

## FORTY-SIXTH DAY

St. Paul, Minnesota, Wednesday, May 4, 1983

The Senate met at 9:00 a.m. and was called to order by the President.

### CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Roger F. Carroll.

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

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

The President declared a quorum present.

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

### EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

March 1, 1983

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

The following appointment to the Tax Court is hereby respectfully submitted to the Senate for confirmation as required by law:

Earl B. Gustafson, 984 Ashland Avenue, St. Paul, Ramsey County, has

been appointed by me, effective February 19, 1983, for a term expiring the first Monday in January, 1989.

(Referred to the Committee on Taxes and Tax Laws.)

Sincerely,  
Rudy Perpich, Governor

### REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

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

H.F. No. 294 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
294	610				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 294 be amended as follows:

Page 1, line 15, reinstate the stricken "and" and delete the new language

Page 1, line 16, delete the new language

Page 2, line 13, before "The" insert "*The park may not charge you an entrance fee.*"

Page 5, after line 10, insert:

*"It is also recommended that the buyer check the floor area around the water heater and furnace compartments. A weakened floor can create a fire hazard."*

Page 6, line 23, delete everything after the period

Page 6, delete lines 24 and 25

Page 6, after line 29, insert:

*"I, \_\_\_\_\_, the undersigned, hereby declare that the above information is true and correct to the best of my knowledge."*

Delete page 6, line 36 to page 7, line 2

Page 7, line 6, delete the quote mark

Page 7, delete lines 7 and 8

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "requiring compliance with certain home safety features;"

And when so amended H.F. No. 294 will be identical to S.F. No. 610, and further recommends that H.F. No. 294 be given its second reading and substituted for S.F. No. 610, 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. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which were referred the following appointments as reported in the Journal for January 24, 1983:

#### **CABLE COMMUNICATIONS BOARD**

Martin J. Pinkney

Faith Zwemke

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred the following appointment as reported in the Journal for February 10, 1983:

#### **CABLE COMMUNICATIONS BOARD**

Eugene F. Trumble

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

#### **SECOND READING OF HOUSE BILLS**

H.F. No. 294 was read the second time.

#### **MOTIONS AND RESOLUTIONS**

Mr. Kroening moved that the name of Mr. Merriam be added as a co-author to S.F. No. 683. The motion prevailed.

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

#### **SPECIAL ORDER**

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.

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	Diessner	Kroening	Novak	Sieloff
Anderson	Dieterich	Kronebusch	Olson	Solon
Belanger	Frank	Laidig	Peterson, C. C.	Spear
Benson	Frederick	Langseth	Peterson, D. C.	Storm
Berg	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	Ramstad	Waldorf
Dahl	Johnson, D. J.	Merriam	Reichgott	Wegscheid
Davis	Jude	Moe, D. M.	Renneke	Willet
DeCramer	Kamrath	Moe, R. D.	Samuelson	
Dicklich	Knaak	Nelson	Schmitz	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 166: A bill for an act relating to local government; providing for prosecution of certain gross misdemeanors; authorizing agreements between cities and counties for the prosecution of certain offenses by county attorneys; authorizing counties pursuant to agreement with cities to engage attorneys for prosecution of misdemeanors, petty misdemeanors, and violations of municipal ordinances, charters, and regulations; establishing a formula for disposition of fine proceeds; authorizing cities to pay certain witness expenses; amending Minnesota Statutes 1982, sections 169.129; 299D.03, subdivision 5; 357.13, subdivision 1; 357.23; 388.051; 388.09; 388.18, subdivision 5; 487.25, subdivision 10; 487.33, subdivisions 1 and 5; 574.34; and 609.487, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 487.

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 540: A bill for an act relating to crimes; creating the crimes of

unlawfully obtaining services from a provider of regular route transit and unlawfully interfering with a transit operator while the operator is performing his or her duties; prohibiting disruptive behavior on a transit vehicle; providing penalties; proposing new law coded in Minnesota Statutes, chapter 609.

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 52 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Kroening	Peterson, D.C.	Sieloff
Anderson	Frederick	Kronebusch	Peterson, D.L.	Solon
Belanger	Frederickson	Laidig	Peterson, R.W.	Spear
Benson	Freeman	Luther	Petty	Storm
Berg	Hughes	McQuaid	Pogemiller	Taylor
Berglin	Isackson	Mehrrens	Purfeerst	Ulland
Brataas	Johnson, D.E.	Merriam	Ramstad	Vega
Davis	Johnson, D.J.	Novak	Reichgott	Waldorf
Dicklich	Jude	Olson	Renneke	
Diessner	Kamrath	Pehler	Samuelson	
Dieterich	Knaak	Peterson, C.C.	Schmitz	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 74: A bill for an act relating to notaries public; increasing the fees they may charge; amending Minnesota Statutes 1982, section 357.17.

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 52 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frederick	Kronebusch	Peterson, D.C.	Solon
Anderson	Frederickson	Laidig	Peterson, D.L.	Spear
Belanger	Freeman	Luther	Petty	Storm
Benson	Hughes	McQuaid	Pogemiller	Stumpf
Berg	Isackson	Mehrrens	Purfeerst	Taylor
Berglin	Johnson, D.E.	Merriam	Ramstad	Ulland
Brataas	Johnson, D.J.	Moe, D. M.	Reichgott	Vega
Dicklich	Jude	Novak	Renneke	Waldorf
Diessner	Kamrath	Olson	Samuelson	
Dieterich	Knaak	Pehler	Schmitz	
Frank	Kroening	Peterson, C.C.	Sieloff	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 31: A bill for an act relating to veterans affairs; prohibiting searches at the Minnesota veterans home except under criminal warrant; proposing new law coded in Minnesota Statutes, chapter 198.

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 44 and nays 6, as follows:

Those who voted in the affirmative were:

Adkins	Freeman	Kronebusch	Pehler	Renneke
Belanger	Hughes	Laidig	Peterson, C.C.	Schmitz
Berglin	Isackson	Luther	Peterson, D.C.	Sieloff
Bernhagen	Johnson, D.E.	McQuaid	Peterson, D.L.	Solon
Dicklich	Johnson, D.J.	Mehrkens	Peterson, R.W.	Spear
Diessner	Jude	Merriam	Pogemiller	Storm
Dieterich	Kamrath	Moe, D. M.	Purfeerst	Ulland
Frank	Knaak	Novak	Ramstad	Vega
Frederickson	Kroening	Olson	Reichgott	

Those who voted in the negative were:

Anderson	Berg	Brataas	Frederick	Taylor
Benson				

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 606: A bill for an act relating to civil commitment; clarifying the definition of person mentally ill and dangerous to the public; clarifying the commissioner's duty to review the correspondence rights of patients; providing for informal admissions of persons under 16 years of age; providing for special emergency admissions of chemically dependent persons; clarifying the role of examiners in certain instances; providing for involuntary return to a facility after revocation of provisional discharges; providing for 60-day hearings for persons committed as mentally ill and dangerous; changing the time limitation on certain special review board petitions; authorizing the commissioner to accept admissions to regional centers from the Indian Health Service; amending Minnesota Statutes 1982, sections 253B.02, subdivisions 5, 17, and 18; 253B.03, subdivisions 2 and 6; 253B.04, subdivision 1; 253B.05, subdivision 2, and by adding a subdivision; 253B.06; 253B.07, subdivisions 1, 3, and 4; 253B.12, subdivision 1; 253B.13, subdivision 1; 253B.15, subdivisions 5, 6, and 7; 253B.18, subdivisions 2, 3, 5, and 13; 253B.19, subdivision 5; 253B.22, subdivision 1; 253B.23, by adding a subdivision; and Laws 1982, chapter 581, section 26; proposing new law coded in Minnesota Statutes, chapter 253B.

Mr. Spear moved to amend H.F. No. 606, as amended pursuant to Rule 49, adopted by the Senate May 2, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 732.)

Page 1, after line 33, insert:

"Sec. 2. Minnesota Statutes 1982, section 253B.02, subdivision 13, is amended to read:

Subd. 13. [MENTALLY ILL PERSON.] "Mentally ill person" means any person who has *an organic disorder of the brain or a substantial psychiatric disorder of thought, mood, perception, orientation, or memory which grossly impairs judgment, behavior, capacity to recognize reality, or to reason or understand, which (a) is manifested by instances of grossly disturbed behavior or faulty perceptions; and (b) poses a substantial likelihood of physical harm to himself or others as demonstrated by (i) a recent*

attempt or threat to physically harm himself or others, or (ii) a failure to provide necessary food, clothing, shelter or medical care for himself, as a result of the impairment. This impairment excludes (a) epilepsy, (b) mental retardation, (c) brief periods of intoxication caused by alcohol or drugs, or (d) dependence upon or addiction to any alcohol or drugs."

Page 11, line 6, delete "*review statement*" and insert "*treatment report*"

Page 15, line 16, delete "26" and insert "27"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 17, after "5," insert "13,"

The motion prevailed. So the amendment was adopted.

H.F. No. 606 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 49 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kamrath	Novak	Renneke
Anderson	Frank	Knaak	Olson	Schmitz
Belanger	Frederick	Kroening	Pehler	Sieloff
Benson	Frederickson	Kronebusch	Peterson, C.C.	Solon
Berg	Freeman	Laidig	Peterson, D.C.	Spear
Berglin	Hughes	Luther	Peterson, D.L.	Storm
Bernhagen	Isackson	McQuaid	Pogemiller	Taylor
Brataas	Johnson, D.E.	Merriam	Purfeerst	Ulland
Dicklich	Johnson, D.J.	Moe, D. M.	Ramstad	Vega
Diessner	Jude	Nelson	Reichgott	

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

### SPECIAL ORDER

S.F. No. 1008: A bill for an act relating to courts; authorizing the appointment of court referees; amending Minnesota Statutes 1982, sections 260.031, subdivision 1; 484.65, subdivisions 4, 5, and 6; and 484.70, subdivision 1; repealing Minnesota Statutes 1982, section 484.701.

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 42 and nays 4, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kroening	Peterson, C.C.	Sieloff
Anderson	Frank	Kronebusch	Peterson, D.C.	Solon
Belanger	Frederick	Laidig	Peterson, D.L.	Storm
Benson	Freeman	Luther	Pogemiller	Taylor
Berg	Hughes	McQuaid	Purfeerst	Ulland
Berglin	Isackson	Nelson	Ramstad	Vega
Bernhagen	Johnson, D.E.	Novak	Reichgott	
Dicklich	Kamrath	Olson	Renneke	
Diessner	Knaak	Pehler	Schmitz	

Messrs. Jude; Merriam; Moe, D.M. and Spear voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 557: A bill for an act relating to costs and attorney fees; providing for recovery of costs and attorney fees by prevailing parties in civil actions against the state and administrative contested cases; amending Minnesota Statutes 1982, section 549.21; proposing new law coded in Minnesota Statutes, chapter 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 48 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Kroening	Olson	Schmitz
Anderson	Frederick	Kronebusch	Pehler	Sieloff
Belanger	Frederickson	Laidig	Peterson, C. C.	Solon
Benson	Freeman	Luther	Peterson, D. C.	Spear
Berg	Hughes	McQuaid	Peterson, D. L.	Storm
Berglin	Isackson	Mehrkins	Peterson, R. W.	Taylor
Bernhagen	Johnson, D. E.	Merriam	Pogemiller	Ulland
Dicklich	Jude	Moe, D. M.	Ramstad	Vega
Diessner	Kamrath	Nelson	Reichgott	
Dieterich	Knaak	Novak	Renneke	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 1152: A bill for an act relating to marriage dissolution; clarifying factors to be considered in modifying a child support order; amending Minnesota Statutes 1982, section 518.64, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 48 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Kroening	Olson	Schmitz
Anderson	Frederick	Kronebusch	Pehler	Sieloff
Belanger	Frederickson	Laidig	Peterson, C. C.	Solon
Berg	Freeman	Luther	Peterson, D. C.	Spear
Berglin	Hughes	McQuaid	Peterson, D. L.	Storm
Bernhagen	Isackson	Mehrkins	Peterson, R. W.	Taylor
Brataas	Johnson, D. E.	Merriam	Pogemiller	Ulland
Dicklich	Jude	Moe, D. M.	Ramstad	Vega
Diessner	Kamrath	Nelson	Reichgott	
Dieterich	Knaak	Novak	Renneke	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 794: A bill for an act relating to the legislature; enacting the present legislative apportionment into statutory form with minor alterations;



amending Minnesota Statutes 1982, sections 2.021; 2.031; proposing new law coded in Minnesota Statutes, chapter 2; and repealing Minnesota Statutes 1982, sections 2.041 to 2.712.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 34 and nays 30, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Lantry	Novak	Schmitz
Belanger	Frank	Lessard	Peterson, C.C.	Solon
Berglin	Freeman	Luther	Peterson, D.C.	Stumpf
Dahl	Hughes	Merriam	Petty	Vega
Davis	Johnson, D.J.	Moe, D. M.	Pogemiller	Waldorf
DeCramer	Jude	Moe, R. D.	Purfeerst	Wegscheid
Dicklich	Kroening	Nelson	Samuelson	

Those who voted in the negative were:

Anderson	Dieterich	Knaak	Olson	Sieloff
Benson	Frederick	Kronebusch	Pehler	Spear
Berg	Frederickson	Laidig	Peterson, D.L.	Storm
Bernhagen	Isackson	Langseth	Peterson, R.W.	Taylor
Bertram	Johnson, D.E.	McQuaid	Ramstad	Ulland
Chmielewski	Kamrath	Mehrkins	Renneke	Willet

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 359: A bill for an act relating to taxation; providing a transitional period of exemption from the tax on aggregate materials under certain circumstances.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	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	Jude	Moe, D. M.	Reichgott	Wegscheid
DeCramer	Kamrath	Nelson	Renneke	Willet

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 85: A bill for an act relating to taxation; providing a property tax

credit to certain veterans awarded the congressional medal of honor; appropriating money; proposing new law coded in Minnesota Statutes, chapter 273.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 4, as follows:

Those who voted in the affirmative were:

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

Ms. Berglin, Messrs. Peterson, R.W.; Petty and Spear voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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; requiring these funds to be dedicated to tourism marketing and promotion; proposing new law coded in Minnesota Statutes, chapter 477A.

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 43 and nays 20, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Langseth	Petty	Stumpf
Anderson	Hughes	Lessard	Purfeerst	Taylor
Bernhagen	Isackson	McQuaid	Ramstad	Ulland
Chmielewski	Johnson, D. E.	Mehrkens	Reichgott	Vega
Dahl	Johnson, D. J.	Moe, R. D.	Renneke	Waldorf
Davis	Jude	Nelson	Samuelson	Wegscheid
DeCramer	Kamrath	Novak	Schmitz	Willet
Frank	Kroening	Olson	Sieloff	
Frederick	Kronebusch	Peterson, C. C.	Solon	

Those who voted in the negative were:

Belanger	Dicklich	Knaak	Merriam	Peterson, R. W.
Berg	Diessner	Laidig	Pehler	Pogemiller
Berglin	Dieterich	Lantry	Peterson, D. C.	Spear
Bertram	Freeman	Luther	Peterson, D. L.	Storm

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 1092: A bill for an act relating to motor vehicles; allowing the

holder of personalized license plates to retain the same number after the personalized plates have been damaged, lost, or stolen; amending Minnesota Statutes 1982, section 168.12, subdivision 2a.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 1108: A bill for an act relating to drainage; permitting certain towns to appeal from certain orders of county boards assessing damages or benefits in ditch proceedings.

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 463: A bill for an act relating to municipal planning and zoning; authorizing the establishment of a joint planning board; requiring the filing of copies of certain documents; amending Minnesota Statutes 1982, sections 462.3585; and 462.36, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 1147: A bill for an act relating to local government; permitting the cities of Richfield and Bloomington to implement an energy conservation program; authorizing the financing of a residential energy conservation program; requiring a report to the legislature.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 911: A bill for an act relating to utilities; specifying the commission's authority over the availability of submetering; amending Minnesota Statutes 1982, section 216B.02, subdivision 4, and by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 216B.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 167: A bill for an act relating to liquor; authorizing the city of Dilworth to issue one on-sale license to an Eagles Club.

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 43 and nays 14, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Moe, R. D.	Sieloff
Belanger	Dieterich	Kronebusch	Nelson	Storm
Benson	Frank	Langseth	Novak	Stumpf
Berglin	Frederick	Lantry	Peterson, D. C.	Ulland
Bertram	Freeman	Lessard	Peterson, R. W.	Vega
Dahl	Hughes	Luther	Petty	Waldorf
Davis	Isackson	McQuaid	Pogemiller	Willet
DeCramer	Johnson, D.J.	Mehrkins	Purfeerst	
Dicklich	Jude	Merriam	Reichgott	

Those who voted in the negative were:

Anderson	Frederickson	Knaak	Olson	Ramstad
Bernhagen	Johnson, D.E.	Knutson	Peterson, C. C.	Renneke
Chmielewski	Kamrath	Laidig	Peterson, D. L.	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Frederick and Knutson voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 683: A bill for an act relating to education; modifying the exercise of seniority by licensed teachers in certain circumstances; amending Minnesota Statutes 1982, sections 125.12, subdivisions 6a and 6b, and by adding a subdivision; and 125.17, subdivisions 1 and 11; and Laws 1974, chapter 237, section 1.

Mr. Kroening moved to amend S. F. No. 683 as follows:

Delete everything after the enacting clause and insert:

“Section 1. [125.051] [CERTAIN LICENSES PROHIBITED.]

*The board of teaching and the state board of education shall not issue to any individual a provisional license or any other license which is issued and valid for a limited period of time and for which the requirements to obtain the license are a portion of the requirements to obtain a nonprovisional license in the same field. For the purposes of this section “nonprovisional” license means an entrance, continuing, or life license. The provisions of this section shall not apply to a vocational educational license.*

Sec. 2. [EFFECTIVE DATE.]

*Section 1 is effective the day following final enactment.”*

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon and insert “prohibiting certain licenses for teachers;”

Page 1, delete lines 3 to 7 and insert “proposing new law coded in Minnesota Statutes, chapter 125.”

The motion prevailed. So the amendment was adopted.

S.F. No. 683 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 54 and nays 10, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Kronebusch	Olson	Sieloff
Belanger	Frederick	Laidig	Pehler	Solon
Bernhagen	Frederickson	Lantry	Peterson, C. C.	Spear
Bertram	Freeman	Lessard	Peterson, D. C.	Storm
Brataas	Hughes	Luther	Petty	Stumpf
Chmielewski	Johnson, D. E.	McQuaid	Pogemiller	Taylor
Dahl	Johnson, D. J.	Merriam	Purfeerst	Ulland
DeCramer	Jude	Moe, D. M.	Ramstad	Waldorf
Dicklich	Knaak	Moe, R. D.	Reichgott	Wegscheid
Diessner	Knutson	Nelson	Samuelson	Willet
Dieterich	Kroening	Novak	Schmitz	

Those who voted in the negative were:

Anderson	Berg	Davis	Kamrath	Peterson, D. L.
Benson	Berglin	Isackson	Mehrken	Vega

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

### SPECIAL ORDER

S.F. No. 412: A bill for an act relating to corrections; providing for the supervision and control of parolees and persons on supervised release by the commissioner of corrections; removing the limitation on contracts for temporary detention of pre-trial detainees; transferring functions and powers of the corrections board to the commissioner of corrections; providing for reimbursement of foster care costs for delinquent juveniles; amending Minnesota Statutes 1982, sections 241.26, subdivisions 1, 3, and 4; 243.05; 243.51, subdivision 3; 244.05; 244.06; 244.065; 260.251, subdivision 1a; repealing Minnesota Statutes 1982, sections 241.045; 243.07; 243.09; 243.10; 243.12; and 243.14.

Mr. Moe, D.M. moved to amend S. F. No. 412 as follows:

Page 7, after line 28, insert:

"Sec. 6. Minnesota Statutes 1982, section 244.04, subdivision 1, is amended to read:

Subdivision 1. [REDUCTION OF SENTENCE.] *Notwithstanding the provisions of section 609.11, subdivision 6, and section 609.346, subdivision 1, An inmate's term of imprisonment of any inmate sentenced to a presumptive fixed sentence after May 1, 1980, shall be reduced in duration by one day for each two days during which the inmate violates none of the disciplinary offense rules promulgated by the commissioner. The reduction shall accrue to the period of supervised release to be served by the inmate.*

If an inmate violates a disciplinary offense rule promulgated by the commissioner, good time earned prior to the violation may not be taken away, but the inmate may be required to serve an appropriate portion of his term of imprisonment after the violation without earning good time."

Page 9, after line 19, insert:

"Sec. 10. Minnesota Statutes 1982, section 244.09, subdivision 11, is amended to read:

Subd. 11. [MODIFICATION; RETROACTIVE EFFECT.] The commis-

sion shall meet as necessary for the purpose of modifying and improving the guidelines. *Any modification of the guidelines that causes a duration change shall be retroactive for all inmates serving sentences imposed pursuant to the Minnesota sentencing guidelines if the durational change reduces the appropriate term of imprisonment.*"

Page 10, after line 6, insert:

"Sec. 12. Minnesota Statutes 1982, section 383A.28, subdivision 2, is amended to read:

Subd. 2. [NUMBER AND COMPENSATION OF EMPLOYEES.] Subject to the Ramsey county civil service laws, the Ramsey county board of commissioners shall determine the number of employees and their compensation in each office or department in the county government except the abstract clerk, district court reporters, ~~county home school employees~~, the examiner of title and his deputies, the public defender and his assistants, ~~the director of court services and his principal assistants~~, welfare department employees and officers and employees of an agency supported by money provided by Ramsey county and by the city of Saint Paul.

Sec. 13. [383A.405] [CORRECTIONS.]

Subdivision 1. [DIRECTOR OF COMMUNITY CORRECTIONS.] *The management and control of the operations of any correctional, juvenile detention, or home school facility within Ramsey county shall be the responsibility of the director of the department of community corrections. All of the employees of these correctional facilities except the superintendent and the first assistant or chief deputy of the facility shall be in the classified service of the county civil service and subject to section 383A.29.*

Subd. 2. [HOME SCHOOL SUPERINTENDENT.] *Notwithstanding section 260.094, or other law, in Ramsey county, the superintendent or matron and the assistant superintendent or matron of any county home school shall be appointed and removed by the director of the county community corrections department. The county board of commissioners shall set all salaries of employees at the school subject to section 383A.29.*

Subd. 3. [DETENTION HOME STAFF.] *Notwithstanding section 260.101, or other law, in Ramsey county, staff for detention homes shall be appointed and removed by the director of the community corrections department. Salaries for all employees shall be set by the county board of commissioners subject to section 383A.29.*

Sec. 14. Minnesota Statutes 1982, section 609.02, is amended by adding a subdivision to read:

Subd. 11. [SECOND OR SUBSEQUENT VIOLATION OR OFFENSE.] *"Second or subsequent violation" or "second or subsequent offense" means that prior to the commission of the violation or offense, the actor has been adjudicated guilty of a specified similar violation or offense.*

Sec. 15. Minnesota Statutes 1982, section 609.11, subdivision 6, is amended to read:

Subd. 6. [NO EARLY RELEASE.] Any defendant convicted and sentenced as required by this section ~~shall not be~~ is not eligible for probation.



parole, discharge, or supervised release until that person shall have as served the full mandatory minimum term of imprisonment as provided by law, notwithstanding the provisions of sections 242.19, 243.05, 244.04, 609.12 and 609.135.

Sec. 16. Laws 1923, chapter 289, section 1, as amended by Laws 1949, chapter 61, section 1, Laws 1965, chapter 469, section 1, and Laws 1974, chapter 322, section 11, is amended to read:

Section 1. [~~COURT SERVICES DEPARTMENT, SECOND JUDICIAL DISTRICT COMMUNITY CORRECTIONS DEPARTMENT.~~] There is established, in the second judicial district Ramsey county, a court services community corrections department in connection with the courts of Ramsey county the second judicial district. The department is in the charge of a director of court services who shall be appointed by and serve at the pleasure of a corrections management committee comprised of three judges of the second judicial district appointed by the chief judge of the district and three members of the board of county commissioners appointed by the chairman of the board. The district judges shall appoint the director who shall serve for four years unless sooner removed for cause by the judges. The director shall supervise and administer services of the department to any courts of Ramsey county; establish necessary policy; and may divide the duties of the department into branches or divisions and appoint from department personnel; the heads of the branches or divisions, all with the approval of the district judges. The director shall have full authority and responsibility for the administration, operation, and supervision of all functions and services of the department, and shall carry out that authority and responsibility within the organizational structure and reporting relationship that is in accord with county board and judicial district administrative policies. Salary of the director shall be set by the county board of commissioners upon recommendation of the corrections management committee.

Sec. 17. Laws 1923, chapter 289, section 2, as amended by Laws 1965, chapter 469, section 2, and Laws 1974, chapter 322, section 12, is amended to read:

Sec. 2. [~~OFFICERS, EMPLOYEES.~~] The director may appoint, as the judges may approve, three principal assistants or division supervisors employ an assistant director, a superintendent, and assistant superintendent for each correctional facility in the county, and three principal assistants or division supervisors, all of whom shall serve at the pleasure of the director in the unclassified service. The director shall define the duties of these employees and may delegate powers, duties and responsibilities to them. Any officer or employee of the department shall exercise delegated powers under the control of and subject to conditions prescribed by the director. The salaries shall be set by the Ramsey county board of commissioners."

Page 10, line 16, after "DATE" insert "; LOCAL APPROVAL"

Page 10, line 17, delete "This act is" and insert "Sections 1 to 11, 14, 15, 18, and 19 are"

Page 10, after line 17, insert "Sections 12, 13, 16, and 17 are effective the day after compliance with section 645.021, subdivision 3, by the Ramsey county board of commissioners."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "adjusting the duration of certain sentences; defining second or subsequent violation or offense; providing for administration of Ramsey county corrections services;"

Page 1, line 11, after the third semicolon, insert "244.04, subdivision 1;"

Page 1, line 12, after the second semicolon, insert "244.09, subdivision 11;" and before "repealing" insert "383A.28, subdivision 2; 609.02, by adding a subdivision; 609.11, subdivision 6; Laws 1923, chapter 289, sections 1, as amended; and 2, as amended; proposing new law coded in chapter 383A;"

The motion prevailed. So the amendment was adopted.

S.F. No. 412 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 47 and nays 15, as follows:

Those who voted in the affirmative were:

Adkins	Frederick	Knutson	Moe, D. M.	Schmitz
Anderson	Frederickson	Kroening	Moe, R. D.	Solon
Benson	Freeman	Kronebusch	Nelson	Spear
Berg	Hughes	Laidig	Novak	Storm
Bernhagen	Isackson	Langseth	Olson	Taylor
Brataas	Johnson, D.E.	Lantry	Peterson, D.L.	Waldorf
Chmielewski	Johnson, D.J.	Lessard	Petty	Wegscheid
Dicklich	Jude	Luther	Pogemiller	
Diessner	Kamrath	McQuaid	Ramstad	
Dieterich	Knaak	Mehrkens	Reichgott	

Those who voted in the negative were:

Berglin	Davis	Merriam	Peterson, R. W.	Stumpf
Bertram	DeCramer	Pehler	Purfeerst	Vega
Dahl	Frank	Peterson, C.C.	Samuelson	Willet

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

### SPECIAL ORDER

S.F. No. 297: A bill for an act relating to criminal justice; requiring peace officers to make arrests based on probable cause in cases of domestic assault; requiring peace officers to notify victims of domestic assault of the legal remedies available; amending Minnesota Statutes 1982, section 629.341.

Mr. Kroening moved to amend S.F. No. 297 as follows:

Page 2, line 1, before the period, insert "*and it reasonably appears that the victim or another is in danger of further immediate bodily harm if an arrest is not made*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 45 and nays 20, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Kamrath	Olson	Schmitz
Anderson	Diessner	Knutson	Pehler	Sieloff
Belanger	Frederick	Kroening	Peterson, C.C.	Solon
Benson	Frederickson	Kronebusch	Peterson, D.L.	Storm
Berg	Freeman	Laidig	Peterson, R.W.	Stumpf
Bernhagen	Hughes	Langseth	Purfeerst	Ulland
Bertram	Isackson	Lessard	Ramstad	Vega
Chmielewski	Johnson, D.E.	McQuaid	Renneke	Wegscheid
Dahl	Jude	Mehrkens	Samuelson	Willet

Those who voted in the negative were:

Berglin	Frank	Luther	Nelson	Reichgott
Brataas	Johnson, D.J.	Merriam	Peterson, D.C.	Spear
Dicklich	Knaak	Moe, D. M.	Petty	Taylor
Dieterich	Lantry	Moe, R. D.	Pogemiller	Waldorf

The motion prevailed. So the amendment was adopted.

Mr. Petty moved to amend S. F. No. 297 as follows:

Page 2, line 6, after the period, insert "*A peace officer is not liable under section 609.43, clause (1), for a failure to perform a duty required by subdivision 1.*"

The motion prevailed. So the amendment was adopted.

Mr. Petty then moved to amend S.F. No. 297 as follows:

Page 1, line 20, delete everything after "*resided*"

Page 1, line 21, delete the new language

The motion prevailed. So the amendment was adopted.

Mr. Petty then moved to amend S.F. No. 297 as follows:

Page 2, after line 26, insert:

"Sec. 2. Laws 1983, chapter 52, is amended by adding a section to read:

Sec. 3. [EFFECTIVE DATE.]

*This act is effective June 1, 1983.*"

Amend the title as follows:

Page 1, line 7, before the period, insert "; and Laws 1983, chapter 52, by adding a section"

The motion prevailed. So the amendment was adopted.

Mr. Petty then moved to amend S.F. No. 297 as follows:

Page 1, line 25, strike "physical injury" and insert "*substantial bodily harm*"

The motion did not prevail. So the amendment was not adopted.

S.F. No. 297 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 61 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Frederick, Frederickson and Sieloff voted in the negative.

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

### SPECIAL ORDER

S.F. No. 527: A bill for an act relating to legal liability; prohibiting retaliation against an individual who complies with the child abuse reporting act; providing damages for retaliation; clarifying immunity provisions for good faith compliance with the child abuse reporting act; amending Minnesota Statutes 1982, section 626.556, subdivision 4, and by adding a subdivision.

Mr. Freeman moved to amend S. F. No. 527 as follows:

Page 2, delete lines 9 to 21 and insert:

*“(c) It is retaliation for an employer to do any of the following with respect to a person who reports suspected abuse or neglect: depart from any customary employment practice; transfer or assign the person to a lesser position in terms of wages, hours, job classification, job security, or other employment status; or inform another employer that the person has reported suspected abuse or neglect.”*

Page 2, after line 23, insert:

“Sec. 3. [EFFECTIVE DATE; APPLICATION.]

*Sections 1 and 2 are effective August 1, 1983, and apply to actions commenced on and after that date.”*

The motion prevailed. So the amendment was adopted.

S.F. No. 527 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

H.F. No. 582: A bill for an act relating to corrections; clarifying the powers of the commissioner of corrections; limiting certain inmate functions; authorizing the use of necessary force to prevent escape; providing for the costs of transporting juvenile delinquents committed to the commissioner of corrections; providing for supervision of gross misdemeanor probations; removing archaic language; amending Minnesota Statutes 1982, sections 241.01, subdivision 3a; 241.23; 242.31, subdivisions 1 and 3; 243.17, subdivision 1; 243.52; 243.58; 243.62; 609.135, subdivision 1; and 624.714, subdivision 13.

Mr. Pogemiller moved to amend H.F. No. 582 as follows:

Page 5, line 14, strike everything after "himself"

Page 5, line 15, strike everything before the period and insert "*by the use of force*"

Page 5, line 17, strike "or to resist" and insert "*resists*"

Page 5, line 18, strike the second "or"

Page 5, line 19, after "or" insert "*attempts*"

Page 5, line 20, strike "in" and delete "*any*" and strike "manner"

Page 5, line 21, delete "*that appears*" and strike "necessary; and," and insert "*by the use of force.*" and strike "in so doing,"

Page 5, line 22, strike "so"

Page 5, line 23, strike "necessarily" and after "*the*" insert "*use of force by the*"

Page 5, line 25, delete "*subdivision*" and insert "*section*"

Page 5, after line 25, insert:

"As used in this section, "*use of force*" means conduct which is authorized by sections 609.06 to 609.066. An officer or guard may use force in the same manner as authorized for peace officers under sections 609.06 to 609.066."

The motion prevailed. So the amendment was adopted.

Mr. Laidig moved to amend H.F. No. 582 as follows:

Page 2, lines 2 to 4, delete the new language

The motion prevailed. So the amendment was adopted.

H.F. No. 582 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

S.F. No. 682: A bill for an act relating to animals; providing for the welfare of certain pets and companion animals; imposing a penalty; proposing new law coded in Minnesota Statutes, chapter 346.

Mr. Benson moved to amend S.F. No. 682 as follows:

Page 9, line 28, after "*products*" insert "*or any other agricultural use*"

The motion prevailed. So the amendment was adopted.

Mr. Dieterich moved to amend S. F. No. 682 as follows:

Page 5, line 22, after "HOUSING" insert "AND BREEDING"

Page 5, line 23, after the period, insert "*Animals must not be bred so often as to endanger their health.*"

The motion prevailed. So the amendment was adopted.

Mr. Vega moved to amend S. F. No. 682 as follows:

Page 2, line 22, after the period, insert "*An animal which is not redeemed by its owner within the six day period required by this subdivision or an animal which is impounded pursuant to another law and is redeemable but is not redeemed within the period specified by the other law shall be released for placement in a suitable home, upon payment of the expenses incurred, or shall be humanely and painlessly disposed of by a method of euthanasia approved by the American Veterinary Medical Association.*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 39, as follows:

Those who voted in the affirmative were:

Belanger	Frank	Knutson	Novak	Samuelson
Chmielewski	Hughes	Kroening	Pehler	Vega
Davis	Johnson, D.J.	Lantry	Peterson, D.L.	
DeCramer	Jude	McQuaid	Petty	
Dicklich	Knaak	Merriam	Ramstad	

Those who voted in the negative were:

Anderson	Frederick	Lessard	Peterson, D.C.	Storm
Benson	Freeman	Luther	Pogemiller	Stumpf
Berg	Isackson	Mehrrens	Reichgott	Taylor
Berglin	Johnson, D.E.	Moe, D. M.	Renneke	Ulland
Bernhagen	Kamrath	Moe, R. D.	Schmitz	Waldorf
Bertram	Kronebusch	Nelson	Sieloff	Wegscheid
Brataas	Laidig	Olson	Solon	Willet
Dahl	Langseth	Peterson, C.C.	Spear	

The motion did not prevail. So the amendment was not adopted.

Mr. Ulland moved to amend S.F. No. 682 as follows:

Page 9, line 32, delete everything after "*misdemeanor*"

Page 9, line 33, delete "*violation*"

The motion prevailed. So the amendment was adopted.

Mr. Benson moved to amend S.F. No. 682 as follows:

Page 4, delete lines 14 to 22

The motion prevailed. So the amendment was adopted.

S.F. No. 682 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 45 and nays 13, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Langseth	Novak	Samuelson
Belanger	Freeman	Lantry	Olson	Sieloff
Berglin	Hughes	Lessard	Pehler	Spear
Chmielewski	Johnson, D.J.	Luther	Peterson, C.C.	Storm
Dahl	Jude	McQuaid	Peterson, D.C.	Ulland
Davis	Knaak	Mehrrens	Petty	Vega
DeCramer	Knutson	Merriam	Pogemiller	Waldorf
Frank	Kroening	Moe, R. D.	Ramstad	Wegscheid
Frederick	Kronebusch	Nelson	Reichgott	Willet

Those who voted in the negative were:

Anderson	Bernhagen	Isackson	Peterson, D.L.	Stumpf
Benson	Bertram	Johnson, D.E.	Renneke	
Berg	Brataas	Kamrath	Schmitz	

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

### SPECIAL ORDER

H.F. No. 314: A bill for an act relating to insurance; requiring insurance agents to maintain trust accounts; requiring certain disclosures in personal sales contacts; requiring disclosure of certain limitations on medicare sup-

plement insurance coverage; prohibiting the sale of more than two medicare supplement insurance policies to an individual; requiring copies of medicare supplement and life insurance applications to be provided to applicants; requiring applications for medicare supplement insurance to list health and accident insurance already maintained by applicant; providing rulemaking authority; imposing civil penalties for certain violations; providing a criminal penalty; amending Minnesota Statutes 1982, sections 60A.17, subdivisions 1, 1a, and 6c, and by adding subdivisions; 62A.17, by adding a subdivision; 62A.31, subdivision 1; 62A.39; 62A.42; proposing new law coded in Minnesota Statutes, chapters 61A and 62A.

Mr. Petty moved to amend H. F. No. 314, as amended pursuant to Rule 49, adopted by the Senate on April 13, 1983, as follows:

(The text of the amended House File is identical to S. F. No. 368.)

Page 11, line 18, delete "62A.17" and insert "60A.17"

Page 11, line 20, delete "7" and insert "17"

Amend the title as follows:

Page 1, line 17, delete "62A.17, by adding a subdivision;"

The motion prevailed. So the amendment was adopted.

Mr. Petty then moved to amend H.F. No. 314, as amended pursuant to Rule 49, adopted by the Senate April 13, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 368.)

Page 12, line 18, after "(c)" insert "[FALSE REPRESENTATION OF GOVERNMENT AFFILIATION.]"

Page 16, line 5, delete the comma

The motion prevailed. So the amendment was adopted.

Mr. Samuelson moved to amend H.F. No. 314, as amended pursuant to Rule 49, adopted by the Senate April 13, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 368.)

Page 12, line 36, delete "subdivision 1,"

Page 14, after line 5, insert:

"Subd. 2. [GENERAL COVERAGE.] For a policy to meet the requirements of this section it must contain (1) a designation specifying whether the policy is a medicare supplement 1 + , 1, 2, or 3, (2) a caption stating that the commissioner has established four categories of medicare supplement insurance and minimum standards for each, with medicare supplement 1 + being the most comprehensive and medicare supplement 3 being the least comprehensive, and (3) the policy must provide the minimum coverage prescribed in sections 62A.32 to 62A.35 for the supplement specified, *provided that an annual deductible of not more than \$200 is permissible for those covered charges not paid by medicare or otherwise included in paragraph (f) of sections 62A.32 and 62A.33.*"

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "allowing a deductible on



certain medicare supplement insurance coverages;"

Page 1, line 17, delete the second comma

Page 1, line 18, delete "subdivision 1"

The motion prevailed. So the amendment was adopted.

Mr. Luther moved to amend H. F. No. 314, as amended pursuant to Rule 49, adopted by the Senate April 13, 1983, as follows:

(The text of the amended House File is identical to S. F. No. 368.)

Page 12, after line 34, insert:

"Sec. 8. [62A.141] [COVERAGE FOR HANDICAPPED DEPENDENTS.]

*No group policy or plan of health and accident insurance regulated under this chapter, chapter 62C, or chapter 62D, which provides for dependent coverage may be issued or renewed in this state after August 1, 1983, unless it covers the handicapped dependents of the insured, subscriber, or enrollee of the policy or plan."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "providing group coverage for handicapped dependents;"

The motion prevailed. So the amendment was adopted.

Mr. Dicklich moved to amend H.F. No. 314, as amended pursuant to Rule 49, adopted by the Senate on April 13, 1983, as follows:

(The text of the amended House File is identical to S. F. No. 368.)

Page 12, after line 34, insert:

"Sec. 8. Minnesota Statutes 1982, section 62A.17, is amended to read:

62A.17 [TERMINATION OF OR LAYOFF FROM EMPLOYMENT.]

Subdivision 1. [CONTINUATION OF COVERAGE.] Every group insurance policy, group subscriber contract, and health care plan included within the provisions of section 62A.16, except policies, contracts, or health care plans covering employees of an agency of the federal government, shall contain a provision which permits every eligible employee ~~whose employment~~ *who is terminated or laid off from his employment*, if the policy, contract, or health care plan remains in force for active employees of the employer, to elect to continue the coverage for himself and his dependents.

Subd. 2. [RESPONSIBILITY OF EMPLOYEE.] Every eligible employee electing to continue coverage shall pay his former employer, on a monthly basis, the cost of the continued coverage. If the policy, contract, or health care plan is administered by a trust, every eligible employee electing to continue coverage shall pay the trust the cost of continued coverage according to the eligibility rules established by the trust. The employee shall be eligible to continue the coverage until he becomes re-employed and eligible for health care coverage under a group policy, contract, or plan spon-

sored by the same or another employer, or for a period of ~~six~~ 12 months after the termination of *or lay off from* employment, whichever is shorter.

Subd. 3. [ELIGIBILITY FOR CONTINUED COVERAGE.] An employee shall be eligible to make the election for himself and his dependents provided for in subdivision 1 if:

(a) In the period preceding the termination of *or lay off from* his employment, he and his dependents were covered through his employment by a group insurance policy, subscriber's contract, or health care plan included within the provisions of section 62A.16;

(b) The termination of *or lay off from* employment was for reasons other than the discontinuance of the business, bankruptcy, *or* the employee's disability or retirement.

Subd. 4. [RESPONSIBILITY OF EMPLOYER.] After timely receipt of the monthly payment from an eligible employee, if the employer, or the trustee, if the policy, contract, or health care plan is administered by a trust, fails to make the payment to the insurer, ~~the~~ nonprofit health service plan corporation, ~~or the~~ health maintenance organization, with the result that the employee's coverage is terminated, the employer or ~~the~~ trust shall become liable for the employee's coverage to the same extent as the insurer, ~~the~~ nonprofit health service plan corporation, ~~or the~~ health maintenance organization, would be if the coverage were still in effect.

Subd. 5. [NOTICE OF OPTIONS.] Upon the termination of *or lay off from* employment of an eligible employee, the employer shall inform the employee within ten days after termination *or lay off of*:

(a) his right to elect to continue the coverage;

(b) the amount he must pay monthly to the employer to retain the coverage;

(c) the manner in which and the office of the employer to which the payment to the employer must be made; and

(d) the time by which the payments to the employer must be made to retain coverage.

If the policy, contract, or health care plan is administered by a trust, the ~~terminating~~ employer is relieved of the obligation imposed by clauses (a) to (d). The trust shall inform the employee of the information required by clauses (a) to (d).

Notice may be in writing and sent by first class mail to the employee's last known address which the employee has provided the employer or trust. If the employer or trust fails to so notify the employee who is properly enrolled in the program, the employee shall have the option to retain coverage ~~provided if~~ he makes this election within 60 days of the date ~~his employment~~ *he is terminated or laid off by* making the proper payment to the employer or trust to provide continuous coverage.

A notice in substantially the following form shall be sufficient. As a terminated *or laid off* employee, the law authorizes you to maintain your group medical insurance for a period of up to ~~six~~ 12 months. To do so you must notify your former employer within ten days of this notice that you intend to

retain ~~such~~ *this* coverage and must make a monthly payment of \$\_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_ by the \_\_\_\_\_ of each month.

Subd. 6. [CONVERSION TO INDIVIDUAL POLICY.] A group insurance policy that provides post termination *or lay off* coverage as required by this section shall also include a provision allowing a covered employee ~~or~~ , surviving spouse, or dependent at the expiration of the post termination *or lay off* coverage provided by subdivision 2 to obtain from the insurer offering the group policy or group subscriber contract, at the employee's, spouse's, or dependent's option and expense, without further evidence of insurability and without interruption of coverage, an individual policy of insurance or an individual subscriber contract providing at least the minimum benefits of a qualified plan as prescribed by section 62E.06 and the option of a number three qualified plan, a number two qualified plan, and a number one qualified plan as provided by section 62E.06, subdivisions 1 to 3. A policy providing reduced benefits at a reduced premium rate may be accepted by the employee, the spouse, or a dependent in lieu of the optional coverage otherwise required by this subdivision.

The individual policy shall be renewable at the option of the individual as long as the individual is not covered under another qualified plan as defined in section 62E.02, subdivision 4, up to age 65 or to the day before the date of eligibility for coverage under Title XVIII of the Social Security Act, as amended. Any revisions in the table of rate for the individual policy shall apply to the covered person's original age at entry ~~7~~ and shall apply equally to all similar policies issued by the insurer."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "providing for continuation and conversion of health and accident coverage for laid off employees;"

Page 1, line 17, after the first semicolon, insert "62A.17;"

The motion prevailed. So the amendment was adopted.

H.F. No. 314 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 49 and nays 12, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kroening	Olson	Samuelson
Anderson	Dicklich	Laidig	Pehler	Solon
Belanger	Diessner	Langseth	Peterson, C. C.	Spear
Benson	Frank	Lantry	Peterson, D. C.	Stumpf
Berglin	Frederickson	Lessard	Peterson, R. W.	Taylor
Bertram	Freeman	Luther	Petty	Ulland
Brataas	Hughes	McQuaid	Pogemiller	Vega
Chmielewski	Johnson, D. E.	Moe, D. M.	Purfeerst	Waldorf
Dahl	Johnson, D. J.	Moe, R. D.	Ramstad	Wegscheid
Davis	Jude	Novak	Reichgott	

Those who voted in the negative were:

Frederick  
Isackson  
Kamrath

Knaak  
Knutson  
Kronebusch

Merriam  
Peterson, D.L.

Renneke  
Schmitz

Sieloff  
Willet

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

### SPECIAL ORDER

S.F. No. 214: A bill for an act relating to traffic regulations; requiring the use of seat belts by motor vehicle passengers; prohibiting a surcharge for failure to use seatbelts; requiring insurers to reduce premium rates if claim amounts are reduced; providing a penalty; amending Minnesota Statutes 1982, sections 65B.133, subdivision 5; and 169.685, by adding subdivisions.

### CALL OF THE SENATE

Mr. Frank imposed a call of the Senate for the balance of the proceedings on S.F. No. 214. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Frank moved to amend S. F. No. 214 as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 65B.133, subdivision 5, is amended to read:

Subd. 5. [LIMITATION ON CHARGEABLE TRAFFIC VIOLATIONS.] No traffic violation is chargeable to a driver unless the driver is convicted of, or forfeits bail for, the offense, or the driver's license is revoked pursuant to section 169.123. If a surcharge is applied because bail is forfeited and if the driver is later acquitted of the offense, the insurer shall rebate the surcharge. *A violation of section 2 is not chargeable.*

Sec. 2. Minnesota Statutes 1982, section 169.685, is amended by adding a subdivision to read:

*Subd. 3a. Except as provided in subdivisions 3b and 5, no person may drive or ride in the front seat of a motor vehicle on the highways of this state unless wearing a seat belt that is provided for use in the motor vehicle. No penalty may be assessed for a violation of this subdivision. If a law enforcement officer stops a motor vehicle for a traffic violation and a person in the vehicle is not wearing a seat belt as required by this subdivision, the officer shall inform the person of the increased risk to the person due to the failure to wear a seat belt and of the legal requirement to wear a seat belt. A violation of this subdivision does not involve the operation of a motor vehicle.*

Sec. 3. Minnesota Statutes 1982, section 169.685, is amended by adding a subdivision to read:

*Subd. 3b. Subdivision 3a does not apply to:*

*(a) a person driving a motor vehicle in a rearward direction;*

*(b) a person riding in a seat of a motor vehicle in which all the seating positions equipped with safety belts are occupied by other persons;*

*(c) a person who has been issued by the department of public safety a*

*certificate which certifies that, because of medical unfitness or physical disability, it is impracticable, undesirable, or inexpedient that the person wear a seat belt. The commissioner of public safety may adopt rules governing the issuance of certificates; and*

*(d) a person who is actually engaged in work which requires him to alight from and re-enter a motor vehicle at frequent intervals and who, while engaged in that work, does not drive or travel in the vehicle at a speed exceeding 25 miles per hour.*

*The commissioner of public safety, by rule promulgated pursuant to the administrative procedure act, may exempt certain additional classes of persons from the provisions of subdivision 3a if he determines the exemptions are necessary by reason of body size or by reason of occupational requirements and will not materially affect the safety of the class of persons exempted.*

#### Sec. 4. [INSURANCE PREMIUM REDUCTIONS.]

*All insurers offering motor vehicle insurance coverage in this state shall study the effects of this act on the amount paid on motor vehicle accident claims. If an insurer determines that this act has resulted in a reduction in the amount of claims paid, it shall adjust its premium rates accordingly.*

#### Sec. 5. [EFFECTIVE DATE.]

*Sections 1 to 4 are effective July 1, 1983."*

Delete the title and insert:

*"A bill for an act relating to traffic regulations; requiring the use of seat belts by motor vehicle passengers; prohibiting a surcharge for failure to use seat belts; requiring insurers to reduce premium rates if claim amounts are reduced; amending Minnesota Statutes 1982, sections 65B.133, subdivision 5; and 169.685, by adding subdivisions."*

Mr. Berg moved to amend the Frank amendment to S.F. No. 214 as follows:

Page 1, line 33, after the semicolon, insert "and"

Page 1, delete lines 34 to 36

Page 2, delete lines 1 to 3

Page 2, line 4, delete "(d)" and insert "(c)"

Page 2, delete lines 8 to 13

The motion prevailed. So the amendment to the Frank amendment was adopted.

The question recurred on the Frank amendment, as amended.

The motion prevailed. So the amendment, as amended, was adopted.

S.F. No. 214 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 35 and nays 30, as follows:

Those who voted in the affirmative were:

Berglin	Frederick	Langseth	Novak	Sieloff
Brataas	Freeman	Lantry	Pehler	Solon
Davis	Hughes	Luther	Peterson, D.C.	Spear
DeCramer	Johnson, D.J.	McQuaid	Peterson, R.W.	Ulland
Dicklich	Knaak	Merriam	Petty	Vega
Diessner	Kroening	Moe, D. M.	Pogemiller	Waldorf
Frank	Laidig	Nelson	Samuelson	Wegscheid

Those who voted in the negative were:

Adkins	Bertram	Jude	Moe, R. D.	Reichgott
Anderson	Chmielewski	Kamrath	Olson	Renneke
Belanger	Dahl	Knutson	Peterson, C.C.	Schmitz
Benson	Frederickson	Kronebusch	Peterson, D.L.	Storm
Berg	Isackson	Lessard	Purfeerst	Stumpf
Bernhagen	Johnson, D.E.	Mehrkens	Ramstad	Taylor

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

### SPECIAL ORDER

S.F. No. 824: A bill for an act relating to the city of Minneapolis; abolishing the office of comptroller-treasurer in the city of Minneapolis; authorizing the reorganization, reallocation, consolidation, and delegation of the functions of the office; restructuring the board of estimate and taxation in the city of Minneapolis; changing the membership and terms of members of the retirement board; amending Minnesota Statutes 1982, sections 422A.02; and 422A.03, subdivision 3.

Mr. Moe, D. M. moved to amend S. F. No. 824 as follows:

Page 2, after line 31, insert:

"Sec. 5. Minnesota Statutes 1982, section 422A.10, is amended by adding a subdivision to read:

*Subd. 1a. [INCREASED CONTRIBUTION.] Notwithstanding subdivision 1, the retirement board shall increase the survivor's benefits contribution rate in an amount equal to one-half of the rate required for the benefit increase provided by section 10.*

Sec. 6. Minnesota Statutes 1982, section 422A.101, subdivision 1a, is amended to read:

Subd. 1a. [CITY CONTRIBUTIONS.] Prior to August 31 of each year, the retirement board shall prepare an itemized statement of the financial requirements of the fund payable by the city for the succeeding fiscal year, and a copy of the statement shall be submitted to the board of estimate and taxation and to the city council by September 15. The financial requirements of the fund payable by the city shall be calculated as follows:

(a) a regular employer contribution of an amount equal to the percentage rounded to the nearest two decimal places of the salaries and wages of all employees covered by the retirement fund which equals the difference between the level normal cost plus administrative cost as reported in the annual actuarial valuation and the employee contributions provided for in section 422A.10 less any amounts contributed toward the payment of the balance of the normal cost not paid by employee contributions by any city

owned public utility, improvement project, other municipal activities supported in whole or in part by revenues other than real estate taxes, any public corporation, any employing unit of metropolitan government, or by special school district number 1 pursuant to subdivision 2;

(b) an additional employer contribution of an amount equal to the percent specified in section 353.27, subdivision 3a, clause (a), multiplied by the salaries and wages of all employees covered by the retirement fund less any amounts contributed toward amortization of the unfunded accrued liability by the year 2017 attributable to their respective covered employees by any city owned public utility, improvement project, other municipal activities supported in whole or in part by revenues other than real estate taxes, any public corporation, any employing unit of metropolitan government, or by Special School District No. 1 pursuant to subdivision 2; *and*

(c) a proportional share of an additional employer amortization contribution of an amount equal to \$3,900,000 annually until the year 2017 based upon the share of the fund's unfunded accrued liability attributed to the city as disclosed in the annual actuarial valuation; *and*

*(d) one-half of the amount of any increase in contributions required for benefit increases granted by section 10.*

The city council shall, in addition to all other taxes levied by the city, annually levy a tax equal to the amount of the financial requirements of the fund which are payable by the city. The tax, when levied, shall be extended upon the county lists and shall be collected and enforced in the same manner as other taxes levied by the city. If the city does not levy a tax sufficient to meet the requirements of this subdivision, the retirement board shall submit the tax levy statement directly to the county auditor, who shall levy the tax. The tax, when levied, shall be extended upon the county lists and shall be collected and paid into the city treasury to the credit of the retirement fund. Any amount to the credit of the retirement fund shall constitute a special fund and shall be used only for the payment of obligations authorized pursuant to this chapter.

Sec. 7. Minnesota Statutes 1982, section 422A.101, subdivision 3, is amended to read:

Subd. 3. [STATE CONTRIBUTIONS.] The state shall pay to the Minneapolis employees retirement fund annually an amount equal to the financial requirements of the Minneapolis employees retirement fund reported by the actuary in the actuarial valuation of the fund prepared pursuant to section 356.215 for the most recent year but based on a target date for full amortization of the unfunded liabilities by the year 2017 less the amount of employee contributions required pursuant to section 422A.10, *and the amount of employer contributions required pursuant to subdivisions 1a and 2, and the amount of any increase in contributions required for benefit increases granted by section 10.* Payments shall be made in four equal installments on March 15, July 15, September 15, and November 15 annually."

Page 3, after line 35, insert:

"Sec. 10. Minnesota Statutes 1982, section 422A.23, subdivision 2, is amended to read:

Subd. 2. Upon the death of a contributing member after having been in the

city service not less than 18 months but before the effective date of retirement, the board shall in lieu of the settlement hereinbefore provided pay to the surviving ~~dependent~~ spouse and/or ~~dependent~~ children of the member under the age of 18, or under the age of 22 if a full time student at an accredited school, college or university, and single, the following monthly benefit:

(a) Surviving spouse ~~\$150~~ \$325 per month, except for benefits beginning after July 1, 1983, which shall be 30 percent of member's average salary in effect over the last six months of allowable service preceeding the month in which the death occurred.

(b) Each ~~dependent~~ surviving child ~~\$100~~ \$150 per month, except for benefits beginning after July 1, 1983, which shall be ten percent of the member's average salary in effect over the last six months of allowable service preceeding the month in which the death occurred. Payments for the benefit of any ~~dependent~~ child under the age of 18 years shall be made to the surviving parent, or if there be none, to the legal guardian of such child. The maximum monthly benefit shall not exceed a total of ~~\$450~~ \$750."

Page 4, line 1, delete "This act is" and insert "Sections 1 to 4, 8, and 9 are"

Page 4, line 3, after the period, insert "Sections 5 to 7 and 10 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Minneapolis city council, by a separate resolution from that approving sections 1 to 4, 8, and 9."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "providing an increase in survivor's benefits for members of the Minneapolis employees retirement fund;"

Page 1, line 10, delete "and" and before the period, insert "422A.10, by adding a subdivision; 422A.101, subdivisions 1a and 3; and 422A.23, subdivision 2"

Mr. Knutson questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

S.F. No. 824 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 3, as follows:

Those who voted in the affirmative were:

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



Messrs. Isackson, Kamrath and Mrs. McQuaid voted in the negative.

So the bill passed and its title was agreed to.

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

Mr. Stumpf moved that S.F. No. 180, No. 28 on Special Orders, be stricken and re-referred to the Committee on Public Utilities and State Regulated Industries. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills.

### **INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

Messrs. Ramstad, Sieloff and Ulland introduced—

S.F. No. 1219: A bill for an act relating to taxation; income; providing a separate rate schedule for income from an S corporation; amending Minnesota Statutes 1982, section 290.06, subdivision 2c.

Referred to the Committee on Taxes and Tax Laws.

Mr. Solon introduced—

S.F. No. 1220: A bill for an act relating to financial institutions; exempting regulated lenders from the operation of certain usury provisions; authorizing foreign bank holding companies to acquire state banks and do business in the state as a result of these acquisitions; authorizing banks to organize or acquire insurance companies and securities broker-dealers for the purpose of engaging in these businesses; amending Minnesota Statutes 1982, section 48.15, by adding subdivisions; proposing new law coded in Minnesota Statutes, chapter 47.

Referred to the Committee on Economic Development and Commerce.

### **RECESS**

Mr. Moe, R.D. moved that the Senate do now recess until 7:30 p.m. The motion prevailed.

The hour of 7:30 p.m. having arrived, the President called the Senate to order.

### **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.

### **SPECIAL ORDER**

H.F. No. 798: A bill for an act relating to tax-forfeited land; authorizing

the sale of a certain tract within the city of Orono.

Ms. Olson moved to amend H.F. No. 798 as follows:

Page 1, after line 19, insert:

“Sec. 2. [CONVEYANCE OF STATE LAND; ITASCA COUNTY.]

*Notwithstanding any contrary provision of Minnesota Statutes, section 92.45, the commissioner of natural resources may offer for sale and sell, in the manner provided for the sale of trust fund lands, the following described land:*

*The northern 150.00 feet of the southwest quarter of the northwest quarter of section five, township one hundred forty-nine north, range twenty-eight west, in Itasca County.”*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete “tax-forfeited” and insert “public”

Page 1, line 3, after “tract” insert “of tax-forfeited land”

Page 1, line 3, before the period insert “; authorizing sale of a certain tract of trust fund land in Itasca County”

The motion prevailed. So the amendment was adopted.

Mr. Dicklich moved to amend H.F. No. 798 as follows:

Page 1, line 6, after “LAND” insert “IN THE CITY OF ORONO”

Page 1, after line 19, insert:

“Sec. 2. [SALE OF CERTAIN TAX-FORFEITED LAND IN ST. LOUIS COUNTY.]

*Notwithstanding Minnesota Statutes, section 282.01, that certain tract of tax-forfeited land located and described as the Southwest Quarter of the Southeast Quarter of Section 15, Township 60N of Range 21W, St. Louis County, except for that portion north of county state aid highway 65, and subject to a 50-foot road reservation from the center line for highway 65 constituting approximately 7.3 acres, may be sold at private sale to the Northeast Perch Lake Landowners Association of Iron, Minnesota, at not less than the appraised value as determined under section 282.01, subdivision 3.”*

Page 1, line 20, delete “2” and insert “3”

Amend the title as follows:

Page 1, line 3, delete “a”

Page 1, line 3, delete “tract” and insert “tracts” and after “Orono” insert “and St. Louis County”

The motion prevailed. So the amendment was adopted.

H.F. No. 798 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 42 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Laidig	Olson	Stumpf
Anderson	Freeman	Langseth	Peterson, D. C.	Taylor
Benson	Hughes	Lantry	Peterson, D. L.	Ulland
Berg	Isackson	Luther	Purfeerst	Waldorf
Dahl	Johnson, D. E.	McQuaid	Ramstad	Wegscheid
DeCramer	Kamrath	Mehrkens	Reichgott	Willet
Dicklich	Knaak	Merriam	Schmitz	
Diessner	Kroening	Moe, R. D.	Sieloff	
Frederick	Kronebusch	Nelson	Storm	

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

### SPECIAL ORDER

H.F. No. 672: A bill for an act relating to taxation; sales and use; clarifying the taxability or exempt status of certain items or transactions; providing penalties for certain operators or misuse of exemption certificates; clarifying filing dates and penalties for not timely filing or paying the tax; authorizing the filing of security and the use of sampling; providing restrictions on refunds; clarifying payments required before appeal; eliminating the fee for permits; amending Minnesota Statutes 1982, sections 297A.01, subdivisions 3 and 4; 297A.25, subdivision 1; 297A.27, subdivision 1; 297A.275; 297A.28; 297A.31, subdivision 1; 297A.35, subdivision 1, and by adding a subdivision; 297A.391; and 297B.03; proposing new law coded in Minnesota Statutes, chapter 297A; repealing Minnesota Statutes 1982, sections 297A.05 and 297A.251.

Mr. Berg moved to amend H.F. No. 672, as amended pursuant to Rule 49, adopted by the Senate May 2, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 726.)

Page 5, after line 10, insert:

*"This section shall not apply to an operator of a flea market, craft show, antique show, coin show, stamp show, comic book show, or similar selling event which is held in conjunction with a community sponsored festival which has a duration of four or fewer consecutive days no more than once a year."*

The motion prevailed. So the amendment was adopted.

Mr. Benson moved to amend H.F. No. 672, as amended pursuant to Rule 49, adopted by the Senate May 2, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 726.)

Page 5, after line 19, insert:

"Sec. 5. Minnesota Statutes 1982, section 297A.211, is amended by adding a subdivision to read:

*Subd. 3. Any person who pays the tax to the seller as provided in section 297A.03 and who meets the requirements of section 297A.211 at the time of the sale, except that the person has not registered as a retailer pursuant to section 297A.211 at the time of the sale, may register as a retailer, make a return, and file for a refund of the difference between the tax calculated*

*under section 297A.02 or 297A.14 and the tax calculated under subdivision 2. The person must file for a refund within the time limitations provided in section 297A.35. Notwithstanding the provisions of section 297A.35, subdivision 1, interest shall be allowed for any refund allowed under this subdivision only from the date on which the person has both registered as a retailer and filed a claim for refund."*

Page 18, line 35, delete "8" and insert "9" and delete "12" and insert "13"

Page 18, line 36, delete "6, 7, 9 to 11, 13, and 14" and insert "5, 7, 8, 10 to 12, 14, and 15"

Page 19, lines 2 and 4, delete "5" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "allowing for a sales tax refund in certain instances;"

Page 1, line 12, after "4;" insert "297A.211, by adding a subdivision;"

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend H.F. No. 672, as amended pursuant to Rule 49, adopted by the Senate May 2, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 726.)

Page 1, line 30, delete " , meaning" and insert "games"

Page 1, delete line 31

Page 2, delete line 1 and insert "that are usable"

Page 2, line 3, after "software" insert "games"

The motion did not prevail. So the amendment was not adopted.

Mr. Frederickson moved to amend H.F. No. 672, as amended pursuant to Rule 49, adopted by the Senate May 2, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 726.)

Page 14, after line 6, insert:

"Sec. 6. Minnesota Statutes 1982, section 297A.26, is amended by adding a subdivision to read:

*Subd. 3. The sales tax return form must include printed notice in eight point type or larger that the return and payment are due in the commissioner's office on the due date."*

Page 18, line 35, delete "8, and 12" and insert "7, and 13"

Page 18, line 36, delete "6, 7, 8, 9 to 11, 13, and 14" and insert "7, 8, 9, 10 to 12, 14, and 15"

Page 19, line 5, after the period, insert "Section 6 is effective January 1, 1984."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "requiring a notice on the sales tax return form;"

Page 1, line 12, after "1;" insert "297A.26, by adding a subdivision;"

The motion prevailed. So the amendment was adopted.

Mr. Ulland moved to amend H.F. No. 672, as amended pursuant to Rule 49, adopted by the Senate May 2, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 726.)

Delete the Frederickson amendment and amend H. F. No. 672 as follows:

Page 14, after line 6, insert:

"Sec. 7. Minnesota Statutes 1982, section 297A.26, is amended by adding a subdivision to read:

*Subd. 3. The sales tax return form must include printed notice in eight point type or larger that the return and payment must be postmarked no later than the due date."*

Page 18, line 35, delete "8, and 12" and insert "10, and 14"

Page 18, line 36, delete "6, 7, 9 to 11, 13, and 14" and insert "8, 9, 11 to 13, 15, and 16"

Page 19, line 5, after the period, insert "Section 7 is effective January 1, 1984."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "requiring a notice on the sales tax return form;"

Page 1, line 12, after "1;" insert "297A.26, by adding a subdivision;"

The motion prevailed. So the amendment was adopted.

H.F. No. 672 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Order of Business of Messages From the House. The motion prevailed.

### 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 House File No. 76, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 76 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 4, 1983

### CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the proceedings on H.F. No. 76. The Sergeant at Arms was instructed to bring in the absent members.

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 76

A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; providing for injunctive relief; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

May 2, 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. 76, 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. 76 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [115B.01] [CITATION.]

*Sections 1 to 24 may be cited as the Environmental Response and Liability*

Act.

Sec. 2. [115B.02] [DEFINITIONS.]

*Subdivision 1. [APPLICATION.] For the purposes of sections 1 to 20, the following terms have the meanings given them.*

*Subd. 2. [ACT OF GOD.] "Act of God" means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.*

*Subd. 3. [AGENCY.] "Agency" means the pollution control agency.*

*Subd. 4. [DIRECTOR.] "Director" means the director of the pollution control agency.*

*Subd. 5. [FACILITY.] "Facility" means:*

*(a) Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft;*

*(b) Any watercraft of any description, or other artificial contrivance used or capable of being used as a means of transportation on water; or*

*(c) Any site or area where a hazardous substance, or a pollutant or contaminant, has been deposited, stored, disposed of, or placed, or otherwise come to be located.*

*"Facility" does not include any consumer product in consumer use.*

*Subd. 6. [FEDERAL SUPERFUND ACT.] "Federal Superfund Act" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601 et seq.*

*Subd. 7. [FUND.] "Fund" means the environmental response, compensation and compliance fund established under section 20.*

*Subd. 8. [HAZARDOUS SUBSTANCE.] "Hazardous substance" means:*

*(a) Any commercial chemical designated pursuant to the Federal Water Pollution Control Act, under 33 U.S.C. Section 1321(b)(2)(A);*

*(b) Any hazardous air pollutant listed pursuant to the Clean Air Act, under 42 U.S.C. Section 7412; and*

*(c) Any hazardous waste.*

*"Hazardous substance" does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas, nor does it include petroleum, including crude oil or any fraction thereof which is not otherwise a hazardous waste.*

*Subd. 9. [HAZARDOUS WASTE.] "Hazardous waste" means:*

*(a) Any hazardous waste as defined in section 116.06, subdivision 13, and any substance identified as a hazardous waste pursuant to rules adopted by the agency under section 116.07; and*

*(b) Any hazardous waste as defined in the Resource Conservation and*

*Recovery Act, under 42 U.S.C. Section 6903, which is listed or has the characteristics identified under 42 U.S.C. Section 6921, not including any hazardous waste the regulation of which has been suspended by act of Congress.*

*Subd. 10. [NATURAL RESOURCES.] "Natural resources" has the meaning given it in section 116B.02, subdivision 4.*

*Subd. 11. [OWNER OF REAL PROPERTY.] "Owner of real property" means a person who is in possession of, has the right of control, or controls the use of real property, including without limitation a person who may be a fee owner, lessee, renter, tenant, lessor, contract for deed vendee, licensor, licensee, or occupant; provided that:*

*(1) A lessor of real property under a lease which in substance is a financing device and is treated as such under the United States Internal Revenue Code, common law, or statute, is not an owner of the real property;*

*(2) A public utility holding a public utility easement is an owner of the real property described in the easement only for the purpose of carrying out the specific use for which the easement was granted; and*

*(3) Any person holding a remainder or other nonpossessory interest or estate in real property is an owner of the real property beginning when that person's interest or estate in the real property vests in possession or that person obtains the unconditioned right to possession, or to control the use of, the real property.*

*Subd. 12. [PERSON.] "Person" means any individual, partnership, association, public or private corporation or other entity including the United States government, any interstate body, the state and any agency, department or political subdivision of the state.*

*Subd. 13. [POLLUTANT OR CONTAMINANT.] "Pollutant or contaminant" means any element, substance, compound, mixture, or agent, other than a hazardous substance, which after release from a facility and upon exposure of, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in the organisms or their offspring.*

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

*Subd. 14. [PUBLIC UTILITY EASEMENT.] "Public utility easement" means an easement used for the purposes of transmission, distribution, or furnishing, at wholesale or retail, natural or manufactured gas, or electric or telephone service, by a public utility as defined in section 216B.02, subdivision 4, a cooperative electric association organized under the provisions of chapter 308, a telephone company as defined in section 237.01, subdivisions 2 and 3, or a municipality producing or furnishing gas, electric, or telephone service.*

*Subd. 15. [RELEASE.] "Release" means any spilling, leaking, pumping,*



*pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment which occurred at a point in time or which continues to occur.*

*"Release" does not include:*

*(a) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, watercraft, or pipeline pumping station engine;*

*(b) Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, under 42 U.S.C. Section 2014, if the release is subject to requirements with respect to financial protection established by the federal nuclear regulatory commission under 42 U.S.C. Section 2210;*

*(c) Release of source, byproduct or special nuclear material from any processing site designated pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, under 42 U.S.C. Section 7912(a)(1) or 7942(a); or*

*(d) Any release resulting from the application of fertilizer or agricultural or silvicultural chemicals, or disposal of emptied pesticide containers or residues from a pesticide as defined in section 18A.21, subdivision 25.*

*Subd. 16. [REMEDY OR REMEDIAL ACTION.] "Remedy" or "remedial action" means those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance, or a pollutant or contaminant, into the environment, to prevent, minimize or eliminate the release in order to protect the public health or welfare or the environment.*

*"Remedy" or "remedial action" includes, but is not limited to:*

*(a) Actions at the location of the release such as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances, pollutants or contaminants, or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies, and any monitoring and maintenance reasonably required to assure that these actions protect the public health and welfare and the environment; and*

*(b) The costs of permanent relocation of residents and businesses and community facilities when the agency determines that, alone or in combination with other measures, relocation is more cost effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or pollutants or contaminants, or may otherwise be necessary to protect the public health or welfare.*

*"Remedy" or "remedial action" does not include offsite transport of hazardous substances, pollutants or contaminants, or contaminated materials or their storage, treatment, destruction, or secure disposition offsite unless the agency determines that these actions:*

*(1) Are more cost effective than other remedial actions;*

*(2) Will create new capacity to manage hazardous substances in addition to those located at the affected facility, in compliance with section 116.07 and*

subtitle C of the Solid Waste Disposal Act, 42 U.S.C. Section 6921 et seq.; or

(3) Are necessary to protect the public health or welfare or the environment from a present or potential risk which may be created by further exposure to the continued presence of the hazardous substances, pollutants or contaminants, or contaminated materials.

Subd. 17. [REMOVE OR REMOVAL.] "Remove" or "removal" means:

(a) The cleanup or removal of a released hazardous substance, or a pollutant or contaminant, from the environment;

(b) Necessary actions taken in the event of a threatened release of a hazardous substance, or a pollutant or contaminant, into the environment;

(c) Actions necessary to monitor, test, analyze, and evaluate a release or threatened release of a hazardous substance, or a pollutant or contaminant;

(d) Disposal or processing of removed material; or

(e) Other actions necessary to prevent, minimize, or mitigate damage to the public health or welfare or the environment, which may otherwise result from a release or threatened release.

"Remove" or "removal" includes, but is not limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(b), and any emergency assistance which may be provided under the Disaster Relief Act of 1974, 42 U.S.C. Section 5121 et seq.

Subd. 18. [RESPOND OR RESPONSE.] "Respond" or "response" means remove, removal, remedy, and remedial action.

Subd. 19. [WATER.] "Water" has the meaning given to the term "waters of the state" in section 115.01, subdivision 9.

### Sec. 3. [115B.03] [RESPONSIBLE PERSON.]

Subdivision 1. [GENERAL RULE.] For the purposes of sections 1 to 20, and except as provided in subdivisions 2 and 3, a person is responsible for a release or threatened release of a hazardous substance, or a pollutant or contaminant, from a facility if the person:

(a) Owned or operated the facility: (1) when the hazardous substance, or pollutant or contaminant, was placed or came to be located in or on the facility; (2) when the hazardous substance, or pollutant or contaminant, was located in or on the facility but before the release; or (3) during the time of the release or threatened release;

(b) Owned or possessed the hazardous substance, or pollutant or contaminant, and arranged, by contract, agreement or otherwise, for the disposal, treatment or transport for disposal or treatment of the hazardous substance, or pollutant or contaminant; or

(c) Knew or reasonably should have known that waste he accepted for transport to a disposal or treatment facility contained a hazardous substance, or pollutant or contaminant, and either selected the facility to which it was transported or disposed of it in a manner contrary to law.

*Subd. 2. [EMPLOYEES AND EMPLOYERS.] When a person who is responsible for a release or threatened release as provided in subdivision 1 is an employee who is acting in the scope of his employment:*

*(a) The employee is subject to liability under section 4 or 5 only if his conduct with respect to the hazardous substance was negligent under circumstances in which he knew that the substance was hazardous and that his conduct, if negligent, could result in serious harm.*

*(b) His employer shall be considered a person responsible for the release or threatened release and is subject to liability under section 4 or 5 regardless of the degree of care exercised by the employee.*

*Subd. 3. [OWNER OF REAL PROPERTY.] An owner of real property is not a person responsible for the release or threatened release of a hazardous substance from a facility in or on the property unless that person:*

*(a) was engaged in the business of generating, transporting, storing, treating, or disposing of a hazardous substance at the facility or disposing of waste at the facility, or knowingly permitted others to engage in such a business at the facility;*

*(b) knowingly permitted any person to make regular use of the facility for disposal of waste;*

*(c) knowingly permitted any person to use the facility for disposal of a hazardous substance;*

*(d) knew or reasonably should have known that a hazardous substance was located in or on the facility at the time right, title, or interest in the property was first acquired by the person and engaged in conduct by which he associated himself with the release; or*

*(e) took action which significantly contributed to the release after he knew or reasonably should have known that a hazardous substance was located in or on the facility.*

*For the purpose of clause (d), a written warranty, representation, or undertaking, which is set forth in an instrument conveying any right, title or interest in the real property and which is executed by the person conveying the right, title or interest, or which is set forth in any memorandum of any such instrument executed for the purpose of recording, is admissible as evidence of whether the person acquiring any right, title, or interest in the real property knew or reasonably should have known that a hazardous substance was located in or on the facility.*

*Any liability which accrues to an owner of real property under sections 1 to 15 does not accrue to any other person who is not an owner of the real property merely because the other person holds some right, title, or interest in the real property.*

*An owner of real property on which a public utility easement is located is not a responsible person with respect to any release caused by any act or omission of the public utility which holds the easement in carrying out the specific use for which the easement was granted.*

**Sec. 4. [115B.04] [LIABILITY FOR RESPONSE COSTS AND NATURAL RESOURCES; LIMITATIONS AND DEFENSES.]**

*Subdivision 1. [LIABILITY.] Except as otherwise provided in subdivisions 2 to 12, and notwithstanding any other provision or rule of law, any person who is responsible for a release or threatened release of a hazardous substance from a facility is strictly liable, jointly and severally, for the following response costs and damages which result from the release or threatened release or to which the release or threatened release significantly contributes:*

*(a) All reasonable and necessary response costs incurred by the state, a political subdivision of the state or the United States;*

*(b) All reasonable and necessary removal costs incurred by any person; and*

*(c) All damages for any injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss.*

*Subd. 2. [LIABILITY FOR POLLUTANT OR CONTAMINANT EXCLUDED.] There is no liability under this section for response costs or damages which result from the release of a pollutant or contaminant.*

*Subd. 3. [LIABILITY FOR A THREATENED RELEASE.] Liability under this section for a threatened release of a hazardous substance is limited to the recovery by the agency of reasonable and necessary response costs as provided in section 17, subdivision 6.*

*Subd. 4. [LIABILITY OF POLITICAL SUBDIVISIONS.] The liability of a political subdivision under this section is subject to the limits imposed under section 466.04, subdivision 1.*

*Subd. 5. [TRANSPORTATION OF HOUSEHOLD REFUSE.] A person who accepts only household refuse for transport to a treatment or disposal facility is not liable under this section for the release or threatened release of any hazardous substance unless he knew or reasonably should have known that the hazardous substance was present in the refuse. For the purpose of this subdivision, household refuse means garbage, trash, or septic tank sanitary wastes generated by single or multiple residences, hotels, motels, restaurants and other similar facilities.*

*Subd. 6. [DEFENSE TO CERTAIN CLAIMS BY POLITICAL SUBDIVISIONS AND PRIVATE PERSONS.] It is a defense to a claim by a political subdivision or private person for recovery of the costs of its response actions under this section that the hazardous substance released from the facility was placed or came to be located in or on the facility before April 1, 1982, and that the response actions of the political subdivision or private person were not authorized by the agency as provided in section 17, subdivision 12. This defense applies only to response costs incurred on or after July 1, 1983.*

*Subd. 7. [DEFENSE FOR INTERVENING ACTS.] It is a defense to liability under this section that the release or threatened release was caused solely by:*

*(a) An act of God;*

*(b) An act of war;*

*(c) An act of vandalism or sabotage; or*

(d) *An act or omission of a third party or the plaintiff.*

*"Third party" for the purposes of clause (d) does not include an employee or agent of the defendant, or a person in the chain of responsibility for the generation, transportation, storage, treatment, or disposal of the hazardous substance.*

*The defenses provided in clauses (c) and (d) apply only if the defendant establishes that he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of the hazardous substance in light of all relevant facts and circumstances which he knew or should have known, and that he took precautions against foreseeable acts or omissions and the consequences that could foreseeably result from those acts or omissions.*

**Subd. 8. [INTERVENING ACTS OF PUBLIC AGENCIES.]** *When the agency or the federal environmental protection agency assumes control over any release or threatened release of a hazardous substance by taking removal actions at the site of the release, the persons responsible for the release are not liable under sections 1 to 15 for any subsequent release of the hazardous substance from another facility to which it has been removed.*

**Subd. 9. [RELEASES SUBJECT TO CERTAIN PERMITS OR STANDARDS; FEDERAL POST-CLOSURE FUND.]** *It is a defense to liability under this section that:*

(a) *The release or threatened release was from a hazardous waste facility as defined under section 115A.03, for which a permit had been issued pursuant to section 116.07 or pursuant to subtitle C of the Solid Waste Disposal Act, 42 U.S.C. Section 6921 et seq., the hazardous substance was specifically identified in the permit, and the release was within the limits allowed in the permit for release of that substance;*

(b) *The hazardous substance released was specifically identified in a federal or state permit and the release is within the limits allowed in the permit;*

(c) *The release resulted from circumstances identified and reviewed and made a part of the public record of a federal or state agency with respect to a permit issued or modified under federal or state law, and the release conformed with the permit;*

(d) *The release was any part of an emission or discharge into the air or water and the emission or discharge was subject to a federal or state permit and was in compliance with control rules or regulations adopted pursuant to state or federal law;*

(e) *The release was the introduction of any hazardous substance into a publicly owned treatment works and the substance was specified in, and is in compliance with, applicable pretreatment standards specified for that substance under state and federal law; or*

(f) *Liability has been assumed by the federal post-closure liability fund under 42 U.S.C. Section 9607(k).*

**Subd. 10. [NATURAL RESOURCES.]** *It is a defense to liability under this section, for any injury to, destruction of, or loss of natural resources that:*

(a) *The natural resources were specifically identified as an irreversible*

*and irretrievable commitment of natural resources in an approved final state or federal environmental impact statement, or other comparable approved final environmental analysis for a project or facility which was the subject of a governmental permit or license; and*

*(b) The project or facility was being operated within the terms of its permit or license.*

**Subd. 11. [RENDERING ASSISTANCE IN RESPONSE ACTIONS.]** *It is a defense to liability under this section that the response costs or damages resulted from acts taken or omitted in preparation for, or in the course of rendering care, assistance, or advice to the director or agency pursuant to section 17 or in accordance with the national hazardous substance response plan pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9605, or at the direction of an on-scene coordinator appointed under that plan, with respect to any release or threatened release of a hazardous substance.*

**Subd. 12. [BURDEN OF PROOF FOR DEFENSES.]** *Any person claiming a defense provided in subdivisions 6 to 11 has the burden to prove all elements of the defense by a preponderance of the evidence.*

**Sec. 5. [115B.05] [LIABILITY FOR ECONOMIC LOSS, DEATH, PERSONAL INJURY AND DISEASE; LIMITATIONS AND DEFENSES.]**

**Subdivision 1. [LIABILITY.]** *Except as otherwise provided in subdivisions 2 to 10, and notwithstanding any other provision or rule of law, any person who is responsible for the release of a hazardous substance from a facility is strictly liable, jointly and severally, for the following damages which result from the release or to which the release significantly contributes:*

*(a) All damages for actual economic loss including:*

*(1) Any injury to, destruction of, or loss of any real or personal property, including relocation costs;*

*(2) Any loss of use of real or personal property;*

*(3) Any loss of past or future income or profits resulting from injury to, destruction of, or loss of real or personal property without regard to the ownership of the property; and*

*(b) All damages for death, personal injury, or disease including:*

*(1) Any medical expenses, rehabilitation costs or burial expenses;*

*(2) Any loss of past or future income, or loss of earning capacity; and*

*(3) Damages for pain and suffering, including physical impairment.*

**Subd. 2. [LIABILITY FOR POLLUTANT OR CONTAMINANT EXCLUDED.]** *There is no liability under this section for damages which result from the release of a pollutant or contaminant.*

**Subd. 3. [CERTAIN EMPLOYEE CLAIMS NOT COVERED.]** *Except for a third party who is subject to liability under section 176.061, subdivision 5, there is no liability under this section for the death, personal injury or disease of an employee which is compensable under chapter 176 as an injury or disease arising out of and in the course of employment.*

**Subd. 4. [LIABILITY LIMITATIONS.]** *The liability of a political subdivi-*

sion under this section is subject to the limits imposed under section 466.04, subdivision 1.

*Subd. 5. [TRANSPORTATION OF HOUSEHOLD REFUSE.] A person who accepts only household refuse for transport to a treatment or disposal facility is not liable under this section for the release or threatened release of any hazardous substance unless he knew or reasonably should have known that the hazardous substance was present in the refuse. For the purpose of this subdivision, household refuse means garbage, trash, or septic tank sanitary wastes generated by single or multiple residences, hotels, motels, restaurants and other similar facilities.*

*Subd. 6. [DEFENSE FOR INTERVENING ACTS.] It is a defense to liability under this section that the release or threatened release was caused solely by:*

- (a) An act of God;*
- (b) An act of war;*
- (c) An act of vandalism or sabotage; or*
- (d) An act or omission of a third party or the plaintiff.*

*"Third party" for the purposes of clause (d) does not include an employee or agent of the defendant, or a person in the chain of responsibility for the generation, transportation, storage, treatment, or disposal of the hazardous substance.*

*The defenses provided in clauses (c) and (d) apply only if the defendant establishes that he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of the hazardous substance in light of all relevant facts and circumstances which he knew or should have known, and that he took precautions against foreseeable acts or omissions and the consequences that could foreseeably result from those acts or omissions.*

*Subd. 7. [INTERVENING ACTS OF PUBLIC AGENCIES.] When the agency or the federal environmental protection agency assumes control over any release or threatened release of a hazardous substance by taking removal actions at the site of the release, the persons responsible for the release are not liable under sections 1 to 15 for any subsequent release of the hazardous substance from another facility to which it has been removed.*

*Subd. 8. [RELEASES SUBJECT TO CERTAIN PERMITS OR STANDARDS; FEDERAL POST-CLOSURE FUND.] It is a defense to liability under this section that:*

*(a) The release or threatened release was from a hazardous waste facility as defined under section 115A.03, for which a permit had been issued pursuant to section 116.07 or pursuant to subtitle C of the Solid Waste Disposal Act, 42 U.S.C. Section 6921 et seq., the hazardous substance was specifically identified in the permit, and the release was within the limits allowed in the permit for release of that substance;*

*(b) The hazardous substance released was specifically identified in a federal or state permit and the release is within the limits allowed in the permit;*

*(c) The release resulted from circumstances identified and reviewed and*

*made a part of the public record of a federal or state agency with respect to a permit issued or modified under federal or state law, and the release conformed with the permit;*

*(d) The release was any part of an emission or discharge into the air or water and the emission or discharge was subject to a federal or state permit and was in compliance with control rules or regulations adopted pursuant to state or federal law;*

*(e) The release was the introduction of any hazardous substance into a publicly owned treatment works and the substance was specified in, and is in compliance with, applicable pretreatment standards specified for that substance under state and federal law; or*

*(f) Liability has been assumed by the federal post-closure liability fund under 42 U.S.C. Section 9607(k).*

*Subd. 9. [RENDERING ASSISTANCE IN RESPONSE ACTIONS.] It is a defense to liability under this section that the damages resulted from acts taken or omitted in preparation for, or in the course of rendering care, assistance, or advice to the director or agency pursuant to section 17 or in accordance with the national hazardous substance response plan pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9605, or at the direction of an on-scene coordinator appointed under that plan, with respect to any release or threatened release of a hazardous substance.*

*Subd. 10. [BURDEN OF PROOF FOR DEFENSES.] Any person claiming a defense provided in subdivisions 6 to 9 has the burden to prove all elements of the defense by a preponderance of the evidence.*

#### **Sec. 6. [115B.06] [APPLICATION TO PAST ACTIONS.]**

*Subdivision 1. [APPLICATION OF SECTION 5 AND ADDITIONAL DEFENSE.] (a) A defendant in an action under section 5 has the additional defense provided in subdivision 2 for damages caused or significantly contributed to by the release of a hazardous substance from a facility if the defendant shows that the substance was placed or came to be located in or on the facility wholly before January 1, 1973.*

*(b) Section 5 does not apply to any claim for damages arising out of the release of a hazardous substance which was placed or came to be located in or on the facility wholly before January 1, 1960.*

*Subd. 2. [ADDITIONAL DEFENSE.] For a defendant who has made the showing required in subdivision 1, clause (a), it is a defense to liability under section 5 that the activity by which the substance was kept, placed, or came to be located in or on the facility was not an abnormally dangerous activity. The determination of whether the activity was an abnormally dangerous activity shall be made by the court.*

#### **Sec. 7. [115B.07] [CAUSATION.]**

*In any action brought under section 5 or any other law to recover damages for death, personal injury, or disease arising out of the release of a hazardous substance, the court may not direct a verdict against the plaintiff on the issue of causation if the plaintiff produces evidence sufficient to enable a reasonable person to find that:*



- (a) the defendant is a person who is responsible for the release;
- (b) the plaintiff was exposed to the hazardous substance;
- (c) the release could reasonably have resulted in plaintiff's exposure to the substance in the amount and duration experienced by the plaintiff; and
- (d) the death, injury, or disease suffered by the plaintiff is caused or significantly contributed to by exposure to the hazardous substance in an amount and duration experienced by the plaintiff.

Evidence to a reasonable medical certainty that exposure to the hazardous substance caused or significantly contributed to the death, injury, or disease is not required for the question of causation to be submitted to the trier of fact.

Nothing in this section shall be construed to relieve the plaintiff of the burden of proving that the defendant is a person who is responsible for the release and of proving the causal connection between the release of the hazardous substance for which the defendant is a responsible person and the plaintiff's death, injury, or disease.

**Sec. 8. [115B.08] [LIABILITY UNDER SECTION 4; APPORTIONMENT AND CONTRIBUTION.]**

**Subdivision 1. [RIGHT OF APPORTIONMENT; FACTORS.]** Any person held jointly and severally liable under section 4 has the right at trial to have the trier of fact apportion liability among the parties as provided in this section. The burden is on each defendant to show how his liability should be apportioned. The court shall reduce the amount of damages in proportion to any amount of liability apportioned to the party recovering.

In apportioning the liability of any party under this section, the trier of fact shall consider the following:

- (a) The extent to which that party's contribution to the release of a hazardous substance can be distinguished;
- (b) The amount of hazardous substance involved;
- (c) The degree of toxicity of the hazardous substance involved;
- (d) The degree of involvement of and care exercised by the party in manufacturing, treating, transporting, and disposing of the hazardous substance;
- (e) The degree of cooperation by the party with federal, state, or local officials to prevent any harm to the public health or the environment; and
- (f) Knowledge by the party of the hazardous nature of the substance.

**Subd. 2. [CONTRIBUTION.]** If a person is held jointly and severally liable under section 4 and establishes his proportionate share of the aggregate liability, the provisions of section 604.02, subdivisions 1 and 2, shall apply with respect to contribution and reallocation of any uncollectible amounts.

**Sec. 9. [115B.09] [LIABILITY UNDER SECTION 5; COMPARATIVE FAULT AND CONTRIBUTION.]**

The provisions of sections 604.01, 604.02, subdivisions 1 and 2, apply to

*any action for damages under section 5, except that, if the percentage of fault attributable to a defendant is determined under section 604.01, the liability of the defendant shall be limited to two times that percentage of the damages recoverable in the action.*

**Sec. 10. [115B.10] [NO AVOIDANCE OF LIABILITY; INSURANCE AND SUBROGATION.]**

*An owner or operator of a facility or any other person who may be liable under sections 1 to 15 may not avoid that liability by means of any conveyance of any right, title, or interest in real property, or by any indemnification, hold harmless agreement, or similar agreement. Nothing in this section shall be construed:*

*(a) To prohibit any party who may be liable under sections 1 to 15 from entering an agreement by which that party is insured, held harmless or indemnified for part or all of that liability;*

*(b) To prohibit the enforcement of any insurance, hold harmless or indemnification agreement; or*

*(c) To bar any cause of action brought by a party who may be liable under sections 1 to 15 or by an insurer or guarantor, whether by right of subrogation or otherwise.*

**Sec. 11. [115B.11] [STATUTE OF LIMITATIONS.]**

*No person may recover pursuant to sections 1 to 15 unless the action is commenced within six years from the date when the cause of action accrues. In determining when the cause of action accrues for an action to recover damages for death, personal injury or disease, the court shall consider factors including the following:*

*(a) When the plaintiff discovered the injury or loss;*

*(b) Whether a personal injury or disease had sufficiently manifested itself; and*

*(c) When the plaintiff discovered, or using due diligence should have discovered, a causal connection between the injury, disease, or loss and the release of a hazardous substance.*

**Sec. 12. [115B.12] [OTHER REMEDIES PRESERVED.]**

*Nothing in sections 1 to 15 shall be construed to abolish or diminish any remedy or affect the right of any person to bring a legal action or use any remedy available under any other provision of state or federal law, including common law, to recover for personal injury, disease, economic loss or response costs arising out of a release of any hazardous substance, or for removal or the costs of removal of that hazardous substance. Nothing in sections 1 to 15 shall be construed to limit or restrict in any way the liability of any person under any other state or federal law, including common law, for loss due to personal injury or disease, for economic loss, or for response costs arising out of any release or threatened release of a hazardous substance from a facility regardless of the time at which a hazardous substance was placed or came to be located in or on the facility. The provisions of sections 1 to 15 shall not be considered, interpreted, or construed in any way as reflecting a determination, in whole or in part, of policy regarding the*

*inapplicability of strict liability, or strict liability doctrines under any other state or federal law, including common law, to activities past, present or future, relating to hazardous substances, or pollutants or contaminants, or other similar activities.*

**Sec. 13. [115B.13] [DOUBLE RECOVERY PROHIBITED.]**

*A person who recovers response costs or damages pursuant to sections 1 to 15 may not recover the same costs or damages pursuant to any other law. A person who recovers response costs or damages pursuant to any other state or federal law may not recover for the same costs or damages pursuant to sections 1 to 15.*

**Sec. 14. [115B.14] [AWARD OF COSTS.]**

*Upon motion of a party prevailing in an action under sections 1 to 15 the court may award costs, disbursements and reasonable attorney fees and witness fees to that party.*

**Sec. 15. [115B.15] [APPLICATION OF SECTIONS 1 TO 14.]**

*Sections 1 to 14 apply to any release or threatened release of a hazardous substance occurring on or after July 1, 1983, including any release which began before July 1, 1983, and continued after that date. Sections 1 to 14 do not apply to a release or threatened release which occurred wholly before July 1, 1983, regardless of the date of discovery of any injury or loss caused by the release or threatened release.*

**Sec. 16. [115B.16] [DISPOSITION OF FACILITIES.]**

**Subdivision 1. [CLOSED DISPOSAL FACILITIES; USE OF PROPERTY.]** *No person shall use any property on or in which hazardous waste remains after closure of a disposal facility as defined in section 115A.03, subdivision 10, in any way that disturbs the integrity of the final cover, liners, or any other components of any containment system, or the function of the disposal facility's monitoring systems, unless the agency finds that the disturbance:*

*(a) Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or*

*(b) Is necessary to reduce a threat to human health or the environment.*

**Subd. 2. [RECORDING OF AFFIDAVIT.]** *Before any transfer of ownership of any property which the owner knew or should have known was used as the site of a hazardous waste disposal facility as defined in section 115A.03, subdivision 10, or which the owner knew or should have known is subject to extensive contamination by release of a hazardous substance, the owner shall record with the county recorder of the county in which the property is located an affidavit containing a legal description of the property that discloses to any potential transferee:*

*(a) That the land has been used to dispose of hazardous waste or that the land is contaminated by a release of a hazardous substance;*

*(b) The identity, quantity, location, condition and circumstances of the disposal or contamination to the full extent known or reasonably ascertainable; and*

*(c) That the use of the property or some portion of it may be restricted as provided in subdivision 1.*

*An owner must also file an affidavit within 60 days after any material change in any matter required to be disclosed under clauses (a) to (c) with respect to property for which an affidavit has already been recorded.*

*If the owner or any subsequent owner of the property removes the hazardous substance, together with any residues, liner, and contaminated underlying and surrounding soil, that owner may record an affidavit indicating the removal of the hazardous substance.*

*Failure to record an affidavit as provided in this subdivision does not affect or prevent any transfer of ownership of the property.*

*Subd. 3. [DUTY OF COUNTY RECORDER.] The county recorder shall record all affidavits presented to him in accordance with subdivision 2. The affidavits shall be recorded in a manner which will assure their disclosure in the ordinary course of a title search of the subject property.*

*Subd. 4. [PENALTIES.] (a) Any person who knowingly violates the provisions of subdivision 1 is subject to a civil penalty in an amount determined by the court of not more than \$100,000, and shall be liable under sections 4 and 5 for any release or threatened release of any hazardous substance resulting from the violation.*

*(b) Any person who knowingly fails to record an affidavit as required by subdivision 2 shall be liable under sections 4 and 5 for any release or threatened release of any hazardous substance from a facility located on that property.*

*(c) A civil penalty may be imposed and recovered by an action brought by a county attorney or by the attorney general in the district court of the county in which the property is located.*

*(d) Any civil fines recovered under this subdivision shall be deposited in the fund.*

#### **Sec. 17. [115B.17] [STATE RESPONSE TO RELEASES.]**

*Subdivision 1. [REMOVAL AND REMEDIAL ACTION.] Whenever there is a release or substantial threat of release from a facility of any pollutant or contaminant which presents an imminent and substantial danger to the public health or welfare or the environment or whenever a hazardous substance is released or there is a threatened release of a hazardous substance from a facility:*

*(a) The agency may take any removal or remedial action relating to the hazardous substance, or pollutant or contaminant, which the agency deems necessary to protect the public health or welfare or the environment. Before taking any action the agency shall:*

*(1) Request any responsible party known to the agency to take actions which the agency deems reasonable and necessary to protect the public health or welfare or the environment, stating the reasons for the actions, a reasonable time for beginning and completing the actions taking into account the urgency of the actions for protecting the public health or welfare or the environment, and the intention of the agency to take action if the requested*

*actions are not taken as requested;*

*(2) Notify the owner of real property where the facility is located or where response actions are proposed to be taken, if the owner is not a responsible party, that responsible parties have been requested to take response actions and that the owner's cooperation will be required in order for responsible parties or the agency to take those actions; and*

*(3) Determine that the actions requested by the agency will not be taken by any known responsible party in the manner and within the time requested.*

*(b) The director may take removal action which he deems necessary to protect the public health or welfare or the environment if the director determines that the release or threatened release constitutes an emergency requiring immediate action to prevent, minimize or mitigate damage to the public health or welfare or the environment. Before taking any action the director shall make reasonable efforts in light of the urgency of the action to follow the procedure provided in clause (a).*

*No removal action taken by any person shall be construed as an admission of liability for a release or threatened release.*

*Subd. 2. [OTHER ACTIONS.] Whenever the agency or director is authorized to act pursuant to subdivision 1 or whenever the agency or director has reason to believe that a release of a hazardous substance, or a pollutant or contaminant, has occurred or is about to occur, or that illness, disease, or complaints thereof may be attributable to exposure to a hazardous substance, or a pollutant or contaminant, the agency or director may undertake investigations, monitoring, surveys, testing, and other similar activities necessary or appropriate to identify the existence and extent of the release or threat thereof, the source and nature of the hazardous substances, or pollutants or contaminants, and the extent of danger to the public health or welfare or the environment. In addition, the agency may undertake planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations necessary or appropriate to plan and direct a response action, to recover the costs of the response action, and to enforce the provisions of sections 1 to 18.*

*Subd. 3. [DUTY TO PROVIDE INFORMATION.] Any person who the agency has reason to believe is responsible for a release or threatened release as provided in section 3, or who is the owner of real property where the release or threatened release is located or where response actions are proposed to be taken, when requested by the agency, or any member, employee or agent thereof who is authorized by the agency, shall furnish to the agency any information which he may have or may reasonably obtain which is relevant to the release or threatened release.*

*Subd. 4. [ACCESS TO INFORMATION AND PROPERTY.] The agency or any member, employee or agent thereof authorized by the agency, upon presentation of credentials, may:*

*(a) Examine and copy any books, papers, records, memoranda or data of any person who has a duty to provide information to the agency under subdivision 3; and*

*(b) Enter upon any property, public or private, for the purpose of taking*

any action authorized by this section purpose of taking any action authorized by this section including obtaining information from any person who has a duty to provide the information under subdivision 3, conducting surveys or investigations, and taking removal or remedial action.

*Subd. 5. [CLASSIFICATION OF DATA.] Except as otherwise provided in this subdivision, data obtained from any person pursuant to subdivision 3 or 4 is public data as defined in section 13.02. Upon certification by the subject of the data that the data relates to sales figures, processes or methods of production unique to that person, or information which would tend to affect adversely the competitive position of that person, the director shall classify the data as private or nonpublic data as defined in section 13.02. Notwithstanding any other law to the contrary, data classified as private or nonpublic under this subdivision may be disclosed when relevant in any proceeding under sections 1 to 18, or to other public agencies concerned with the implementation of sections 1 to 18.*

*Subd. 6. [RECOVERY OF EXPENSES.] Any reasonable and necessary expenses incurred by the agency or director pursuant to this section, including all response costs, and administrative and legal expenses, may be recovered in a civil action brought by the attorney general against any person who may be liable under section 4 or any other law. The agency's certification of expenses shall be prima facie evidence that the expenses are reasonable and necessary. Any expenses incurred pursuant to this section which are recovered by the attorney general pursuant to section 4 or any other law, including any award of attorneys fees, shall be deposited in the fund and credited to a special account for additional response actions as provided in section 20, subdivision 2, clause (b) or (d).*

*Subd. 7. [ACTIONS RELATING TO NATURAL RESOURCES.] For the purpose of this subdivision, the state is the trustee of the air, water and wildlife of the state. An action pursuant to section 4 for damages with respect to air, water or wildlife may be brought by the attorney general in the name of the state as trustee for those natural resources. Any damages recovered by the attorney general pursuant to section 4 or any other law for injury to, destruction of, or loss of natural resources resulting from the release of a hazardous substance, or a pollutant or contaminant, shall be deposited in the fund and credited to a special account for the purposes provided in section 20, subdivision 2, clause (f).*

*Subd. 8. [ACTIONS RELATING TO PESTICIDES OR FERTILIZER OR SOIL OR PLANT AMENDMENTS.] When the commissioner of agriculture has reported an incident involving the release of pesticides under the provisions of section 18A.37 or the release of fertilizers or soil or plant amendments, and the agency determines that the incident constitutes a release of a hazardous substance, or a pollutant or contaminant, the agency shall authorize the commissioner, subject to the provisions of subdivision 13, to take any action which the agency would be authorized to take under subdivisions 1 to 4. Subject to the provisions of section 20, subdivision 3, the agency shall reimburse the commissioner from the fund for the reasonable and necessary expenses incurred in taking those actions and may recover any amount spent from the fund under subdivision 6.*

*Subd. 9. [ACTIONS RELATING TO OCCUPATIONAL SAFETY AND*

HEALTH.] *The agency, director and the commissioner of labor and industry shall make reasonable efforts to coordinate any actions taken under this section and under sections 182.65 to 182.674 to avoid duplication or conflict of actions or requirements with respect to a release or threatened release affecting the safety of any conditions or place of employment.*

Subd. 10. [ACTIONS RELATING TO HEALTH.] *The agency and director shall make reasonable efforts to coordinate and consult with the commissioner of health in planning and directing response actions with respect to a release or threatened release affecting the public health. If the commissioner of health, upon the request of the agency, takes any actions authorized under this section, the agency shall reimburse the commissioner from the fund for the reasonable and necessary expenses incurred in taking those actions and may recover any amount spent from the fund under subdivision 6.*

Subd. 11. [LIMIT ON ACTIONS BY POLITICAL SUBDIVISIONS.] *When the agency or director has requested a person who is responsible for a release or threatened release to take any response action under subdivision 1, no political subdivision shall request or order that person to take any action which conflicts with the action requested by the agency or director.*

Subd. 12. [AUTHORIZATION OF CERTAIN RESPONSE ACTIONS.] *For the purpose of permitting a political subdivision or private person to recover response costs as provided in section 4, subdivision 6, the agency may authorize the political subdivision to take removal or remedial actions or may authorize the private person to take removal actions with respect to any release of a hazardous substance which was placed or came to be located in the facility before April 1, 1982. The authorization shall be based on application of the criteria in the rules of the agency adopted under subdivision 13 or, if the rules have not been adopted, under the criteria set forth in subdivision 13 on which the rules are required to be based. The authorization shall not be inconsistent with the criteria. This subdivision shall not be construed to prohibit a political subdivision or private person from taking removal or remedial actions without the authorization of the agency.*

Subd. 13. [PRIORITIES; RULES.] *By November 1, 1983, the agency shall establish a temporary list of priorities among releases or threatened releases for the purpose of taking remedial action and, to the extent practicable consistent with the urgency of the action, for taking removal action under this section. The temporary list, with any necessary modifications, shall remain in effect until the agency adopts rules establishing state criteria for determining priorities among releases and threatened releases. The agency shall adopt the rules by July 1, 1984. After rules are adopted, a permanent priority list shall be established, and may be modified from time to time, according to the criteria set forth in the rules. Before any list is established under this subdivision the agency shall publish the list in the state register and allow 30 days for comments on the list by the public.*

*The temporary list and the rules required by this subdivision shall be based upon the relative risk or danger to public health or welfare or the environment, taking into account to the extent possible the population at risk, the hazardous potential of the hazardous substances at the facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, the ad-*

*ministrative and financial capabilities of the agency, and other appropriate factors.*

**Sec. 18. [115B.18] [FAILURE TO TAKE REQUESTED ACTIONS; CIVIL PENALTIES; ACTION TO COMPEL PERFORMANCE; INJUNCTIVE RELIEF.]**

*Subdivision 1. [CIVIL PENALTIES.] Any person responsible for a release or threatened release from a facility of a pollutant or contaminant which presents an imminent and substantial danger to the public health or welfare or the environment or for a release or threatened release of a hazardous substance from a facility shall forfeit and pay to the state a civil penalty in an amount to be determined by the court of not more than \$20,000 per day for each day that the person fails to take reasonable and necessary response actions or to make reasonable progress in completing response actions requested as provided in subdivision 3.*

*The penalty provided under this subdivision may be recovered by an action brought by the attorney general in the name of the state in connection with an action to recover expenses of the agency under section 17, subdivision 6, or by a separate action in the district court of Ramsey County. All penalties recovered under this subdivision shall be deposited in the fund.*

*Subd. 2. [ACTION TO COMPEL PERFORMANCE.] When any person who is responsible for a release or threatened release from a facility of a pollutant or contaminant which presents an imminent and substantial danger to the public health or welfare or the environment or for a release or threatened release of a hazardous substance from a facility, fails to take response actions or to make reasonable progress in completing response actions requested as provided in subdivision 3, the attorney general may bring an action in the name of the state to compel performance of the requested response actions. If any person having any right, title, or interest in and to the real property where the facility is located or where response actions are proposed to be taken is not a person responsible for the release or threatened release, the person may be joined as an indispensable party in an action to compel performance in order to assure that the requested response actions can be taken on that property by the responsible parties.*

*Subd. 3. [REQUESTS FOR RESPONSE ACTIONS.] A request for emergency removal action shall be made by the director. Other requests for response actions shall be made by the agency. A request shall be in writing, shall state the action requested, the reasons for the action, and a reasonable time by which the action must be begun and completed taking into account the urgency of the action for protection of the public health or welfare or the environment.*

*Subd. 4. [INJUNCTIVE RELIEF.] The release or threatened release of a hazardous substance, or a pollutant or contaminant, shall constitute a public nuisance and may be enjoined in an action, in the name of the state, brought by the attorney general.*

**Sec. 19. [115B.19] [PURPOSES OF FUND AND TAXES.]**

*In establishing the environmental response, compensation and compliance fund in section 20 and imposing taxes in section 22 it is the purpose of the legislature to:*



(a) *Encourage treatment and disposal of hazardous waste in a manner that adequately protects the public health or welfare or the environment;*

(b) *Encourage responsible parties to provide the response actions necessary to protect the public and the environment from the effects of the release of hazardous substances;*

(c) *Encourage the use of alternatives to land disposal of hazardous waste including resource recovery, recycling, neutralization, and reduction;*

(d) *Provide state agencies with the financial resources needed to prepare and implement an effective and timely state response to the release of hazardous substances, including investigation, planning, removal and remedial action;*

(e) *Compensate for increased governmental expenses and loss of revenue and to provide other appropriate assistance to mitigate any adverse impact on communities in which commercial hazardous waste processing or disposal facilities are located under the siting process provided in chapter 115A;*

(f) *Recognize the environmental and public health costs of land disposal of solid waste and of the use and disposal of hazardous substances and to place the burden of financing state hazardous waste management activities on those whose products and services contribute to hazardous waste management problems and increase the risks of harm to the public and the environment.*

**Sec. 20. [115B.20] [ENVIRONMENTAL RESPONSE, COMPENSATION AND COMPLIANCE FUND.]**

*Subdivision 1. [ESTABLISHMENT.] The environmental response, compensation and compliance fund is created as an account in the state treasury and may be spent only for the purposes provided in subdivision 2.*

*Subd. 2. [PURPOSES FOR WHICH MONEY MAY BE SPENT.] Subject to appropriation by the legislature the money in the fund may be spent for any of the following purposes:*

(a) *Preparation by the agency for taking removal or remedial action under section 17, including investigation, monitoring and testing activities, enforcement and compliance efforts relating to the release of hazardous substances, pollutants or contaminants under section 17 or 18;*

(b) *Removal and remedial actions taken or authorized by the agency or director under section 17, including related enforcement and compliance efforts under section 17 or 18, and payment of the state share of the cost of remedial action which may be carried out under a cooperative agreement with the federal government pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(c)(3) for actions related to facilities other than commercial hazardous waste facilities located under the siting authority of chapter 115A;*

(c) *Reimbursement to any private person for expenditures made before July 1, 1983 to provide alternative water supplies deemed necessary by the agency and the department of health to protect the public health from contamination resulting from the release of a hazardous substance;*

(d) *Removal and remedial actions taken or authorized by the agency or director under section 17 including related enforcement and compliance efforts under section 17 or 18, and payment of the state share of the cost of remedial action which may be carried out under a cooperative agreement with the federal government pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(c)(3) for actions related to commercial hazardous waste facilities located under the siting authority of chapter 115A;*

(e) *Compensation as provided by law, after submission by the waste management board of the report required under section 115A.08, subdivision 5, to mitigate any adverse impact of the location of commercial hazardous waste processing or disposal facilities located pursuant to the siting authority of chapter 115A;*

(f) *Planning and implementation by the commissioner of natural resources of the rehabilitation, restoration or acquisition of natural resources to remedy injuries or losses to natural resources resulting from the release of a hazardous substance;*

(g) *Inspection, monitoring and compliance efforts by the agency, or by political subdivisions with agency approval, of commercial hazardous waste facilities located under the siting authority of chapter 115A;*

(h) *Grants by the agency or the waste management board to demonstrate alternatives to land disposal of hazardous waste including reduction, separation, pretreatment, processing and resource recovery, for education of persons involved in regulating and handling hazardous waste;*

(i) *Intervention and environmental mediation by the legislative commission on waste management under chapter 115A; and*

(j) *Grants by the agency to study the extent of contamination and feasibility of cleanup of hazardous substances and pollutants or contaminants in major waterways of the state.*

**Subd. 3. [LIMIT ON CERTAIN EXPENDITURES.]** *The director or agency may not spend any money under subdivision 2, clause (b) or (d) for removal or remedial actions to the extent that the costs of those actions may be compensated from any fund established under the Federal Superfund Act, 42 U.S.C. Section 9600 et seq. The director or agency shall determine the extent to which any of the costs of those actions may be compensated under the federal act based on the likelihood that the compensation will be available in a timely fashion. In making this determination the director or agency shall take into account:*

(a) *The urgency of the removal or remedial actions and the priority assigned under the Federal Superfund Act to the release which necessitates those actions;*

(b) *The availability of money in the funds established under the Federal Superfund Act; and*

(c) *The consistency of any compensation for the cost of the proposed actions under the Federal Superfund Act with the national contingency plan, if such a plan has been adopted under that act.*

**Subd. 4. [REVENUE SOURCES.]** *Revenue from the following sources*

shall be deposited in the environmental response, compensation and compliance fund:

(a) The proceeds of the taxes imposed pursuant to section 22, including interest and penalties;

(b) All money recovered by the state under sections 1 to 18 or under any other statute or rule related to the regulation of hazardous waste or hazardous substances, including civil penalties and money paid under any agreement, stipulation or settlement but excluding fees imposed under section 25;

(c) All interest attributable to investment of money deposited in the fund; and

(d) All money received in the form of gifts, grants, reimbursement or appropriation from any source for any of the purposes provided in subdivision 2, except federal grants.

*Subd. 5. [RECOMMENDATION BY LCWM.] The legislative commission on waste management shall make recommendations to the standing legislative committees on finance and appropriations regarding appropriations from the fund.*

*Subd. 6. [REPORT TO LEGISLATURE.] By November 1, 1984, and each year thereafter, the agency shall submit to the senate finance committee, the house appropriations committee and the legislative commission on waste management a report detailing the activities for which money from the environmental response, compensation and compliance fund has been spent during the previous fiscal year.*

## Sec. 21. [115B.21] [TAXES; DEFINITIONS.]

*Subdivision 1. [APPLICATION.] The definitions provided in this section and section 2 apply to sections 21 to 24.*

*Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of revenue.*

*Subd. 3. [GENERATOR.] "Generator" means a person who generates hazardous waste and who is required to disclose the generation of hazardous waste under the hazardous waste rules of the agency adopted under section 116.07.*

*Subd. 4. [LONG TERM CONTAINMENT.] "Long term containment" means land disposal or storage for a period of more than one year.*

*Subd. 5. [TREATMENT.] "Treatment" means any material, technique or process designed to change the physical, chemical or biological character or composition of a hazardous waste in order to: (a) neutralize it; (b) render it nonhazardous or less hazardous; (c) render it safer to transport, store or dispose of; (d) make it amenable to storage; or (e) reduce its volume.*

*Subd. 6. [WASTEWATER TREATMENT UNIT.] "Wastewater treatment unit" means a device which is part of a wastewater treatment facility subject to regulation pursuant to the federal Clean Water Act under 33 U.S.C. Section 1317 (b) or 1342.*

## Sec. 22. [115B.22] [HAZARDOUS WASTE GENERATOR TAX.]

*Subdivision 1. [TAXES IMPOSED; EXCLUSIONS.] Each generator of*

*hazardous waste shall pay the taxes imposed by this section based upon the volume and destination of the hazardous wastes generated. The taxes imposed by this section do not apply to hazardous wastes destined for recycling or reuse including waste accumulated, stored, or physically, chemically, or biologically treated before recycling or reuse, to used crankcase oil, to hazardous waste which is generated as a result of any response action, or to hazardous waste which meets applicable pretreatment standards or compliance schedules and is discharged to a public sewage treatment works.*

*Subd. 2. [LONG TERM CONTAINMENT WITHOUT TREATMENT.] Hazardous waste destined for long term containment without treatment shall be taxed at the rate of 32 cents per gallon of liquid or \$32 per cubic yard of solid.*

*Subd. 3. [LONG TERM CONTAINMENT AFTER TREATMENT.] Hazardous waste destined for long term containment after treatment shall be taxed at the rate of 16 cents per gallon of liquid or \$16 per cubic yard of solid.*

*Subd. 4. [LAND TREATMENT.] Hazardous waste destined for treatment in or on the land shall be taxed at the rate of \$32 per cubic yard.*

*Subd. 5. [OTHER TREATMENT.] Hazardous waste destined for treatment, other than as provided in subdivision 6, to produce a material which is not hazardous, including treatment permitted by the agency in a sewage treatment works, or hazardous waste which is destined for destructive treatment by incineration shall be taxed at the rate of eight cents per gallon of liquid or \$8 per cubic yard of solid.*

*Subd. 6. [ON-SITE WASTEWATER TREATMENT.] The tax imposed under this section does not apply to hazardous waste which is destined for treatment in an on-site wastewater treatment unit to produce a material which is not hazardous before entering a public sewer system or waters of the state but the tax does apply to any residue of treatment which is a hazardous waste.*

*Subd. 7. [DISPOSITION OF PROCEEDS.] The proceeds of the taxes imposed under this section including any interest and penalties shall be deposited in the fund.*

*Subd. 8. [REVIEW OF TAX BY LCWM.] After the waste management board submits the plan required under section 115A.11 to the legislative commission on waste management, the commission shall review the taxes and tax rates imposed under this section in light of the objectives and recommendations of the plan, and shall recommend to the standing tax committees of both houses of the legislature any changes in the taxes or tax rates which are needed to assist or encourage implementation of the strategies adopted by the state for management of hazardous waste.*

**Sec. 23. [115B.23] [SEVERABILITY.]**

*If any tax imposed under section 22 is found to be invalid because of the purpose for which the proceeds were appropriated or made available under section 20, subdivision 2, the proceeds of that tax shall not be appropriated or available for the objectionable purposes, but the tax shall continue to be imposed and the proceeds shall be appropriated and made available for*

*other purposes provided in section 20, subdivision 2.*

**Sec. 24. [115B.24] [TAX ADMINISTRATION AND ENFORCEMENT.]**

*Subdivision 1. [ANNUAL RETURNS.] Every generator of hazardous waste subject to taxation pursuant to section 22 shall file a return relating to the tax due for the preceding calendar year with the commissioner of revenue by April 15 each year, in the form prescribed by the commissioner. Payment of the tax, to the extent not paid in full pursuant to subdivisions 2 and 3, shall be submitted with the return.*

*Subd. 2. [DECLARATIONS OF ESTIMATED TAX.] For 1983, every generator of hazardous waste required to pay a tax pursuant to section 22 shall make a declaration of estimated hazardous waste generated for the last six months of calendar 1983 if the tax can reasonably be estimated to exceed \$500. The declaration of the estimated tax shall be filed by October 15, 1983. The amount of estimated tax with respect to which a declaration is required shall be paid in two equal installments by October 15, 1983 and January 15, 1984. For 1984 and subsequent years, every generator of hazardous waste required to pay a tax pursuant to section 22 shall make a declaration of estimated hazardous waste generated for the calendar year if the tax can reasonably be expected to be in excess of \$1,000. The declaration of estimated tax shall be filed by March 15. The amount of estimated tax with respect to which a declaration is required shall be paid in four equal installments on or before the 15th day of March, June, September, and December.*

*An amendment of a declaration may be filed in any interval between installment dates prescribed above but only one amendment may be filed in each interval. If an amendment of a declaration is filed, the amount of each remaining installment shall be the amount which would have been payable if the new estimate had been made when the first estimate for the calendar year was made, increased or decreased, as the case may be, by the amount computed by dividing*

*(1) the difference between (A) the amount of estimated tax required to be paid before the date on which the amendment was made, and (B) the amount of estimated tax which would have been required to be paid before that date if the new estimate had been made when the first estimate was made, by*

*(2) the number of installments remaining to be paid on or after the date on which the amendment is made.*

*The commissioner of revenue may grant a reasonable extension of time for filing any declaration but the extension shall not be for more than six months.*

*Subd. 3. [FAILURE TO PAY ESTIMATED TAX.] (a) In case of any underpayment of estimated tax required by this section, except as provided in clause (b), there shall be added to the tax for the taxable year an amount determined at the rate specified in section 270.75, subdivision 4, upon the amount of the underpayment for the period of the underpayment.*

*For purposes of this subdivision, the amount of the underpayment shall be the excess of*

*(1) the amount of the installment, over*

*(2) the amount, if any, of the installment paid on or before the last date*

prescribed for payment.

*The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier:*

(1) April 15, or

(2) With respect to any portion of the underpayment, the date on which the portion is paid. For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent the payment exceeds the amount of the installment determined under this subdivision for the installment date.

(b) Notwithstanding the provisions of clause (a), the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of the installment equals or exceeds the amount which would have been required to be paid on or before that date if the estimated tax were the lesser of:

(1) For 1985 and thereafter, the tax shown on the return of the taxpayer for the preceding year or, for 1984, twice the amount of the tax shown for 1983; or

(2) Eighty percent of the actual liability for the year.

**Subd. 4. [REFUNDS OF OVERPAYMENTS OF ESTIMATED TAX.]** Refunds of overpayments of estimated tax shall be made as provided in section 290.936.

**Subd. 5. [EXCHANGE OF INFORMATION.]** Notwithstanding the provisions of section 116.075, the pollution control agency may provide the commissioner of revenue with the information necessary for the enforcement of section 22 and this section. Information disclosed in a return filed pursuant to this section is public. Information exchanged between the commissioner and the agency is public unless the information is of the type determined to be for the confidential use of the agency pursuant to section 116.075 or is trade secret information classified pursuant to section 13.37. Information obtained in the course of an audit of the taxpayer by the department of revenue shall be nonpublic or private data to the extent that it is not directly divulged in a return of the tax.

**Subd. 6. [PAYMENT BY OUT-OF-STATE GENERATORS.]** A generator of any hazardous waste which is generated outside of this state and is transported into this state for long term containment or treatment as described in section 22, subdivisions 2 to 5 shall pay the tax imposed by section 22 at the first point at which the hazardous wastes are received by a person in this state for storage, treatment or long term containment. The tax shall be paid to the person who first receives the wastes in this state at the time the waste is received and shall be remitted by that person to the commissioner of revenue quarterly in the form and manner provided by the commissioner.

**Subd. 7. [DUTIES OF THE AGENCY AND METROPOLITAN COUNTIES.]** The agency shall provide to the commissioner the names and addresses of all persons known to the agency who are subject to tax under section 22, together with any information which the agency possesses concerning the amount of hazardous waste generated and disposed of by those

persons. Metropolitan counties required to regulate hazardous wastes under section 473.811, subdivision 5b, shall provide to the agency the data and information necessary to allow the agency to carry out its duties under this subdivision. Upon request by the commissioner, the agency shall examine returns and reports filed with the commissioner and notify the commissioner of any suspected inaccurate or fraudulent declaration or return. The agency may assist in auditing any person subject to tax under section 22 when requested by the commissioner.

Subd. 8. [PENALTIES; ENFORCEMENT.] *The audit, penalty and enforcement provisions applicable to taxes imposed under chapter 290 apply to the taxes imposed under section 22 and those provisions shall be administered by the commissioner.*

Subd. 9. [RULES.] *The commissioner may adopt temporary and permanent rules necessary to implement the provisions of this section and section 22.*

Subd. 10. [ADMINISTRATIVE EXPENSES.] *Any amount expended by the commissioner from a general fund appropriation to enforce and administer section 22 and this section shall be reimbursed to the general fund and the amount necessary to make the reimbursement is appropriated from the fund to the commissioner of finance for transfer to the general fund.*

Sec. 25. [116.12] [HAZARDOUS WASTE ADMINISTRATION FEES.]

Subdivision 1. [FEE SCHEDULES.] *The agency shall establish the fees provided in subdivisions 2 and 3 in the manner provided in section 16A.128 to cover the amount appropriated from the general fund to the agency for that year for permitting, monitoring, inspection and enforcement expenses of the hazardous waste activities of the agency.*

*The legislature may appropriate additional amounts that need not be covered by fees or may provide that the fees shall cover only a portion of the general fund appropriation for the hazardous waste activities of the agency, in order to assure adequate funding for the regulatory and enforcement functions of the agency related to hazardous waste. All fees collected by the agency under this section shall be deposited in the general fund.*

Subd. 2. [HAZARDOUS WASTE GENERATOR FEE.] *Each generator of hazardous waste shall pay a fee on the hazardous waste which he generates. The agency shall compute the amount of the fee due based on the hazardous waste disclosures submitted by the generators and other information available to the agency. The agency shall annually prepare a statement of the amount of the fee due from each generator. The fee shall be paid annually commencing with the first day of the calendar quarter after the date of the statement.*

*The agency may exempt generators of small quantities of hazardous wastes otherwise subject to the fee if it finds that the cost of administering a fee on those generators is excessive relative to the proceeds of the fee. The fee shall consist of a minimum fee for each generator not exempted by the agency and an additional fee based on the quantity of wastes generated by the generator.*

*If any metropolitan counties recover the costs of administering county hazardous waste regulations by charging fees, the fees charged by the*

*agency outside of those counties shall not exceed the fees charged by those counties. The agency shall not charge a fee in any metropolitan county which charges such a fee. The agency shall impose a fee calculated as a surcharge on the fees charged by the metropolitan counties and by the agency to reflect the agency's expenses in carrying out its statewide hazardous waste regulatory responsibilities. The surcharge imposed on the fees charged by the metropolitan counties shall be collected by the metropolitan counties in the manner in which the counties collect their generator fees. Metropolitan counties shall remit the proceeds of the surcharge to the agency by the last day of the month following the month in which they were collected.*

*Subd. 3. [FACILITY FEES.] The agency shall charge an original permit fee, a reissuance fee and an annual operator's fee for any hazardous waste facility regulated by the agency. The agency may include reasonable and necessary costs of any environmental review required under chapter 116D in the original permit fee for any hazardous waste facility.*

Sec. 26. Minnesota Statutes 1982, section 115A.24, subdivision 1, is amended to read:

Subdivision 1. [CERTIFICATE.] ~~Except as provided in subdivision 2;~~ By December 15, 1982, on the basis of and consistent with its hazardous waste management plan adopted under section 115A.11, the board shall issue a certificate or certificates of need for disposal facilities for hazardous wastes in the state. The certificate or certificates shall indicate the types and volumes of waste for which disposal facilities are and will be needed through the year 2000 and the number, types, sizes, general design and operating specifications, and function or use of the disposal facilities needed in the state. The board shall certify need only to the extent that the board has determined that there are no feasible and prudent alternatives including waste reduction, separation, pretreatment, processing, and resource recovery which would minimize adverse impact upon natural resources, provided that the board shall require the establishment of at least one commercial disposal facility in the state. Economic considerations alone shall not justify certification nor the rejection of alternatives. Alternatives that are speculative and conjectural shall not be deemed to be feasible and prudent. The board shall consider all technologies being developed in other countries as well as in the United States when it considers the alternatives to hazardous waste disposal. The certificate or certificates shall not be subject to the provisions of chapter 14 but shall be the final determination required on the matters decided by the certificate or certificates and shall have the force and effect of law. The certificate or certificates shall not be amended for five years. The board and the permitting agencies, in reviewing and selecting sites, completing environmental impact statements, and issuing approvals and permits for waste disposal facilities described in the certificate or certificates of need, shall not reconsider matters determined in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of facilities consistent with the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of at least one commercial disposal facility for hazardous waste in the state.

Sec. 27. Minnesota Statutes 1982, section 466.01, is amended by adding a subdivision to read:



*Subd. 3. For the purposes of sections 466.01 to 466.15, "release" and "hazardous substance" have the meanings given in section 2.*

Sec. 28. Minnesota Statutes 1982, section 466.04, subdivision 1, is amended to read:

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

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

(b) \$300,000 for any number of claims arising out of a single occurrence-;

(c) *Twice the limits provided in clauses (a) and (b), but not less than \$300,000 per claim, when the claim arises out of the release or threatened release of a hazardous substance, whether the claim is brought under sections 1 to 15 or under any other law.*

No award for damages on any such claim shall include punitive damages.

Sec. 29. [RECOMMENDATIONS CONCERNING ALLOCATION OF LIABILITY.]

*The waste management board shall make recommendations to the legislature by November 1, 1983 regarding the allocation of liability among the owners, operators, and users of a hazardous waste disposal facility established pursuant to sections 115A.18 to 115A.30, including any recommended legislative changes, taking into consideration the need for the facility, the state's involvement in the facility, the need to protect the health, property and environment of the local community from injury and loss, and the need for incentives to encourage the development and use of alternatives to land disposal. The recommendations shall be made after consultation with affected industries, including insurers, generators, transporters, disposers, and treaters of hazardous waste, individuals, including academic, scientific and legal professionals, and groups, including community and environmental groups.*

Sec. 30. [VICTIM COMPENSATION STUDY.]

*By July 1, 1984, the legislative commission on waste management shall conduct a study and make recommendations to the legislature on the creation of a compensation fund to compensate persons who are injured as the result of a release of a hazardous substance and who would not otherwise be adequately compensated for their injuries. The study shall consider matters including the following:*

(a) *The appropriate scope of compensation which should be provided by the fund including the extent of any compensation which should be available for medical expenses, disability, loss of income, physical impairment, and death;*

(b) *Creation of a simple, speedy, and cost efficient claims procedure which provides an effective remedy for injured claimants;*

(c) *Methods by which compensation can be financed by those who create or contribute to the risk of injury from hazardous substance releases, including*

*the manner by which the state may seek to recover amounts paid from the fund; and*

*(d) Whether the fund should be established or administered at the federal or state level and the appropriate degree of state and federal cooperation in providing compensation.*

**Sec. 31. [INSURANCE STUDY.]**

*The commissioner of insurance shall conduct a study of insurance providing coverage for liability under section 5. The commissioner shall submit the results of the study, together with his recommendations, to the legislature by July 1, 1985. The director of the pollution control agency shall cooperate with and provide assistance to the commissioner during the course of the study.*

**Sec. 32. [APPROPRIATION; COMPLEMENT.]**

*Subdivision 1. [APPROPRIATION TO FUND.] \$5,000,000 is appropriated from the general fund and transferred to the environmental response, compensation, and compliance fund established in section 20. This appropriation is available until expended.*

*Subd. 2. [TAX ADMINISTRATION; COMPLEMENT.] \$50,000 in fiscal year 1984 and \$40,000 in fiscal year 1985 is appropriated from the general fund to the commissioner of revenue for the purposes of administering and enforcing sections 21 to 24. This appropriation shall be reimbursed to the general fund under the provisions of section 24, subdivision 10.*

*The complement of the department of revenue is increased by two positions.*

*Subd. 3. [APPROPRIATION FOR RESPONSE ACTIONS; COMPLEMENT.] \$483,700 in fiscal year 1984 and \$400,700 in fiscal year 1985 is appropriated from the environmental response, compensation, and compliance fund to the pollution control agency for administrative costs.*

*The complement of the pollution control agency is increased by ten positions.*

*All money in the environmental response, compensation, and compliance fund not otherwise appropriated is appropriated to the pollution control agency for the purposes described in section 20, subdivision 2, clauses (a), (b), and (c). This appropriation is available until June 30, 1985.*

*Subd. 4. [APPROPRIATION FOR COMPLIANCE ACTIONS; COMPLEMENT.] \$45,600 in fiscal year 1984 and \$56,400 in fiscal year 1985 is appropriated from the general fund to the attorney general for the purposes of enforcing this act. This appropriation shall be reimbursed to the general fund from the environmental response, compensation, and compliance fund, and the amount necessary to make the reimbursement is appropriated to the commissioner of finance for transfer to the general fund.*

*The complement of the office of the attorney general is increased by two positions.*

*Subd. 5. [APPROPRIATION FOR VICTIM COMPENSATION STUDY.] \$20,000 is appropriated from the general fund to the legislative commission*

on waste management to carry out the study required by section 30.

*Subd. 6. [APPROPRIATION FOR INSURANCE STUDY.] There is appropriated from the general fund to the commissioner of insurance \$5,000 for fiscal year 1984, to conduct the study described in section 31.*

Sec. 33. [REPEALER.]

*Minnesota Statutes 1982, section 115A.24, subdivision 2, is repealed.*

Sec. 34. [EFFECTIVE DATE.]

*Sections 17 to 24 are effective the day following final enactment. The taxes imposed by section 22 are effective July 1, 1983. The remaining sections of this act are effective July 1, 1983."*

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "providing for studies;"

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

House Conferees: (Signed) Dee Long, Darby Nelson, Willard M. Munger, Bob Anderson, Harry A. Sieben, Jr.

Senate Conferees: (Signed) Gene Merriam, Randolph W. Peterson, William P. Luther, Eric D. Petty

Mr. Merriam moved that the foregoing recommendations and Conference Committee Report on H.F. No. 76 be now adopted and that the bill be repassed as amended by the Conference Committee.

Mr. Berg moved that the recommendations and Conference Committee Report on H.F. No. 76 be rejected and that the bill be re-referred to the Conference Committee as formerly constituted for further consideration.

The question was taken on the adoption of the motion of Mr. Berg.

The roll was called, and there were yeas 33 and nays 33, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Knutson	Olson	Stumpf
Anderson	Frederick	Kronebusch	Peterson, D.L.	Taylor
Belanger	Frederickson	Laidig	Ramstad	Ulland
Benson	Isackson	Langseth	Renneke	Waldorf
Berg	Johnson, D.E.	Lessard	Schmitz	Wegscheid
Bernhagen	Kamrath	McQuaid	Sieloff	
Brataas	Knaak	Mehrkens	Storm	

Those who voted in the negative were:

Berglin	Dieterich	Luther	Peterson, C.C.	Samuelson
Bertram	Frank	Merriam	Peterson, D.C.	Solon
Dahl	Hughes	Moe, D. M.	Peterson, R.W.	Spear
Davis	Johnson, D.J.	Moe, R. D.	Petty	Vega
DeCramer	Jude	Nelson	Pogemiller	Willet
Dicklich	Kroening	Novak	Purfeerst	
Diessner	Lantry	Pehler	Reichgott	

The motion did not prevail.

The question recurred on the motion of Mr. Merriam.

The motion prevailed. So the recommendations and Conference Com-

mittee Report were adopted.

H.F. No. 76 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 55 and nays 11, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Belanger	Frederickson	Kamrath	Kronebusch	Peterson, D. L.
Bernhagen	Isackson	Knutson	Mehrkins	Sieloff
Frederick				

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

Without objection, the Senate reverted to the Order of Business of Messages From the House, Reports of Committees and Second Reading of Senate Bills.

## MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 667.

H.F. No. 667: A bill for an act relating to employment; providing leaves of absence for adoptive parents; proposing new law coded in Minnesota Statutes, chapter 181.

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

Blatz, Price and Krueger have been appointed as such committee on the part of the House.

House File No. 667 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 4, 1983

Mr. Benson moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 667, and that a Conference Committee

of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

## REPORTS OF COMMITTEES

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

S.F. No. 86: A bill for an act relating to education; providing for aids to education, aids to libraries, tax levies and the distribution of tax revenues; granting certain duties and powers to school boards, school districts, the state board of education; modifying certain components of foundation aid; modifying the method for calculating transportation aid; suspending certain special education rules; providing for community education aid and levy; providing for AVTI instructional aid; providing certain powers to intermediate school districts; modifying certain provisions relating to teacher mobility programs; modifying certain duties of the council on quality education; establishing certain programs relating to high technology; modifying the method of payment of certain aids and credits to school districts and related matters; appropriating money; amending Minnesota Statutes 1982, sections 6.54; 6.62, subdivision 1; 121.15; 120.17, subdivision 3; 121.503; 121.505; 121.904, subdivision 4a, as amended; 121.908; 121.936, by adding a subdivision; 123.32, by adding a subdivision; 123.33, subdivisions 10 and 14; 123.34, subdivision 9; 123.36, subdivisions 9, 13, and by adding a subdivision; 123.37, subdivision 1b; 123.702, subdivision 1a; 123.705; 123.933, subdivision 3; 124.14, subdivision 1; 124.15, subdivision 5; 124.155, subdivisions 1, and 2, as amended; 124.17, subdivision 2d; 124.19, subdivision 3; 124.201, subdivision 2; 124.2122, subdivisions 1 and 2; 124.2124, subdivision 1; 124.2126, subdivision 3; 124.2127, subdivision 1; 124.2132, subdivision 1; 124.214, subdivision 2; 124.225; 124.245, by adding a subdivision; 124.246, subdivision 2; 124.247, subdivision 3, and by adding a subdivision; 124.273, subdivision 4; 124.32, subdivisions 3a, 5, and 5a; 124.43, subdivision 1; 124.572, subdivision 2; 124.646, subdivision 1; 125.60, subdivisions 3 and 7; 126.54, subdivision 1; 129B.01, subdivisions 1 and 2; 129B.02; 129B.04; 129B.05; 129B.09, subdivisions 1 and 12; 134.07; 134.08; 134.09; 134.10; 134.11; 134.12; 134.13; 134.14; 134.15; 134.30; 134.32, subdivisions 1 and 7; 134.351, subdivisions 3 and 7; 134.353; 134.36; 273.1392; 275.125, subdivisions 2d, 5, 5b, 9, 11a, 11b, and by adding subdivisions; 354.094, subdivisions 1, 1a, and by adding a subdivision; 354.66, subdivisions 4, 9, and by adding a subdivision; 354A.091, subdivision 1, 1a, and by adding a subdivision; 354A.094, subdivisions 4, 9, and by adding a subdivision; 375.335; 475.61, subdivision 3; and 648.39, subdivision 1; amending Laws 1967, chapter 822, by adding a section; Laws 1969, chapter 775, section 3, subdivision 2, as amended; section 3, by adding a subdivision; and chapter 1060, by adding sections; Laws 1981, chapter 358, article VII, section 29, as amended; and Laws 1982, chapter 548, article IV, section 21; proposing new law coded in Minnesota Statutes, chapters 121; 124; 124A; 125; 126; 129B; and 134; repealing Minnesota Statutes 1982, sections 122.542; 122.90; 124.2123; 124.2124; 124.2125; 124.2128; 124.24; 124.251; 124.271; 124.273, subdivisions 1 and 2; 124.32, subdivision 1; 124.561; 124.562; 124.5621; 124.5622; 124.5623; 124.5624; 124.5625; 124.5626;

124.5627; 125.60, subdivisions 2a and 7; 129B.09, subdivision 5; 134.03; 134.06; 134.16; 134.19; 134.352; 275.125, subdivisions 6b, 6c, 6d, 7a, 7c, and 8; 354.66, subdivision 9; 354A.094, subdivision 9; and 375.33.

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

Page 3, line 16, delete everything after the period

Page 3, delete lines 17 and 18

Page 7, line 30, delete "TEACHER" and insert "TRAINING AND EXPERIENCE"

Page 7, line 30, delete "Teacher" and insert "Training and experience"

Page 7, line 31, delete "education" and insert "training"

Page 8, line 2, delete "TEACHER" and insert "TRAINING AND EXPERIENCE"

Page 8, line 3, after "The" insert "training and experience"

Page 8, line 13, delete "average" and insert "average"

Page 9, line 2, delete "teacher" and insert "training and experience"

Page 9, line 24, delete "level" and insert "tier"

Page 11, line 9, delete "minimum aid,"

Page 11, line 11, delete "124.2126,"

Page 11, line 17, after "7a" insert a comma and delete "7c" and insert "no aid or levy reductions were made according to section 275.125, subdivision 7c"

Page 12, line 2, after "(b)," insert "when"

Page 12, line 3, delete everything after the first "the" and insert "tiers specified in sections 9, 10, 11, 12 and 13 for a district exceeds the revenue for that district from the previous formula as specified in section 13, subdivision 1, clauses (a) and (b), the actual total revenue the district shall be permitted from the tiers shall not exceed"

Page 12, delete line 4

Page 12, line 5, delete "(a) and (b) by more than" and delete "for" and insert "of the difference in"

Page 12, lines 6 and 7, delete "for" and insert "of the difference in"

Page 12, line 8, delete everything after "be" except the period and insert "accorded to the lowest numbered tiers, beginning with the cost differential tier"

Page 12, after line 8, insert:

"(b) The permitted total revenue specified in clause (a) shall be determined prior to the reduction according to section 275.125, subdivision 7e."

Page 12, line 9, delete "(b)" and insert "(c)"

Page 14, line 26, delete "when the levy is" and insert "for which the levy

is attributable”

Page 14, line 27, delete “certified”

Page 15, line 24, delete “12.25” and insert “12.5”

Page 17, delete section 21 and insert:

“Sec. 21. [APPROPRIATION.]

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [FOUNDATION AID.] For foundation aid there is appropriated:*

*\$591,925,000.....1984,*

*\$539,636,000.....1985.*

*The appropriation for 1984 includes \$84,895,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$507,030,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for 1985 includes \$89,413,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$450,223,000 for aid for fiscal year 1985 payable in fiscal year 1985.*

*Subd. 3. [CANCELLATION.] Any unexpended balance remaining from the appropriations in this section for 1984 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated.”*

Page 23, line 17, delete “13.1” and insert “11.8”

Page 23, line 19, delete “11.6” and insert “10.4”

Page 24, line 22, after the comma insert “and”

Page 24, delete line 24

Page 24, line 25, delete “subdivision 8k,”

Page 29, delete lines 7 to 36

Page 30, delete lines 1 to 8

Page 34, line 10, delete “not exceed the product” and insert “be the sum”

Page 34, delete lines 11 to 19 and insert:

*“(a) the district's actual cost in the school year after the year in which the excess transportation levy is certified for transportation to and from school of secondary pupils who live more than one mile but less than two miles from the public school which they could attend or from a nonpublic school actually attended, plus*

*(b) the district's actual cost in the school year after the year in which the excess transportation levy is certified for transportation costs or other related services which are necessary because of extraordinary traffic hazards, plus*

*(c) an amount equal to \$20 times the number of FTE pupils transported on*

*contracted school buses in the regular transportation category in the school year preceding the year the levy is certified, plus*

*(d) the amount necessary to eliminate any projected deficit in the appropriated fund balance account for bus purchases in its transportation fund as of June 30 in the school year beginning in the calendar year following the calendar year the levy is certified."*

Pages 34 and 35, delete section 8 and insert:

"Sec. 8. [APPROPRIATIONS.]

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [TRANSPORTATION AID.] For transportation aid there is appropriated:*

*\$84,591,000.....1984,*

*\$89,144,000.....1985.*

*(a) The appropriation for 1984 includes \$13,471,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$71,120,000 for fiscal year 1984 payable in fiscal year 1984.*

*(b) The appropriation for 1985 includes \$12,550,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$76,594,000 for fiscal year 1985 payable in fiscal year 1985.*

*(c) The appropriations are based on 100 percent aid entitlements of \$83,670,000 for fiscal year 1984 and \$90,110,000 for fiscal year 1985.*

*Subd. 3. [CANCELLATION.] Any unexpended balance remaining from the appropriation in this section for 1984 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for any purposes indicated is insufficient, the aid for that year shall be prorated among all qualifying districts in the manner prescribed in Minnesota Statutes, section 124.225, subdivision 8a."*

Page 38, line 27, after the period, insert "*In the 1983-1984 school year,*"

Pages 40 to 42, delete section 12 and insert:

"Sec. 12. [APPROPRIATIONS.]

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [SPECIAL EDUCATION AID.] For special education aid there is appropriated:*

*\$116,905,000.....1984,*

*\$123,266,000.....1985.*

*The appropriation for 1984 includes \$15,148,000 for aid for fiscal year*



1983 payable in fiscal year 1984, and \$101,757,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for 1985 includes \$17,957,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$105,309,000 for aid for fiscal year 1985, payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$119,714,000 for fiscal year 1984 and \$123,893,000 for fiscal year 1985.

Subd. 3. [SUMMER SCHOOL FOUNDATION AID.] For aid pursuant to section 124.201, subdivision 3, for special education summer school programs there is appropriated:

\$ 621,000.....1984,

\$ 749,000.....1985.

The appropriation for 1984 is for 1983 summer school programs.

The appropriation for 1985 is for 1984 summer school programs.

Subd. 4. [SUMMER SCHOOL SPECIAL EDUCATION AID.] For special education aid for summer school programs there is appropriated:

\$3,325,000.....1984,

\$3,458,000.....1985.

The appropriation for 1984 is for 1983 summer school programs.

The appropriation for 1985 is for 1984 summer school programs.

Subd. 5. [RESIDENTIAL FACILITIES AID.] For aid pursuant to section 124.32, subdivision 5, there is appropriated:

\$1,139,000.....1984,

\$1,185,000.....1985.

Subd. 6. [LIMITED ENGLISH PROFICIENCY PUPILS PROGRAM AID.] For aid to educational programs for pupils of limited English proficiency pursuant to section 124.273 there is appropriated:

\$2,860,000.....1984,

\$3,079,000.....1985.

The appropriation for 1984 includes \$380,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$2,480,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for 1985 includes \$438,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$2,641,000 for aid for fiscal year 1985, payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$2,918,000 for fiscal year 1984 and \$3,107,000 for fiscal year 1985.

Subd. 7. [AMERICAN INDIAN LANGUAGE AND CULTURE PROGRAM AID.] For grants to American Indian language and culture education programs pursuant to section 126.54, subdivision 1, there is appropriated:

\$538,000.....1984,

\$565,000.....1985.

*The appropriation for 1984 includes \$73,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$465,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for 1985 includes \$82,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$483,000 for aid for fiscal year 1985, payable in fiscal year 1985.*

*The appropriations are based on 100 percent aid entitlements of \$547,000 for fiscal year 1984 and \$568,000 for fiscal year 1985.*

*Subd. 8. [HEARING IMPAIRED SUPPORT SERVICES AID.] For payment of support services for hearing impaired persons pursuant to section 121.201 there is appropriated:*

\$42,000.....1984,

\$37,000.....1985.

*The appropriations are based on 100 percent aid entitlements of \$42,000 for fiscal year 1984 and \$43,000 for fiscal year 1985.*

*Subd. 9. [CANCELLATION.] Any unexpended balances remaining from the appropriations in this section for 1984 shall cancel and shall not be available for the second year of the biennium. None of the amount appropriated in this section shall be expended for a purpose other than the purpose indicated.*

*Subd. 10. [PRORATION.] If the appropriation amount in subdivisions 2, 3, 4, 5 or 6 of this section attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes."*

Page 45, line 7, after "1982" insert a comma

Page 45, line 8, before "article" insert "chapter 1,"

Pages 45 and 46, delete section 7 and insert:

"Sec. 7. [APPROPRIATIONS.]

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [ADULT EDUCATION AID.] For adult education aid pursuant to section 124.26 there is appropriated:*

\$1,359,000.....1984,

\$1,427,000.....1985.

*The amount appropriated for fiscal year 1984 includes \$185,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$1,174,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The amount appropriated for fiscal year 1985 includes \$207,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$1,220,000 for aid for fiscal*

year 1985 payable in fiscal year 1985.

*The appropriations are based on 100 percent aid entitlements of \$1,381,000 for fiscal year 1984 and \$1,436,000 for fiscal year 1985.*

*Subd. 3. [COMMUNITY EDUCATION AID.] For community education aid pursuant to section 1 there is appropriated:*

*\$1,753,000.....1984,*

*\$1,249,000.....1985.*

*The amount appropriated for fiscal year 1984 includes \$494,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$1,259,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The amount appropriated for fiscal year 1984 includes \$222,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$1,027,000 for fiscal year 1985 payable in fiscal year 1985.*

*The appropriations are based on 100 percent aid entitlements of \$1,481,000 for fiscal year 1984 and \$1,208,000 for fiscal year 1985.*

*Subd. 4. [CANCELLATION AND PRORATION.] Any unexpended balance remaining from the appropriations in this section for 1984 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts, and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes."*

Page 46, after line 34, insert:

*"Section 1. Minnesota Statutes 1982, section 121.912, is amended by adding a subdivision to read:*

*Subd. 1a. [AVTIS] Moneys shall not be transferred from the post-secondary general fund to any other operating or nonoperating fund."*

Page 47, line 6, insert "9" in the blank

Page 47, line 13, delete "related instruction,"

Page 49, line 6, delete "15" and insert "10"

Page 49, line 21, delete "of" and insert "for"

Page 50, after line 28, insert:

*"Subd. 7. [SUBSEQUENT ALLOCATION.] The state board may withhold up to one percent of the post-secondary vocational instructional aid appropriation for subsequent allocation. The amount withheld and any additional state and federal moneys available for post-secondary vocational education shall be allocated, no later than February 15 of the fiscal year for which the aid is allocated, at a public hearing held according to subdivisions 3, 4, and 5."*

Page 54, line 35, after "sections" insert "124.11, subdivision 2c,"

Pages 55 to 59, delete section 14 and insert:

“Sec. 15. [APPROPRIATIONS.]

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [POST-SECONDARY VOCATIONAL INSTRUCTIONAL AID.] For post-secondary vocational instructional aid there is appropriated:*

*\$86,549,000.....1984,*

*\$94,909,000.....1985.*

*The appropriation for 1984 includes \$7,890,000 for aid for fiscal year 1983 payable in fiscal year 1984, pursuant to section 124.5621, and \$78,659,000 for aid for fiscal year 1984 payable in fiscal year 1984, pursuant to section 4.*

*The appropriation for 1984 is based on the assumption that the state will spend for this purpose an amount at least equal to \$5,700,000 in fiscal year 1984 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.*

*The appropriation for 1985 includes \$13,881,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$81,028,000 for aid for fiscal year 1985 payable in fiscal year 1985, pursuant to section 3.*

*The appropriation for 1985 is based on the assumption that the state will spend for this purpose an amount at least equal to \$5,700,000 in fiscal year 1985 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.*

*The appropriations are based on 100 percent aid entitlements of \$92,540,000 for fiscal year 1984 and \$95,327,000 for fiscal year 1985.*

*Subd. 3. [POST-SECONDARY VOCATIONAL SUPPLY AID.] For post-secondary vocational supply aid there is appropriated:*

*\$2,370,000.....1984.*

*The appropriation is for aid for fiscal year 1983 payable in fiscal year 1984.*

*Subd. 4. [POST-SECONDARY VOCATIONAL SUPPORT SERVICES AID.] (a) For post-secondary vocational support services aid there is appropriated:*

*\$2,428,000.....1984.*

*The appropriation is for aid for fiscal year 1983 payable in fiscal year 1984.*

*Subd. 5. [POST-SECONDARY VOCATIONAL EQUIPMENT AID.] For post-secondary vocational equipment aid there is appropriated:*

*\$1,458,000.....1984.*

*The appropriation is for aid for fiscal year 1983 payable in fiscal year 1984.*

*Subd. 6. [POST-SECONDARY VOCATIONAL DEBT SERVICE AID.]*

*For post-secondary vocational debt service aid there is appropriated:*

\$6,987,000.....1984,

\$6,715,000.....1985.

*Subd. 7. [ADULT VOCATIONAL EDUCATION AID.] For adult vocational education aid there is appropriated:*

\$7,732,000.....1984,

\$8,122,000.....1985.

*The appropriation for 1984 includes \$1,055,000 for aid for fiscal year 1983 payable in fiscal year 1984. This amount also includes \$6,677,000 for aid for fiscal year 1984.*

*The appropriation for 1985 includes \$1,178,000 for aid for fiscal year 1984 payable in fiscal year 1985. This amount also includes \$6,944,000 for aid for fiscal year 1985 payable in fiscal year 1985.*

*The appropriations are based on 100 percent aid entitlements of \$7,855,000 for fiscal year 1984 and \$8,170,000 for fiscal year 1985.*

*Subd. 8. [VETERAN FARMER COOPERATIVE TRAINING PROGRAMS.] For veteran farmer cooperative training programs there is appropriated:*

\$392,000.....1984,

\$320,000.....1985.

*Subd. 9. [DULUTH AND GRAND RAPIDS LOGGING PROGRAM.] For the logging business management program operated by the adult extension department of the Duluth area vocational-technical institute and the Grand Rapids school district, there is appropriated in addition to the aid provided according to subdivision 8:*

\$30,000.....1984,

\$30,000.....1985.

*Subd. 10. [SECONDARY VOCATIONAL EDUCATION AID.] For secondary vocational education aid pursuant to section 124.573 there is appropriated:*

\$20,378,000.....1984,

\$20,037,000.....1985.

*The appropriation for 1984 includes \$2,935,000 for aid for fiscal year 1983 payable in fiscal year 1984. This amount also includes \$17,443,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for 1985 includes \$3,078,000 for aid for fiscal year 1984 payable in fiscal year 1985. This amount also includes \$16,959,000 for aid for fiscal year 1985 payable in fiscal year 1985.*

*The appropriations are based on 100 percent aid entitlements of \$20,521,000 for fiscal year 1984 and \$19,952,000 for fiscal year 1985.*

*For the purposes of this subdivision, funds appropriated for secondary*

*vocational education programs may not be expended for the purpose of discontinuing or converting existing senior secondary industrial arts education programs.*

**Subd. 11. [AID FOR SECONDARY VOCATIONAL EDUCATION PROGRAMS FOR HANDICAPPED CHILDREN.]** *For secondary vocational programs for handicapped children pursuant to section 124.574 there is appropriated:*

\$2,564,000.....1984,

\$2,695,000.....1985.

*The appropriation for 1984 includes \$348,000 for aid for fiscal year 1983 payable in fiscal year 1984. This amount also includes \$2,216,000 for aid for fiscal year 1984 payable in fiscal year 1984. This appropriation is based on the assumption that the state will spend for this purpose an amount at least equal to \$230,000 in fiscal year 1984 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.*

*The appropriation for 1985 includes \$391,000 for aid for fiscal year 1984 payable in fiscal year 1985. This amount also includes \$2,304,000 for aid for fiscal year 1985 payable in fiscal year 1985. This appropriation is based on the assumption that the state will spend for this purpose an amount at least equal to \$230,000 in fiscal year 1985 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.*

*The appropriations are based on 100 percent aid entitlements of \$2,607,000 for fiscal year 1984 and \$2,710,000 for fiscal year 1985.*

**Subd. 12. [CANCELLATION; PRORATION.]** *Any unexpended balance remaining from the appropriations in this section for 1984 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amounts attributable to either year for any purpose indicated are insufficient, the aid for that year shall be prorated among all qualifying districts, and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes."*

Page 59, delete section 1

Page 62, line 25, delete "Starting in" and insert "For" and after "1982-1983" insert "and 1983-1984"

Page 62, line 26, delete "year" and insert "years"

Page 63, line 20, delete "Starting in" and insert "For" and after "1982-1983" insert "and 1983-1984" and delete "year" and insert "years"

Page 64, after line 9, insert:

"Sec. 8. Minnesota Statutes 1982, section 124.155, subdivision 2, as amended by Laws 1982, Third Special Session chapter 1, article 3, section 3, is amended to read:

**Subd. 2. [SUBTRACTION FROM AIDS.]** *The amount specified in Laws*

1981, Third Special Session Chapter 2, Article 4, Section 3, Subdivision 2, as amended by Laws 1982, Chapter 548, Article 7, Section 7, as further amended by article III, section 4 of this act shall be subtracted from the following state aids and credits in the order listed in fiscal year 1983. The amount specified in subdivision 1 shall be used to adjust the following state aids and credits in the order listed:

- (a) Foundation aid as authorized in section 124.212, subdivision 1;
- (b) Secondary vocational aid authorized in section 124.573;
- (c) Special education aid authorized in section 124.32;
- (d) Secondary vocational aid for handicapped children authorized in section 124.574;
- (e) Gifted and talented aid authorized in section 124.247;
- (f) Aid for pupils of limited English proficiency authorized in section 124.273;
- ~~(g) Aid for improved learning programs authorized in section 124.251;~~
- ~~(h)~~ (g) Aid for chemical use programs authorized in section 124.246;
- ~~(i)~~ (h) Transportation aid authorized in section 124.225;
- ~~(j)~~ (i) Community education programs aid authorized in section ~~124.271~~ 1 of article 4;
- ~~(k)~~ (j) Adult education aid authorized in section 124.26;
- ~~(l)~~ (k) Capital expenditure equalization aid authorized in section 124.245;
- ~~(m)~~ (l) Homestead credit authorized in section 273.13, subdivisions 6, 7, and 14a;
- ~~(n)~~ (m) Reduced assessment credit authorized in section 273.139;
- ~~(o)~~ (n) Wetlands credit authorized in section 273.115;
- ~~(p)~~ (o) Native prairie credit authorized in section 273.116; and
- ~~(q)~~ (p) Attached machinery aid authorized in section 273.138, subdivision 3.

The commissioner of education shall schedule the timing of the reductions from state aids and credits specified in Laws 1981, Third Special Session Chapter 2, Article 4, Section 3, Subdivision 2, as amended by Laws 1982, Chapter 548, Article 7, Section 7, as further amended by article III, section 4 of this act, and the adjustments to state aids and credits specified in subdivision 1, as close to the end of the fiscal year as possible and in such a manner that will minimize the impact of Laws 1981, Third Special Session Chapter 2, Article 4, as amended, on the cash flow needs of the school districts."

Page 66, line 25, delete "Starting in" and insert "For" and after "1982-1983" insert "and 1983-1984"

Page 66, line 26, delete "year" and insert "years"

Page 68, after line 31, insert:

"Sec. 16. Minnesota Statutes 1982, section 124.26, subdivision 1, is amended to read:

Subdivision 1. [COMPENSATION.] For evening schools and continuing education programs for adults established for persons over 16 years of age and not in attendance upon regular day schools, the state shall compensate any district maintaining such programs in accordance with requirements established by the state board from funds appropriated for that purpose, or such funds combined with federal funds insofar as federal funds are available. The state shall pay these aids on a current funding basis. Except for the 1982-1983 school year, the portion of the compensation from state appropriation aid shall be 90 percent of the compensation paid each teacher for services in the programs up to \$8,000 per year based on the costs as approved in that the current year application. Aid may also be paid for an alternative method of providing programs if the method is determined by the commissioner to be cost-effective. Not more than two and one-half percent of the amount appropriated for evening schools and continuing education programs may be for alternative programs. All classes shall be tuition free when taught by teachers subsidized under this section. and there shall be No charge for registration, materials and supplies may be made except a security deposit for the return of materials, supplies, and equipment. Evening school and continuing education programs are defined as those public day or evening school programs which are established for persons over 16 years of age not in attendance at the full time elementary or secondary schools and which qualify such persons for the high school diploma, the high school equivalency certificate or for academic achievement at the secondary level."

Pages 81 to 90, delete section 36 and insert:

"Sec. 37. [APPROPRIATION.]

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [HEALTH AND DEVELOPMENTAL SCREENING PROGRAMS.] For health and developmental screening programs pursuant to sections 123.701 to 123.705 there is appropriated:*

*\$729,000.....1984,*

*\$794,000.....1985.*

*The appropriation for fiscal year 1984 includes \$103,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$626,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for fiscal year 1985 includes \$111,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$683,000 for aid for fiscal year 1985 payable in fiscal year 1985.*

*The appropriations are based on 100 percent aid entitlements of \$737,000 for fiscal year 1984 and \$804,000 for fiscal year 1985.*

*Subd. 3. [MINI-GRANTS FOR PRE-SCHOOL SCREENING STUDY.] For mini-grants to study screening of children three years of age and younger there is appropriated:*



\$32,000.....1984,

\$39,000.....1985.

*The appropriation for fiscal year 1984 includes aid for fiscal year 1984 payable in fiscal year 1984. The appropriation for fiscal year 1985 includes \$6,000 for fiscal year 1984 payable in fiscal year 1985 and \$33,000 for fiscal year 1985 payable in fiscal year 1985. The appropriations are based on 100 percent aid entitlements of \$38,000 for fiscal year 1984 and \$39,000 for fiscal year 1985. The appropriation is for the purpose of funding mini-grants approved by the department of education to study the feasibility of screening children three years of age and younger. The department of education shall establish procedures for school districts to apply for these grants and the results shall be reported to the legislature by February 15, 1984. Notwithstanding the provisions of section 123.702, children who participate in these experimental screening services shall remain eligible for subsequent screening services offered by the school district under section 123.702, subdivision 1.*

*Subd. 4. [ABATEMENT AID.] For abatement aid pursuant to section 124.214, subdivision 2, there is appropriated:*

\$2,150,000.....1984,

\$2,250,000.....1985.

*Subd. 5. [CAPITAL EXPENDITURE EQUALIZATION AID.] For capital expenditure equalization aid pursuant to section 124.245, subdivision 1, there is appropriated:*

\$313,000.....1984,

\$224,000.....1985.

*The appropriation for fiscal year 1984 includes \$58,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$255,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for fiscal year 1985 includes \$45,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$179,000 for aid for fiscal year 1985 payable in fiscal year 1985.*

*The appropriations are based on 100 percent aid entitlements of \$300,000 for fiscal year 1984 and \$211,000 for fiscal year 1985.*

*Any unexpended balance remaining from the appropriation in this subdivision for either year may be expended for special purpose capital expenditure equalization aid pursuant to section 124.245, subdivision 1a.*

*Subd. 6. [SPECIAL PURPOSE CAPITAL EXPENDITURE EQUALIZATION AID.] For special purpose capital expenditure equalization aid pursuant to section 124.245, subdivision 1a, there is appropriated:*

\$52,000.....1984,

\$46,000.....1985.

*The appropriation for fiscal year 1984 includes \$9,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$43,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for fiscal year 1985 includes \$8,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$38,000 for aid for fiscal year 1984 payable in fiscal year 1985.*

*The appropriations are based on 100 percent aid entitlements of \$51,000 for fiscal year 1984 and \$45,000 for fiscal year 1985.*

*Any unexpended balance remaining from the appropriation in this subdivision for either year may be expended for capital expenditure equalization aid pursuant to section 124.245, subdivision 1.*

*Subd. 7. [HAZARDOUS SUBSTANCE CAPITAL EXPENDITURE EQUALIZATION AID.] For hazardous substance capital expenditure equalization aid pursuant to section 124.245, subdivision 1c, there is appropriated:*

*\$38,000.....1985.*

*The appropriation for fiscal year 1985 includes \$38,000 for aid for fiscal year 1985 payable in fiscal year 1985.*

*The appropriations are based on 100 percent aid entitlements of \$45,000 for fiscal year 1985.*

*Any unexpended balance remaining from the appropriation in this subdivision for either year may be expended for capital expenditure equalization aid pursuant to section 124.245, subdivision 1.*

*Subd. 8. [EDUCATIONAL COOPERATIVE SERVICE UNITS.] For educational cooperative service units, there is appropriated:*

*\$695,000.....1984,*

*\$591,000.....1985.*

*The appropriations are based on 100 percent aid entitlements of \$695,000 for fiscal year 1984 and \$695,000 for fiscal year 1985.*

*Funds from this appropriation shall be transmitted to ECSU boards of directors for general operations in the amount of \$63,180 per ECSU for each fiscal year; however, the ECSU whose boundaries coincide with the boundaries of development region 11 and the ECSU whose boundaries encompass development regions six and eight shall receive \$126,360 for each fiscal year for general operations.*

*Subd. 9. [SCHOOL LUNCH AND FOOD STORAGE AID.] For school lunch aid pursuant to section 124.646 and for food storage and transportation costs for U.S.D.A. donated commodities there is appropriated:*

*\$4,625,000.....1984,*

*\$4,625,000.....1985.*

*Any unexpended balance remaining from the appropriations in this subdivision shall be prorated among participating schools based on the number of fully paid lunches served during that school year in order to meet the state revenue matching requirement of the U.S.D.A. National School Lunch Program.*

*If the appropriation amount attributable to either year is insufficient, the*

*rate of payment for each full paid student lunch shall be reduced and the aid for that year shall be prorated among participating schools so as not to exceed the total authorized appropriation for that year.*

*Subd. 10. [INTERDISTRICT COOPERATION AID.] For aid for inter-district cooperation programs pursuant to section 17 there is appropriated:*

*\$850,000.....1985.*

*The appropriation is based on 100 percent aid entitlement of \$1,000,000 for fiscal year 1985.*

*Subd. 11. [GIFTED AND TALENTED STUDENTS.] For programs for the gifted and talented pursuant to section 124.247 there is appropriated:*

*\$625,000.....1984,*

*\$659,000.....1985.*

*The appropriation for aid for fiscal year 1984 includes \$80,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$545,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for fiscal year 1985 includes \$96,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$563,000 for aid for fiscal year 1984 payable in fiscal year 1985.*

*The appropriations are based on 100 percent aid entitlements of \$641,000 for fiscal year 1984 and \$662,000 for fiscal year 1985.*

*Subd. 12. [NONPUBLIC AIDS.] For programs for nonpublic educational aid pursuant to sections 123.931 to 123.947 there is appropriated:*

*\$6,020,000.....1984,*

*\$6,645,000.....1985.*

*The appropriation for aid for fiscal year 1984 includes \$629,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$5,391,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for fiscal year 1985 includes \$951,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$5,694,000 for aid for fiscal year 1985 payable in fiscal year 1985.*

*The appropriations are based on 100 percent aid entitlements of \$6,342,000 for fiscal year 1984 and \$6,699,000 for fiscal year 1985.*

*Subd. 13. [APPROPRIATION; INDIAN EDUCATION.] (a) For certain Indian education programs there is appropriated:*

*\$156,000.....1984,*

*\$138,000.....1985.*

*The appropriations are based on 100 percent aid entitlements of \$156,000 for fiscal year 1984 and \$163,000 for fiscal year 1985.*

*These appropriations are available for expenditure with the approval of the commissioner of education.*

*The commissioner shall not approve the payment of any amount to a school*

*district pursuant to this subdivision unless that school district is in compliance with all applicable laws of this state.*

*Up to the following amounts may be distributed to the following school districts for fiscal year 1984: \$49,600 to Independent School District No. 309-Pine Point School; \$8,750 to Independent School District No. 166; \$13,500 to Independent School District No. 432; \$12,700 to Independent School District No. 435; \$38,100 to Independent School District No. 707; and \$35,350 to Independent School District No. 38. These amounts shall be expended only for the benefit of Indian students and for the purpose of meeting established state educational standards or statewide requirements.*

*Up to the following amounts may be distributed to the following school districts for fiscal year 1985: \$52,100 to Independent School District No. 309-Pine Point School; \$9,200 to Independent School District No. 166; \$14,200 to Independent School District No. 432; \$13,350 to Independent School District No. 435; \$40,050 to Independent School District No. 707; and \$37,100 to Independent School District No. 38. These amounts shall be expended only for the benefit of Indian students and for the purpose of meeting established state educational standards or statewide requirements.*

*These appropriations are available only if there will not be available for the districts enumerated in this subdivision for the applicable school year any operation support funds from the federal bureau of Indian affairs pursuant to the Johnson-O'Malley Act, Public Law 73-167 or 25 Code of Federal Regulations 273.31, or equivalent money from the same or another source.*

*(b) Before a district can receive moneys pursuant to this subdivision, the district must submit to the commissioner of education evidence that it has:*

*(i) Complied with the Uniform Financial Accounting and Reporting Standards Act, sections 121.90 to 121.917. For each school year, compliance with section 121.908, subdivision 3a, shall require the school district to prepare one budget including the amount available to the district pursuant to this subdivision and one budget which does not include these moneys. The budget of that school district for the 1985-86 school year prepared according to section 121.908, subdivision 3a, shall be submitted to the commissioner of education at the same time as 1984-1985 budgets and shall not include any moneys appropriated in this subdivision;*

*(ii) Conducted a special education needs assessment and prepared a proposed service delivery plan according to Minnesota Statutes, sections 120.03 and 120.17; Public Law 94-142, an act of the 94th Congress of the United States cited as the "Education for All Handicapped Children Act of 1975"; and applicable state board of education rules; and*

*(iii) Compiled accurate daily pupil attendance records.*

*(c) Prior to approving payment of any amount to a school district pursuant to this subdivision, the commissioner shall review and evaluate each affected district's compliance with clause (b) and any other applicable laws, and each affected district's need for the moneys. Each affected district's net unappropriated fund balance in all operating funds as of June 30 of the previous school year shall be taken into consideration.*

*Subd. 14. [CHEMICAL USE PROGRAMS.] For aid for chemical depen-*

dency programs authorized pursuant to section 124.246 there is appropriated:

\$ 965,000.....1984,

\$1,005,000.....1985.

The appropriation for fiscal year 1984 includes \$135,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$830,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for fiscal year 1985 includes \$146,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$859,000 for aid for fiscal year 1984 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$977,000 for fiscal year 1984 and \$1,011,000 for fiscal year 1985.

Subd. 15. [EARLY CHILDHOOD AND FAMILY EDUCATION.] For early childhood and family education programs pursuant to sections 129B.06 to 129B.09 there is appropriated:

\$1,761,000.....1984,

\$1,907,000.....1985.

The appropriation for fiscal year 1984 includes \$209,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$1,552,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for fiscal year 1985 includes \$274,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$1,633,000 for aid for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$1,826,000 for fiscal year 1984 and \$1,921,000 for fiscal year 1985.

Subd. 16. [ARTS PLANNING GRANTS.] For Minnesota comprehensive arts in education planning grants, there is appropriated from the general fund to the department of education the sums indicated for the fiscal years ending June 30 in the years designated:

\$125,000.....1984,

\$106,000.....1985.

The appropriations are based on 100 percent aid entitlements of \$125,000 for fiscal year 1984 and \$125,000 for fiscal year 1985.

This appropriation includes funds for the employment of one staff by the commissioner to administer the program in section 19.

The department of education's approved complement is increased by 1.0 with this appropriation.

Subd. 17. [CARDIOPULMONARY RESUSCITATION INSTRUCTION.] There is appropriated from the general fund to the department of education the sum of \$35,000 for fiscal year 1984 for educational cooperative service units to purchase equipment needed for instruction in cardiopulmonary resuscitation. The equipment shall be available for use by school districts. Funds from this appropriation shall be transmitted to ECSU boards of direc-

tors. The department of education shall issue grants to ECSU's based on the following criteria: the number of school districts in the ECSU, the number of students served by the ECSU, and other resources available to the ECSU. The sums appropriated are available until expended.

Subd. 18. [CAMPUS LABORATORY SCHOOL.] The following sums are appropriated from the general fund to St. Cloud State University for the laboratory school at St. Cloud for the fiscal years ending June 30 in the years indicated:

\$570,000 ..... 1984,

\$619,000 ..... 1985.

Subd. 19. [EDUCATION DISTRICTS.] There is appropriated from the general fund to the department of education the sum of \$2,000,000 for purposes of the program established under section 13. The state board of education shall approve agreements according to section 15, subdivision 6, within the limits of the appropriation. Approved agreements shall receive full funding. The sum shall be available until June 30, 1985.

Subd. 20. [PINE POINT SCHOOL.] There is appropriated from the general fund to the department of education for Independent School District No. 309, Pine Point School, the sum of \$57,000 for payment of obligations. The sum shall be available until June 30, 1985.

Subd. 21. [CANCELLATION AND PRORATION.] Except as provided in subdivisions 5, 6, and 7, any unexpended balance remaining from the appropriations in this section for 1984 shall cancel and shall not be available for the second year of the biennium. Except as provided in subdivisions 5 and 6, none of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes."

Page 94, after line 2, insert:

"Sec. 4. Minnesota Statutes 1982, section 120.075, is amended by adding a subdivision to read:

Subd. 1b. Any pupil who has continuously been enrolled for a period of two or more consecutive years in a school district of which the pupil was not a resident, without a tuition agreement pursuant to section 123.39, subdivision 5, or 124.18, subdivision 2, may continue in enrollment in that district. The district in which the pupil is enrolled shall be considered the pupil's district of residence."

Page 94, line 33, after "the" insert "building or"

Page 99, after line 2, insert:

"Sec. 8. Minnesota Statutes 1982, section 122.531, subdivision 2, is amended to read:

Subd. 2. [CONSOLIDATION AND VOLUNTARY DISSOLUTION; REFERENDUM LEVIES.] As of the effective date of a consolidation pursu-

ant to section ~~122.23~~ of the voluntary dissolution of a district and its attachment to one or more existing districts pursuant to section 122.22, the authorization for all referendum levies previously approved by the voters of all affected districts for those districts pursuant to section 275.125, subdivision 2d, or its predecessor or successor provision, is cancelled. However, if all of the territory of any independent district is included in the enlarged district, and if the adjusted assessed valuation of taxable property in that territory comprises 90 percent or more of the adjusted assessed valuation of all taxable property in a ~~newly created~~ or an enlarged district, the board of the ~~newly created~~ or enlarged district may levy the increased amount previously approved by a referendum in the pre-existing independent district upon all taxable property in the ~~newly created~~ or enlarged district. Any new referendum levy shall be certified only after approval is granted by the voters of the entire ~~newly created~~ or enlarged district in an election pursuant to section 275.125, subdivision 2d, or its successor referendum provision.

Sec. 9. Minnesota Statutes 1982, section 122.531, is amended by adding a subdivision to read:

*Subd. 2a. [CONSOLIDATION REFERENDUM LEVIES.] As of the effective date of a consolidation according to section 122.23, the newly formed district may levy an amount up to the amount raised by the lowest millage, or the equivalent, authorized for any one of the consolidating districts according to the provisions of section 275.125, subdivision 2d. After the first year of a consolidated district, the referendum levy may be revoked or reduced according to the provisions of section 275.125, subdivision 2d."*

Page 99, line 19, after "this" insert "page of the"

Page 99, line 20, after the comma, insert "I believe that"

Page 99, line 21, delete the comma and delete "I believe" and insert "that"

Page 105, line 29, after "by" insert "(petition to)"

Page 108, line 19, after the period, insert "The execution of an option to purchase real property to be used for post-secondary vocational technical purposes must receive prior approval as required by Minnesota Statutes, section 121.21, subdivision 4a."

Page 108, line 32, after the period, insert "The execution of an option to purchase real property to be used for post-secondary vocational technical purposes must receive prior approval as required by Minnesota Statutes, section 121.21, subdivision 4a."

Pages 109 to 111, delete sections 24 and 25 and insert:

"Sec. 27. [LEASE PURCHASE AGREEMENTS.]

*The Bemidji regional interdistrict council, formed according to section 471.59, may lease real property with an option to purchase under a lease purchase agreement. Notwithstanding any law to the contrary, no election shall be required in connection with the execution of a lease purchase agreement authorized by this section. The provisions of this section shall apply only to lease purchase agreements between the council and the school boards which are members of the council."*

Page 111, after line 27, insert:

"Sec. 29. [FUND TRANSFER AUTHORIZATION; SCHOOL DISTRICT NO. 627.]

*Notwithstanding any law to the contrary, Independent School District No. 627 is authorized to permanently transfer from the appropriated fund balance account for bus purchases in its transportation fund to the general fund an amount not to exceed \$61,800. This transfer may be made during the 1984 fiscal year only."*

Page 112, line 6, after "(b)" insert "(2)"

Page 112, line 7, after the period, insert "*The selected school districts shall operate reporting systems parallel to the ESV-IS finance system during the test period.*"

Page 113, line 10, delete "24, 25" and insert "28"

Page 136, line 35, delete "129B" and insert "129B"

Page 137, delete section 14 and insert:

"Sec. 14. [APPROPRIATION.]

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [COUNCIL ON QUALITY EDUCATION GRANTS.] For the council on quality education grants pursuant to sections 129B.02 and 129B.04 there is appropriated:*

*\$778,000.....1984,*

*\$816,000.....1985.*

*The appropriation for 1984 includes \$84,000 for grants for fiscal year 1983 payable in fiscal year 1984, and \$694,000 for grants in fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for 1985 includes \$122,000 for grants for fiscal year 1984 payable in fiscal year 1985, and \$694,000 for grants in fiscal year 1985 payable in fiscal year 1985.*

*The appropriations are based on 100 percent grant entitlements of \$816,000 for fiscal year 1984 and \$816,000 for fiscal year 1985.*

*Any unexpended balance remaining from the appropriations in this subdivision for 1984 shall not cancel and shall be available for the second year of the biennium."*

Pages 151 to 152, delete section 22 and insert:

"Sec. 22. [APPROPRIATION.]

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [BASIC SUPPORT GRANTS.] For grants pursuant to sections 134.32 to 134.35 and 134.36 for the provision of library services there is*



*appropriated:*

\$4,381,000.....1984,

\$4,605,000.....1985.

*The appropriation for 1984 includes \$595,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$3,786,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for 1985 includes \$668,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$3,937,000 for aid for fiscal year 1985 payable in fiscal year 1985.*

*The appropriations are based on 100 percent aid entitlements of \$4,454,000 for fiscal year 1984 and \$4,632,000 for fiscal year 1985.*

*If the Crow River regional library system and the Western Plains regional library system merge by July 1, 1983, the basic support grant paid to the merged system pursuant to section 134.35, subdivision 4, shall be increased by \$24,000 in fiscal year 1984 and \$12,000 in fiscal year 1985. These additional grants are included in the appropriations in this subdivision.*

*Subd. 3. [MULTI-COUNTY LIBRARY SYSTEMS.] For grants pursuant to sections 134.353 and 16 to multi-county, multi-type library systems there is appropriated:*

\$188,000.....1984,

\$197,000.....1985.

*The appropriation for 1984 includes \$26,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$162,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for 1985 includes \$29,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$168,000 for aid for fiscal year 1985 payable in fiscal year 1985.*

*The appropriations are based on 100 percent aid entitlements of \$190,000 for fiscal year 1984 and \$198,000 for fiscal year 1985."*

Page 152, delete section 1

Page 152, line 30, delete "3 to 10" and insert "2 to 8"

Page 153, line 5, delete "3" and insert "2"

Page 154, line 15, delete "5" and insert "4"

Page 154, line 33, delete "4" and insert "3"

Page 154, line 34, delete "\$1" and insert "\$0.75"

Page 156, line 32, delete "4" and insert "3"

Page 158, line 24, delete "8" and insert "7"

Pages 158 and 159, delete section 10

Page 159, lines 23, 31, and 35, delete "10" and insert "8"

Page 160, line 5, delete "4" and insert "3"

Page 160, line 9, delete "\$1,500,000" and insert "\$1,055,000"

Page 160, line 10, delete "5" and insert "4"

Page 160, line 10, delete everything after the period

Page 160, delete lines 11 to 14

Page 160, line 16, delete "6" and insert "5"

Page 160, line 19, delete "7" and insert "6"

Page 160, line 26, delete "\$1,860,000" and insert "\$1,005,000"

Page 160, line 26, delete "8" and insert "7"

Page 160, line 31, delete "9" and insert "8"

Page 160, delete lines 32 to 34

Page 160, line 35, delete "9" and insert "8"

Page 160, line 36, delete "11" and insert "9"

Page 161, line 2, delete "10" and insert "8"

Page 161, delete line 5

Pages 161 to 169, delete sections 1 to 7 and insert:

#### "TEACHER RETIREMENT CONTRIBUTIONS

##### Section 1. [APPROPRIATIONS.]

*Subdivision 1. The sums indicated in this section are appropriated from the general fund to the agencies and for the purposes indicated, to be available for the fiscal years ending June 30 in the years indicated. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.*

*Subd. 2. [TEACHERS RETIREMENT ASSOCIATION: TEACHERS STATEWIDE.] To the teachers retirement association, to meet the state's obligation prescribed in Minnesota Statutes, section 354.43, there is appropriated:*

\$87,508,200.....1984,

\$92,137,200.....1985.

*Subd. 3. [TEACHERS RETIREMENT ASSOCIATION: SUPPLEMENTAL BENEFITS-1915.] To the teachers retirement association, to meet the state's obligation prescribed in Minnesota Statutes, section 354.55, subdivision 5, there is appropriated:*

\$1,500.....1984,

\$1,500.....1985.

*Subd. 4. [TEACHERS RETIREMENT ASSOCIATIONS IN CITIES OF THE FIRST CLASS.] To the commissioner of finance for payment to teachers retirement associations in Minneapolis, St. Paul, and Duluth to meet the state's obligation prescribed in Minnesota Statutes, section 354A.12, subdivision 2, there is appropriated:*

\$18,138,400.....1984,

\$19,023,500.....1985.

*Subd. 5. [EMPLOYER SOCIAL SECURITY CONTRIBUTIONS.] To the commissioner of employee relations for payment to the federal government to meet the state's obligation prescribed in Minnesota Statutes, section 355.46, there is appropriated:*

\$82,945,000.....1984,

\$90,626,000.....1985.

*Subd. 6. [SOCIAL SECURITY COSTS OF ADMINISTRATION.] To the commissioner of employee relations to meet the state's obligation prescribed in Minnesota Statutes, sections 355.46 and 355.49, there is appropriated.*

\$51,000.....1984,

\$51,000.....1985.

### ARTICLE 13 AID PAYMENT REDUCTIONS

#### Section 1. [REDUCTIONS FOR FISCAL YEAR 1984.]

*Aid payments that were not reduced in fiscal year 1983 because of the recognition of school district tax settlement revenue, pursuant to Minnesota Statutes, section 121.904, subdivision 4a, as amended by Laws 1982 third special session, chapter 1, article 3, section 1, shall be reduced from aid payments in fiscal year 1984 by approximately \$7,600,000. The commissioner shall reduce aid payments authorized by the appropriations in all articles of this act."*

Correct internal cross references

Renumber the sections of each article in sequence

Amend the title as follows:

Page 1, line 3, delete "and the" and insert a comma

Page 1, line 4, before the semicolon, insert "and teacher retirement contributions"

Page 1, line 20, after "1;" insert "120.075, by adding a subdivision;" and delete "121.15;" and after "3;" insert "121.15;"

Page 1, line 21, delete "121.904, subdivision 4a, as amended;"

Page 1, line 21, after "121.908;" insert "121.912, by adding a subdivision;"

Page 1, line 22, after "subdivision;" insert "122.531, subdivision 2, and by adding a subdivision;"

Page 1, line 28, delete "subdivisions 1, and" and insert "subdivision"

Page 1, line 35, after "subdivision;" insert "124.26, subdivision 1;"

Page 1, line 43, delete "273.1392;"

Page 2, line 12, delete "124A;"

Page 2, line 13, after "134;" insert "proposing new law coded as Minnesota Statutes, chapter 124A;"

Page 2, line 14, after "122.90;" insert "124.11, subdivision 2c;"

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

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

### **SECOND READING OF SENATE BILLS**

S.F. No. 86 was read the second time.

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

Mr. Merriam moved that the name of Mr. Dahl be added as a co-author to S.F. No. 726. The motion prevailed.

### **MEMBERS EXCUSED**

Ms. Reichgott was excused from the Session of today from 10:00 to 10:30 a.m. Mr. Dieterich was excused from the Session of today from 1:30 to 3:00 p.m. Mr. Wegscheid was excused from the Session of today from 2:00 to 3:00 p.m. Ms. Berglin, Messrs. Bertram; Chmielewski; Davis; Dieterich; Frank; Johnson, D.J.; Jude; Moe, D.M.; Novak; Pehler; Peterson, C.C.; Pogemiller and Vega were excused from this morning's Session from 9:30 to 10:15 a.m. Mr. Lessard was excused from this evening's Session from 7:30 to 9:45 p.m. Mr. Solon was excused from this evening's Session from 7:30 to 9:00 p.m. Messrs. Bertram, Chmielewski, Dahl, Davis, DeCramer, Langseth, Mrs. Lantry, Messrs. Moe, R.D.; Petty; Purfeerst; Samuelson; Stumpf; Waldorf; Wegscheid and Willet were excused from this evening's Session from 7:30 to 8:05 p.m.

### **ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Thursday, May 5, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate