 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Novak	Samuelson
Anderson	Diessner	Kroening	Olson	Schmitz
Belanger	Dieterich	Kronebusch	Pehler	Sieloff
Benson	Frank	Laidig	Peterson, C.C.	Solon
Berg	Frederick	Langseth	Peterson, D.C.	Spear
Berglin	Frederickson	Lantry	Peterson, D.L.	Storm
Bernhagen	Freeman	Lessard	Peterson, R.W.	Stumpf
Bertram	Hughes	Luther	Petty	Taylor
Brataas	Isackson	McQuaid	Pogemiller	Ulland
Chmielewski	Johnson, D.E.	Mehrkins	Purfeerst	Vega
Dahl	Johnson, D.J.	Merriam	Ramstad	Waldorf
Davis	Kamrath	Moe, D.M.	Reichgott	Wegscheid
DeCramer	Knaak	Moe, R.D.	Renneke	

So the bill passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Dieterich, Hughes, DeCramer and Storm introduced—

S.F. No. 977: A bill for an act relating to animals; providing for the humane treatment and welfare of animals; authorizing counties and cities to support local humane societies; imposing penalties; appropriating money; amending Minnesota Statutes 1982, section 343.11; proposing new law coded in Minnesota Statutes, chapter 346.

Referred to the Committee on Veterans and General Legislation.

Mr. Davis introduced—

S.F. No. 978: A bill for an act relating to education; modifying the determination of a teacher's seniority in certain cases; amending Minnesota Statutes 1982, section 125.12, subdivision 6b.

Referred to the Committee on Education.

Messrs. Ramstad, Taylor and Mrs. Brataas introduced—

S.F. No. 979: A bill for an act relating to unemployment compensation; regulating benefit eligibility; amending Minnesota Statutes 1982, section 268.07, subdivision 3.

Referred to the Committee on Employment.

Messrs. Frederickson, Davis, Berg, Renneke and Chmielewski introduced—

S.F. No. 980: A bill for an act relating to commerce; authorizing certain retailers of motor vehicle fuel to compute sales by the half-gallon; proposing new law coded in Minnesota Statutes 1982, section 325E.095.

Referred to the Committee on Economic Development and Commerce.

Mr. Dicklich introduced—

S.F. No. 981: A bill for an act relating to Independent School District No. 694; authorizing a transfer of moneys to the district's general fund from other district funds.

Referred to the Committee on Education.

Mr. Spear, Ms. Berglin; Peterson, D.C.; and Mr. Peterson, R.W. introduced—

S.F. No. 982: A bill for an act relating to tenants; providing protected status to certain senior citizens and disabled tenants when a building is converted to a condominium; proposing new law coded as Minnesota Statutes, chapter 515B.

Referred to the Committee on Judiciary.

Messrs. Peterson, R.W.; Sietloff and Merriam introduced—

S.F. No. 983: A bill for an act relating to administrative procedure; providing procedures for the adoption of administrative rules and the determination of administrative disputes; providing for publication of administrative rules and disposition of administrative appeals; enacting the model administrative procedure act; proposing new law coded as chapter 15B; repealing Minnesota Statutes 1982, sections 14.01 to 14.70.

Referred to the Committee on Governmental Operations.

Mr. Taylor introduced—

S.F. No. 984: A bill for an act relating to taxation; authorizing cities to impose taxes on the gross receipts from the furnishing of certain lodging; proposing new law coded in Minnesota Statutes, chapter 477A.

Referred to the Committee on Local and Urban Government.

Messrs. Merriam, Lessard and Peterson, C.C. introduced—

S.F. No. 985: A bill for an act relating to game and fish; penalty for taking or illegally possessing big game during the closed season; shining of wild animals; amending Minnesota Statutes 1982, sections 97.55, subdivision 9; and 100.29, subdivision 10.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam, Dahl, Knaak and Taylor introduced—

S.F. No. 986: A bill for an act relating to crimes; prohibiting promotion of minors to engage in sexual performance; prohibiting dissemination and possession of works depicting minors in sexual performance; providing penalties; amending Minnesota Statutes 1982, sections 617.246; 617.247, subdivision 4; repealing Minnesota Statutes 1982, section 617.247, subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Merriam, Willet and Ulland introduced—

S.F. No. 987: A bill for an act relating to natural resources; eliminating obsolete material and updating certain provisions relating to decorative trees; amending Minnesota Statutes 1982, sections 88.641, subdivision 1; 88.642; 88.643; 88.644; and 88.648; repealing Minnesota Statutes 1982, sections 88.641, subdivision 3; 88.646; and 88.649.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Ramstad, by request, introduced—

S.F. No. 988: A bill for an act relating to intoxicating liquor; authorizing the city of Minnetonka to issue three additional on-sale licenses.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Peterson, R.W.; Merriam and Sieloff introduced—

S.F. No. 989: A bill for an act relating to collection and dissemination of data; classifying government data as public, private, and nonpublic; clarifying issues relating to classifications of data, access to data, the effect of death of individuals on classifications, and the temporary classification of data; refining provisions of the data practice act; amending Minnesota Statutes 1982, sections 13.02, subdivision 8; 13.03, subdivisions 2, 3, and 4, and by adding subdivisions; 13.04, subdivisions 2 and 3; 13.05, subdivisions 3, 7, and 9; 13.06, subdivisions 1 and 6; 13.31, subdivision 2; 13.43, subdivision 2; 13.44; 13.67; and proposing new law coded in Minnesota Statutes, chapter 13.

Referred to the Committee on Judiciary.

Mr. Merriam introduced—

S.F. No. 990: A bill for an act relating to the environment; transferring the functions of the environmental quality board under the environmental coordination procedures act to the commissioner of energy, planning and development and the business licensing bureau; amending Minnesota Statutes 1982, sections 116C.24, subdivision 3, and by adding a subdivision; 116C.25; 116C.32; 116C.33, subdivision 2; and 116C.34.

Referred to the Committee on Governmental Operations.

Messrs. Merriam and Lessard introduced—

S.F. No. 991: A bill for an act relating to recreational vehicles; requiring a three-year registration fee for three-wheel off-road vehicles; requiring rules by the commissioner of natural resources; providing for local ordinances; requiring safety certificates of youthful operators; prescribing penalties; creating a three-wheel off-road vehicle account in the state treasury; appropriating funds; amending Minnesota Statutes 1982, section 84.90, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 84.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Dieterich and Ms. Berglin introduced—

S.F. No. 992: A bill for an act relating to welfare; requiring parents of children on probation or parole to pay the costs of foster care; providing for payment of costs of care for emotionally handicapped children; amending Minnesota Statutes 1982, sections 242.19, subdivision 2; 252.27, subdivision 1; and 260.251, subdivision 1; and proposing new law coded in chapter 260.

Referred to the Committee on Health and Human Services.

Messrs. Davis, Merriam and Willet introduced—

S.F. No. 993: A bill for an act relating to the pollution control agency; authorizing the collection of permit fees; clarifying the agency's enforcement authorities relating to air contamination; authorizing the use of certain federal funds; extending the authorization of the state wastewater treatment facility construction grants program; amending Minnesota Statutes 1982, sections 116.07, subdivision 9, and by adding a subdivision; 116.16, subdivision 10; and 116.18, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Chmielewski, Ulland, Samuelson, Ms. Berglin and Mr. Solon introduced—

S.F. No. 994: A bill for an act relating to public welfare; appropriating money for chemical dependency programs for Indians.

Referred to the Committee on Health and Human Services.

Mr. Wegscheid introduced—

S.F. No. 995: A bill for an act relating to education; extending the time permitting a school district to transfer funds from its capital fund to its general fund; amending Laws 1982, chapter 548, article IV, section 21.

Referred to the Committee on Education.

Mr. Chmielewski introduced—

S.F. No. 996: A bill for an act relating to financial institutions; authorizing the approval of applications for bank charters and detached facilities; establishing emergency procedures to prevent loss of banking services in a community as a result of a failing bank; amending Minnesota Statutes 1982, section 45.05; proposing new law coded in Minnesota Statutes, chapter 47.

Referred to the Committee on Economic Development and Commerce.

Messrs. Dicklich, Purfeerst, Storm and Solon introduced—

S.F. No. 997: A bill for an act relating to health; prohibiting sales of hearing aids upon prescription or recommendation of certain persons employed or in a business relationship with a seller of hearing aids; providing penalties and remedies; proposing new law coded in Minnesota Statutes, chapter 145; repealing Minnesota Statutes 1982, sections 145.43; 145.44; and 145.45.

Referred to the Committee on Health and Human Services.

Messrs. Solon, Dicklich, Samuelson and Knutson introduced—

S.F. No. 998: A bill for an act relating to public welfare; establishing limits on payments to vendors of services in the medical assistance program; amending Minnesota Statutes 1982, section 256.967.

Referred to the Committee on Health and Human Services.

Messrs. Petty, Diessner, Ms. Berglin, Mrs. Lantry and Mr. Samuelson introduced—

S.F. No. 999: A bill for an act relating to public welfare; establishing a medical assistance prepayment demonstration project; appropriating money; proposing new law coded in Minnesota Statutes, chapter 256B.

Referred to the Committee on Health and Human Services.

Messrs. Diessner and Laidig introduced—

S.F. No. 1000: A bill for an act relating to local improvements; permitting counties to assess for highway improvements within cities; amending Minnesota Statutes 1982, section 429.011, subdivision 2a.

Referred to the Committee on Transportation.

Messrs. Peterson, C.C. and Spear introduced—

S.F. No. 1001: A bill for an act relating to retirement; election of Minneapolis employees retirement fund; investment policies; expansion of disability benefits of employees; amending Minnesota Statutes 1982, sections 422A.05, subdivision 1, and by adding a subdivision; 422A.06, subdivision 7; 422A.101, subdivisions 1, 1a, and 2; 422A.18, subdivision 3; 422A.23, subdivision 2; and 422A.26; repealing Minnesota Statutes 1982, section 422A.05, subdivision 7.

Referred to the Committee on Governmental Operations.

Mr. Solon introduced—

S.F. No. 1002: A bill for an act relating to appropriations; directing utilization of the balance of a prior appropriation to provide a public access fishing pier and observation site in Duluth.

Referred to the Committee on Finance.

Mr. Petty and Ms. Berglin introduced—

S.F. No. 1003: A bill for an act relating to public welfare; establishing a medical assistance social health maintenance organization demonstration project; proposing new law coded in Minnesota Statutes, chapter 256B.

Referred to the Committee on Health and Human Services.

Mr. Ulland introduced—

S.F. No. 1004: A bill for an act relating to meetings of governing bodies; providing for indemnification of certain violations of the open meeting law;

providing exceptions to the requirement of open meetings; amending Minnesota Statutes 1982, section 471.705, subdivisions 1a and 2.

Referred to the Committee on Governmental Operations.

Ms. Peterson, D.C. and Mrs. Brataas introduced—

S.F. No. 1005: A bill for an act relating to housing; clarifying the limitations that apply to revenue bonds or other obligations for multifamily housing developments and health care facilities; amending Minnesota Statutes 1982, section 462C.05, subdivision 7.

Referred to the Committee on Energy and Housing.

Mr. Wegscheid introduced—

S.F. No. 1006: A bill for an act relating to waste disposal; providing for a co-composting study; appropriating money; amending Minnesota Statutes 1982, section 473.153, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Freeman, Luther, Spear, Ms. Reichgott and Mr. Knaak introduced—

S.F. No. 1007: A bill for an act relating to courts; permitting the establishment of compulsory nonbinding arbitration programs for use in civil proceedings; proposing new law coded in Minnesota Statutes, chapter 484.

Referred to the Committee on Judiciary.

Messrs. Freeman, Luther and Ms. Reichgott introduced—

S.F. No. 1008: A bill for an act relating to courts; authorizing the appointment of court referees; removing term of office restrictions for district court judges assigned to the family court division of the fourth judicial district; amending Minnesota Statutes 1982, sections 260.031, subdivision 1; 484.65, subdivisions 1, 4, 5, and 6; and 484.70, subdivision 1; repealing Minnesota Statutes 1982, section 260.019, subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Novak and Purfeerst introduced—

S.F. No. 1009: A bill for an act relating to transportation; defining certain terms relating to motor vehicle carriers; delineating exemptions; prescribing rules for operation of carriers; providing for investigation of carriers; providing for regulation of carriers of hazardous materials; providing for granting of certificates for operation; setting procedures for establishing rate schedules; providing for fees; providing for annual registration; requiring certificates of insurance; allowing permits to be assigned or transferred under certain conditions; providing hearing procedures regarding rate schedules; requiring shipping documents; providing for regulation of interstate carriers; authorizing suspension of operating authority under certain conditions; requiring refunds for overcharges; providing enforcement powers; providing penalties; providing for annual renewal of identification

stamps; regulating local cartage carriers; delaying transfer of duties, functions, and powers from the public utilities commission to the board until established and appointed; amending Minnesota Statutes 1982, sections 168.013, subdivision 1e; 174.22, subdivision 2; 221.011, subdivisions 3, 9, 11, 12, 14, 15, 16, 19, 21, and 24, and by adding subdivisions; 221.021; 221.031; 221.041; 221.071; 221.111; 221.121; 221.131; 221.141, subdivision 1, and by adding a subdivision; 221.151; 221.161; 221.171; 221.181; 221.221; 221.251; 221.291; 221.296, subdivisions 2, 3, and 4; and 221.64; proposing new law coded in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1982, sections 221.011, subdivisions 4 and 22; 221.032; 221.141, subdivision 2; 221.292; 221.294; and 221.296, subdivision 1.

Referred to the Committee on Transportation.

Messrs. DeCramer and Storm introduced—

S.F. No. 1010: A resolution memorializing the President and Congress of the United States to provide service-connected disability compensation for former members of the military forces who were exposed in Vietnam to toxic herbicides, chemicals, medications, and other environmental hazards and conditions.

Referred to the Committee on Veterans and General Legislation.

Mr. Chmielewski introduced—

S.F. No. 1011: A bill for an act relating to unemployment compensation; providing for conformity with federal law; updating the law to reflect current practice; making technical changes; removing obsolete language; regulating administrative practices; providing for the effect of back pay awards; regulating benefit amounts, contributions, and benefit eligibility; amending Minnesota Statutes 1982, sections 268.04, subdivisions 12, 17, 25, 26, 29, and by adding a subdivision; 268.05, subdivision 5; 268.06, subdivisions 1, 2, 3a, 5, 20, 28, and 29; 268.07, subdivision 2; 268.071, subdivision 3; 268.08, subdivision 3, and by adding a subdivision; 268.09, subdivisions 1 and 2; 268.10, subdivisions 2, 3, 4, 5, 6, 7, and 9; 268.11, subdivisions 2 and 3; 268.12, subdivisions 8 and 9; 268.16, subdivision 2; 268.161, subdivisions 1, 4, 5, 7, and 8; 268.18, subdivisions 1 and 2; repealing Minnesota Statutes 1982, section 268.06, subdivision 32.

Referred to the Committee on Employment.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 3:00 p.m. The motion prevailed.

The hour of 3:00 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

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

GENERAL ORDERS

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

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

S.F. No. 369, which the committee recommends to pass.

S.F. No. 87, which the committee recommends to pass with the following amendment offered by Mr. Petty:

Page 3, line 9, delete "*shall shift*" and insert "*shifts*"

Page 4, lines 23 and 24, 25, 27, 30, and 33, delete "*his or her*" and insert "*the child's*"

Page 4, line 31, delete "*him or her*" and insert "*the child*"

Page 5, line 12, delete "*any*" and insert "*a*"

Page 5, line 13, delete "*any*" and insert "*an*"

Page 5, line 17, delete "*525.6155 to 515.6165*" and insert "*525.615 to 525.6185*"

Page 8, line 2, delete "*shall*" and insert "*does*" and delete "*be construed to*"

Page 8, line 4, delete "*any*"

Page 9, line 24, delete "*any*" and insert "*an*" and delete "*clause*" and insert "*paragraph*"

Page 10, line 20, delete "*such other*" and insert "*another*" and delete "*as*"

Page 10, line 35, delete "*any*" and insert "*a*"

The motion prevailed. So the amendment was adopted.

S.F. No. 218, which the committee recommends to pass with the following amendment offered by Mr. Merriam:

Page 5, line 26, before "*preceding*" insert "*immediately*"

Page 6, line 35, after "*filed*" insert "*immediately*"

The motion prevailed. So the amendment was adopted.

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

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the proceedings on H.F. No. 371. The Sergeant at Arms was instructed to bring in the absent members.

Without objection, the Senate reverted to the Order of Business of Messages from the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 15, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 15: A bill for an act relating to metropolitan government; changing the terms of members of the metropolitan council; requiring that metropolitan council district boundaries be redrawn after each federal census; redrawing metropolitan council district boundaries; establishing new metropolitan commission districts, formerly called precincts; changing references to precincts; changing the terms of commission members and chairmen; requiring the governor to appoint council members and establishing terms; requiring the newly appointed metropolitan council to appoint commission members and establishing terms; amending Minnesota Statutes 1982, sections 473.123, subdivision 3, and by adding subdivisions; 473.141, subdivisions 2, 4, and 5, and by adding a subdivision; and 473.303, subdivisions 2, 4, and 5, and by adding a subdivision; repealing Minnesota Statutes 1982, section 473.123, subdivision 2.

Senate File No. 15 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1983

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 371, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 371 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 30, 1983

CONFERENCE COMMITTEE REPORT ON H.F. NO. 371

A bill for an act relating to transportation; making scheduled increases in taxes on gasoline and special fuel; delaying the effective date of changes in the disposition of the revenue from the motor vehicle excise tax; providing for the addition of designated routes in the trunk highway system; authorizing the issuance of trunk highway bonds; eliminating the authority of the metropolitan transit commission to levy a certain tax; creating a town road account in the county state-aid highway fund; providing for the apportionment of five percent of the net highway user tax distribution fund; proposing new law coded in Minnesota Statutes, chapters 162 and 169; amending Minnesota Statutes 1982, sections 161.081; 161.082, subdivision 2a; 296.01, subdivision 24; 296.02; 296.14, subdivision 2; 296.18, by adding a subdivision; 297B.09; and 473.446, subdivision 1.

March 29, 1983

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

The Honorable Jerome M. Hughes

President of the Senate

We, the undersigned conferees for H.F. No. 371, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 371 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 161.081, is amended to read:

161.081 [HIGHWAY USER TAX, DISTRIBUTION OF PORTION OF PROCEEDS.]

Pursuant to article 14, section 5, of the constitution, five percent of the net highway user tax distribution fund is set aside, and apportioned as follows:

- (1) ~~60~~ 51 percent to the trunk highway fund;
- (2) ~~34~~ 41 percent to a separate account in the county state-aid highway fund to be known as the county turnback account, which account in the state treasury is hereby created;
- (3) 9 8 percent to a separate account in the municipal state-aid street fund to be known as the municipal turnback account, which account in the state treasury is hereby created.

Sec. 2. Minnesota Statutes 1982, section 161.082, subdivision 2a, is amended to read:

Subd. 2a. An amount equal to ~~32~~ 20 percent of the county turnback account ~~shall~~ must be expended, within counties having two or more towns, on town road bridge structures that are 10 feet or more in length and on town road culverts that replace existing town road bridges. The expenditures on such bridge structures and culverts may be on a matching basis, and if on a matching basis, not more than 90 percent of the cost of ~~any such~~ a bridge structure ~~shall~~ or culvert may be paid from the county turnback account.

An amount equal to 37 percent of the county turnback account must be set aside as a town road account and distributed as provided in section 3.

Sec. 3. [162.081] [TOWN ROAD ACCOUNT.]

Subdivision 1. [ACCOUNT CREATED.] A town road account is created in the county state-aid highway fund, consisting of 37 percent of the county turnback account as provided in section 161.082.

Subd. 2. [FORMULA.] Funds in the town road account must be apportioned to each county so that each county receives the percentage that the total miles of town road in the county bears to the total miles of town roads in the state.

Subd. 3. [APPORTIONMENT.] When the commissioner determines the amount of money to be apportioned to each county under section 162.07, he shall also determine the amounts in the town road account to be apportioned under subdivision 2. The apportionment under subdivision 2 must be included in the statement sent to the commissioner of finance and the county auditor and county engineer of each county under section 162.08, subdivi-

sion 2. *The amounts so apportioned and allocated to each county from the town road account must be paid by the state to the treasurer of each county at the same time that payments are made under section 162.08, subdivision 2.*

Subd. 4. [PURPOSES.] Money apportioned to a county from the town road account must be distributed to the treasurer of each town within the county, according to a distribution formula adopted by the county board. The formula must take into account each town's levy for road and bridge purposes, its population and town road mileage, and other factors as the county board deems advisable in the interests of achieving equity among the towns. Distribution of town road funds to the treasurer of the towns must be made within 30 days of the receipt of the funds by the county treasurer. Distribution of funds to town treasurers in a county which has not adopted a distribution formula under this subdivision must be made according to a formula prescribed by the commissioner by rule. A formula adopted by a county board or by the commissioner must provide that a town, in order to be eligible for distribution of funds from the town road account in a calendar year, must have levied in the previous year for road and bridge purposes at least two mills on the dollar of the assessed value of the town.

Money distributed to a town under this subdivision may be expended by the town only for the construction and reconstruction of town roads within the town.

Sec. 4. Minnesota Statutes 1982, section 167.50, subdivision 2, is amended to read:

Subd. 2. The bonds shall be issued and sold upon sealed bids after two weeks' published notice. They shall mature serially over a term not exceeding 20 years from their respective dates of issue; ~~and shall not be sold for less than par and accrued interest; and shall not bear interest at a greater rate than five percent per annum.~~ Subject to the foregoing limitations, and subject to any other limitations stated in the acts authorizing the bonds and appropriating the proceeds thereof, but not subject to the provisions of sections 14.02, 14.04 to 14.36, 14.38, 14.44 to 14.45, and 14.57 to 14.62, the bonds shall be issued and sold in the number of series, at times, in the form and denominations, bearing interest at the rate or rates, maturing on dates, either without option of prior redemption or subject to prepayment upon notice and at the times and prices, payable at the bank or banks, within or without the state, with provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale and delivery of definitive bonds, and in accordance with such further regulations, as the commissioner of finance may determine. The bonds shall be executed by the commissioner of finance and attested by the state treasurer under their official seals. The signature of one of these officers on the face of any bond, and their seals, and the signatures of both officers on the interest coupons appurtenant to any bond, may be printed, lithographed, stamped, or engraved thereon.

Sec. 5. [169.833] [ADDITION OF TRUNK HIGHWAYS TO DESIGNATED ROUTE SYSTEM.]

Subdivision 1. [IDENTIFICATION OF PROJECTS.] The commissioner shall develop a priority list of trunk highway routes to be added to the system of routes designated under section 169.832. The commissioner shall consult

with representatives of the trucking, shipping, and agricultural industries and local authorities in developing the list. A route shall be added to the designated route system after completion of road improvements that provide road strength adequate to carry the permissible weights under section 169.825 or when the commissioner otherwise determines that designation of a route is reasonable.

Subd. 2. [FUNDING OF ADDITIONS TO THE SYSTEM.] On July 1 of each year the commissioner of finance shall certify to the commissioner the estimated increase in revenue to the trunk highway fund resulting from the increase in the gasoline and special fuel excise tax under section 7. The commissioner shall expend 15 percent of the increase in revenue to the trunk highway fund resulting from the increase in the gasoline and special fuel excise tax under section 7 and 15 percent of future increases in gasoline and special fuel excise tax revenues to the trunk highway fund for the purposes of subdivision 1. In the event that actual expenditures during any fiscal year are less or greater than 15 percent when compared to actual revenue the commissioner shall adjust his expenditures for the purpose of subdivision 1 for the following years in order to achieve compliance with this subdivision.

Sec. 6. Minnesota Statutes 1982, section 296.01, subdivision 24, is amended to read:

Subd. 24. [AGRICULTURAL ALCOHOL GASOLINE.] "Agricultural alcohol gasoline" means a gasoline blend at least ten percent of which is ~~agricultural~~ agriculturally derived fermentation ethyl alcohol of ~~at least 190 proof~~ a purity of at least 99 percent, determined without regard to any added denaturants, denatured in conformity with one of the approved methods set forth by the United States Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, and derived from agricultural or forest products or other renewable resources, distilled in the United States and derived from agricultural products produced in the United States.

Sec. 7. Minnesota Statutes 1982, section 296.02, is amended to read:

296.02 [GASOLINE, EXCISE TAX.]

Subdivision 1. [TAX IMPOSED FOR MOTOR VEHICLE USE.] There is ~~hereby~~ imposed an excise tax of ~~13 cents per gallon~~ on all gasoline used in producing and generating power for propelling motor vehicles used on the public highways of this state. This tax ~~shall be~~ is payable at the times, in the manner, and by persons specified in this chapter. ~~The tax is payable at the rate specified in subdivision 1b.~~

(a) Notwithstanding any other provision of law to the contrary, the tax imposed on special fuel sold by a qualified service station ~~shall~~ may not exceed, or the tax on gasoline delivered to a qualified service station ~~shall~~ must be reduced to, a rate not more than ~~3~~ three cents per gallon above the state tax rate imposed on such products sold by a service station in a contiguous state located within the distance indicated in clause (b).

(b) A "qualifying service station" means a service station located within 7.5 miles, measured by the shortest route by public road, from a service station selling like product in the contiguous state.

(c) A qualified service station shall be allowed a credit by the supplier or

distributor, or both, for the amount of reduction computed in accordance with clause (a).

A qualified service station, before receiving the credit, shall be registered with the commissioner of revenue.

Subd. 1a. [EXCEPTION.] The provisions of subdivision 1 do not apply to gasoline purchased by a transit system owned by one or more statutory or home rule charter cities or towns.

Subd. 1b. [RATES IMPOSED.] *The gasoline excise tax is imposed at the following rates:*

(a) *For the period beginning on the first day of the month following the month of final enactment of this act, or on the first day of the second month following the month of final enactment of this act if the date of final enactment of this act is within 15 days of the end of the month, and ending December 31, 1983, gasoline is taxed at the rate of 16 cents per gallon.*

(b) *For the period on and after January 1, 1984, gasoline is taxed at the rate of 17 cents per gallon.*

Subd. 2. [GASOLINE TAX IMPOSED FOR AVIATION USE.] Subject to the provisions of section 296.18, subdivision 4, there is ~~hereby~~ imposed an excise tax, at the same rate per gallon as the gasoline excise tax, on all aviation gasoline received, sold, stored, or withdrawn from storage in this state. This tax ~~shall be~~ is payable at the times, in the manner, and by persons specified in sections 296.01 to 296.27.

Subd. 3. [EXCEPTION.] The provisions of subdivision 2 do not apply to aviation gasoline purchased and placed in the fuel tanks of an aircraft outside this state, even though ~~such~~ the gasoline may be consumed within this state.

Subd. 4. [TAX NOT ON CONSUMPTION.] The tax imposed by subdivision 2 is expressly declared not to be a tax upon consumption of aviation gasoline by an aircraft.

Subd. 6. [TAX IMPOSED FOR MARINE USE.] Subject to the provisions of section 296.18, subdivision 1, there is ~~hereby~~ imposed an excise tax, at the same rate per gallon as the gasoline excise tax, on all marine gasoline received, sold, stored, or withdrawn from storage in this state. This tax ~~shall be~~ is payable at the times, in the manner, and by persons specified in sections 296.01 to 296.27.

Subd. 7. [TAX REDUCTION FOR AGRICULTURAL ALCOHOL GASOLINE.] ~~The tax on gasoline imposed by subdivision 1 shall be reduced by four cents per gallon for gasoline which is agricultural alcohol gasoline as defined in section 296.01, subdivision 24, which is blended by a distributor with alcohol distilled in this state from agricultural products produced in this state, and which is used in producing and generating power for propelling motor vehicles used on the public highways of this state. The tax imposed by this subdivision shall be payable at the same time, and collected in the same manner, as the tax imposed by subdivision 1. The reduction in gasoline taxes imposed by this subdivision shall expire on December 31, 1984. The tax on gasoline imposed by subdivision 1 shall be reduced by two cents per gallon beginning July 1, 1983, and continuing through June 30, 1985, and four~~

cents per gallon beginning July 1, 1985, and continuing through June 30, 1992, for gasoline which is agricultural alcohol gasoline as defined in section 296.01, subdivision 24, which is blended by a distributor with alcohol distilled in the United States from agricultural products produced in the United States, and which is used on the public highways of this state. The tax imposed by this subdivision shall be payable at the same time, and collected in the same manner, as the tax imposed by subdivision 1.

Subd. 8. [TAX REDUCTION FOR AGRICULTURAL ALCOHOL GASOLINE SOLD IN BULK TO GOVERNMENT OR FOR SCHOOL TRANSPORTATION.] *The tax on gasoline imposed by subdivision 1 shall be reduced by eight cents per gallon beginning January 1, 1984, and continuing through June 30, 1992, for gasoline which is agricultural alcohol gasoline as defined in section 296.01, subdivision 24, meets the criteria established in subdivision 7, and is sold in bulk to the state, local units of government, or for use in the transportation of pupils to and from school or school-related events in school buses. This reduction is in lieu of the reductions provided in subdivision 7.*

Sec. 8. Minnesota Statutes 1982, section 296.14, subdivision 2, is amended to read:

Subd. 2. [CREDIT OR REFUND OF TAX PAID.] The commissioner shall allow the distributor credit or refund of the tax paid on gasoline and special fuel:

(1) Exported or sold for export from the state, other than in the supply tank of a motor vehicle or of an aircraft;

(2) Sold to the United States government or to any "cost plus a fixed fee" contractor employed by the United States government on any national defense project;

(3) Sold to another licensed distributor;

(4) Destroyed by accident while in the possession of the distributor;

(5) In error;

(6) *Sold for storage in an on-farm bulk storage tank, if the tax was not collected on the sale;*

(7) In such other cases as the commissioner may permit, not inconsistent with the provisions of this chapter and other laws relating to the gasoline and special fuel excise taxes.

Sec. 9. Minnesota Statutes 1982, section 296.18, is amended by adding a subdivision to read:

Subd. 3a. [PENALTY FOR ILLEGAL USE OF TAX-EXEMPT GASOLINE.] *A person who uses gasoline, delivered into an on-farm bulk storage tank and on which no tax has been collected, for propelling a motor vehicle on the public highways of this state is guilty of a misdemeanor.*

Sec. 10. Minnesota Statutes 1982, section 296.14, subdivision 4, is amended to read:

Subd. 4. [PAYMENT AND TRANSFER OF TAX ON GASOLINE SOLD FOR STORAGE IN ON-FARM BULK STORAGE AND ETHYL ALCOHOL

FOR PERSONAL USE.] Notwithstanding the provisions of this section, the producer of ethyl alcohol which is produced for personal use and not for sale in the usual course of business *and a farmer who uses gasoline on which a tax has not been paid* shall report and pay the tax on all ethyl alcohol *or gasoline* delivered into the supply tank of a licensed motor vehicle during the preceding calendar year. The tax shall be reported and paid together with the income tax return of the taxpayer. The commissioner of revenue shall transfer the amount collected in each calendar year to the highway user tax distribution fund by March 30 of the following taxable year. Any producer, qualifying under this subdivision, shall be exempt from the licensing requirements contained in section 296.01, subdivision 1.

Sec. 11. Minnesota Statutes 1982, section 297B.09, is amended to read:

297B.09 [ALLOCATION OF REVENUE.]

Subdivision 1. [GENERAL FUND SHARE.] ~~All moneys~~ Money collected and received under this chapter ~~shall must~~ be deposited in the state treasury and credited as follows:

(a) All of the proceeds collected before ~~June 30, 1983~~ *July 1, 1985*, ~~shall~~ *must* be credited to the general fund.

(b) Three-fourths of the proceeds collected after June 30, ~~1983~~ *1985*, and before July 1, ~~1985~~ *1987*, ~~shall must~~ be credited to the general fund.

(c) One-half of the proceeds collected after June 30, ~~1985~~ *1987*, and before July 1, ~~1987~~ *1989*, ~~shall must~~ be credited to the general fund.

(d) One-fourth of the proceeds collected after June 30, ~~1987~~ *1989*, and before July 1, ~~1989~~ *1991*, ~~shall must~~ be credited to the general fund.

(e) After June 30, ~~1989~~ *1991*, none of the proceeds collected ~~shall may~~ be credited to the general fund.

Subd. 2. [HIGHWAY USER TAX DISTRIBUTION FUND AND TRANSIT ASSISTANCE FUND SHARE.] The proceeds collected under this chapter and not credited to the general fund ~~shall must~~ be deposited in the highway user tax distribution fund and the transit assistance fund for apportionment in the following manner:

(a) None of the proceeds collected before ~~June 30, 1983~~ *July 1, 1985*, ~~shall~~ *may* be credited to either fund.

(b) 18.75 percent of the proceeds collected after June 30, ~~1983~~ *1985*, and before July 1, ~~1985~~ *1987*, ~~shall must~~ be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 6.25 percent of the proceeds ~~shall must~~ be credited to the transit assistance fund account to be appropriated to the commissioner of transportation for transit assistance within the state.

(c) 37.5 percent of the proceeds collected after June 30, ~~1985~~ *1987*, and before July 1, ~~1987~~ *1989*, ~~shall must~~ be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 12.5 percent of the proceeds ~~shall must~~ be credited to the transit assistance fund account to be

appropriated to the commissioner of transportation for transit assistance within the state.

(d) 56.25 percent of the proceeds collected after June 30, 1987 1989, and before July 1, 1989 1991, ~~shall must~~ be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 18.75 percent of the proceeds ~~shall must~~ be credited to the transit assistance fund account to be appropriated to the commissioner of transportation for transit assistance within the state.

(e) 75 percent of the proceeds collected after June 30, 1989 1991, ~~shall must~~ be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 25 percent of the proceeds ~~shall must~~ be credited to the transit assistance fund account to be appropriated to the commissioner of transportation for transit assistance within the state.

Sec. 12. [TRUNK HIGHWAY BONDS.]

The commissioner of finance is authorized and directed, on request of the commissioner of transportation, to issue and sell Minnesota trunk highway bonds under the provisions of Minnesota Statutes, sections 167.50 to 167.52 and of the Minnesota Constitution, article XI, sections 4 to 6, and article XIV, section 11, at the time and in the amounts requested by the commissioner of transportation. Bonds issued under this section are authorized in an aggregate principal amount of \$56,000,000.

Sec. 13. Minnesota Statutes 1982, section 473.446, subdivision 1, is amended to read:

Subdivision 1. [TAXATION WITHIN TRANSIT TAXING DISTRICT.] For the purposes of sections 473.401 to 473.451 and the metropolitan transit system, except as otherwise provided in this subdivision the metropolitan transit commission shall levy each year upon all taxable property within the metropolitan transit taxing district, defined in subdivision 2, a transit tax consisting of:

(a) An amount equal to two mills times the assessed value of all such property, the proceeds of which shall be used for payment of the expenses of operating transit and paratransit service;

(b) An additional amount, if any, as the commission determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations outstanding on July 1, 1977, to which property taxes under this section have been pledged; and

(c) An additional amount necessary to provide full and timely payment of certificates of indebtedness, bonds, or other obligations issued pursuant to section 473.436 for purposes of acquisition and betterment of property and other improvements of a capital nature and to which the commission has specifically pledged tax levies under this clause.

~~In any statutory or home rule charter city or town in the metropolitan transit taxing district which is receiving financial assistance under section 474.265,~~

the commission shall levy a tax equal to ten percent of the sum of levies provided for in clauses (a) to (e), plus a levy sufficient to yield the amounts of available local transit funds transferred pursuant to section 174.265 from the state assistance available to the commission, less any amount paid to the commission by the city or town under a contract for service entered into pursuant to subdivision 2.

Sec. 14. [HIGHWAY STUDY COMMISSION.]

Subdivision 1. [MEMBERSHIP.] A highway study commission is created to consist of five members of the house of representatives appointed by the speaker of the house, five members of the senate appointed by the senate committee on committees, and eight members appointed by the governor. Of the members appointed by the governor two must be county commissioners, two must be township supervisors, two must be mayors of cities over 5,000 population, two must be mayors of cities under 5,000 population and not more than one member may reside in any one congressional district. The commission shall select from its membership a chairman and other officers it deems necessary.

Subd. 2. [DUTIES OF COMMISSION.] The commission shall study:

(1) A functional classification of all roads in the state of Minnesota, using criteria established by the United States department of transportation and such other criteria as are deemed necessary by the commission. In classifying roads the commission shall make use of work already done by regional development commission and the metropolitan council.

(2) The existing jurisdiction of all roads in the state and their appropriate jurisdiction based on functional classification.

(3) The attitudes of local units of government toward changes in highway jurisdiction.

(4) Potential obstacles to transfers of highway jurisdiction, including transfers of support facilities and maintenance personnel.

(5) Changes in the constitutional distribution of highway user funds which may be required as a part of any transfer of jurisdiction.

(6) Existing and potential government structures to accomplish jurisdictional transfers on a continuing basis.

(7) Timetables for implementing any jurisdictional transfers.

Subd. 3. [REPORT.] The commission shall not later than January 15, 1985, submit a report to the legislature and the governor on the issues assigned to it for study, and shall cease to function after that date.

Subd. 4. [STAFF.] The commission shall utilize existing legislative staff and facilities. The department of transportation shall also provide staff and technical assistance to the commission.

Subd. 5. [EXPENSES.] The compensation of nonlegislator members, their removal from office, and the filling of vacancies is as provided in section 15.059, subdivisions 3 and 4. Members who are legislators shall be com-

pensated in the same manner as other legislative meetings.

Subd. 6. [APPROPRIATION.] There is appropriated from the general fund the sum of \$7,000 or so much thereof as is necessary to the legislative coordinating commission to pay compensation of nonlegislator members of the commission. This appropriation is available until January 15, 1985.

Sec. 15. [EFFECTIVE DATE.]

Sections 4, 12, and 13 are effective the day following final enactment. Sections 6 and 7 are effective on the first day of the month following the month of final enactment or on the first day of the second month following the month of final enactment if the date of final enactment is within 15 days of the end of the month, and applies to all gasoline in distributor storage on that effective date, except that the tax rate which becomes effective on January 1, 1984, applies to all gasoline in distributor storage on that date. Sections 5 and 11 are effective July 1, 1983. Sections 1 to 3 are effective on the effective date provided for sections 6 and 7 for apportionments made after that date."

Amend the title as follows:

"A bill for an act relating to transportation; making scheduled increases in taxes on gasoline and special fuel; delaying the effective date of changes in the disposition of the revenue from the motor vehicle excise tax; providing for the improvement of certain trunk highways; authorizing the issuance of trunk highway bonds; eliminating the authority of the metropolitan transit commission to levy a certain tax; creating a town road account in the county state-aid highway fund; providing for the apportionment of five percent of the net highway user tax distribution fund; repealing a limitation on interest rates for trunk highway bonds; creating a study commission; appropriating money; providing a penalty; amending Minnesota Statutes 1982, sections 161.081; 161.082, subdivision 2a; 167.50, subdivision 2; 296.01, subdivision 24; 296.02; 296.14, subdivisions 2 and 4; 296.18, by adding a subdivision; 297B.09; and 473.446, subdivision 1; proposing new law coded in Minnesota Statutes, chapters 162 and 169."

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

House Conferees: (Signed) Bob Jensen, James I. Rice, Glen H. Anderson

Senate Conferees: (Signed) Clarence M. Purfeerst, Douglas J. Johnson, Collin C. Peterson, Steven G. Novak, Gene Waldorf

Mr. Purfeerst moved that the foregoing recommendations and Conference Committee Report on H.F. No. 371 be now adopted, and that the bill be repassed as amended by the Conference Committee.

Mr. Frederick moved that the recommendations and Conference Committee Report on H.F. No. 371 be not adopted.

The question was taken on the adoption of the motion of Mr. Frederick.

The roll was called, and there were yeas 26 and nays 38, as follows:

Those who voted in the affirmative were:

Adkins	Brataas	Kamrath	Olson	Taylor
Anderson	Dieterich	Knaak	Peterson, D.L.	Ulland
Belanger	Frederick	Kronebusch	Ramstad	
Benson	Frederickson	Laidig	Renneke	
Berg	Isackson	McQuaid	Sieloff	
Bernhagen	Johnson, D.E.	Mehrkens	Storm	

Those who voted in the negative were:

Berglin	Frank	Luther	Peterson, D.C.	Solon
Bertram	Freeman	Merriam	Peterson, R.W.	Spear
Chmielewski	Hughes	Moe, D. M.	Petty	Stumpf
Dahl	Johnson, D.J.	Moe, R. D.	Pogemiller	Vega
Davis	Kroening	Nelson	Purfeerst	Waldorf
DeCramer	Langseth	Novak	Reichgott	Wegscheid
Dicklich	Lantry	Pehler	Samuelson	
Diessner	Lessard	Peterson, C.C.	Schmitz	

The motion did not prevail.

The question recurred on the motion of Mr. Purfeerst. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 371 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 38 and nays 27, as follows:

Those who voted in the affirmative were:

Berglin	Frank	Luther	Peterson, D.C.	Solon
Chmielewski	Freeman	Merriam	Peterson, R.W.	Spear
Dahl	Hughes	Moe, D. M.	Petty	Stumpf
Davis	Johnson, D.J.	Moe, R. D.	Pogemiller	Vega
DeCramer	Kroening	Nelson	Purfeerst	Waldorf
Dicklich	Langseth	Novak	Reichgott	Wegscheid
Diessner	Lantry	Pehler	Samuelson	
Dieterich	Lessard	Peterson, C.C.	Schmitz	

Those who voted in the negative were:

Adkins	Bertram	Kamrath	Mehrkens	Storm
Anderson	Brataas	Knaak	Olson	Taylor
Belanger	Frederick	Knutson	Peterson, D.L.	Ulland
Benson	Frederickson	Kronebusch	Ramstad	
Berg	Isackson	Laidig	Renneke	
Bernhagen	Johnson, D.E.	McQuaid	Sieloff	

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

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 4:00 p.m., Monday, April 4, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate