

SIXTY-EIGHTH DAY

St. Paul, Minnesota, Wednesday, March 28, 1984

The Senate met at 2:45 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. George Weinman.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Ramstad, Samuelson and Waldorf were excused from the Session of today. Mrs. Kronebusch was excused from the Session of today from 2:45 to 3:10 p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

June 16, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointments to the Metropolitan Council are hereby respectfully submitted to the Senate for confirmation as required by law:

Marcia Bennett, 654 - 48th Ave. N.E., Columbia Heights, Anoka County,

has been appointed by me, effective June 16, 1983, for a term expiring the first Monday in January, 1987.

Joan M. Campbell, 947 - 17th Ave. S.E., Minneapolis, Hennepin County, has been appointed by me, effective June 16, 1983, for a term expiring the first Monday in January, 1987.

Philip C. Carruthers, 7852 Yates Ave. N., Brooklyn Park, Hennepin County, has been appointed by me, effective June 16, 1983, for a term expiring the first Monday in January, 1987.

Carol Flynn, 4741 Elliot Ave. S., Minneapolis, Hennepin County, has been appointed by me, effective June 16, 1983, for a term expiring the first Monday in January, 1987.

Raymond J. Joachim, 109 W. 6th St., Jordan, Scott County, has been appointed by me, effective June 16, 1983, for a term expiring the first Monday in January, 1987.

Michael William McLaughlin, 275 Summit Ave., St. Paul, Ramsey County, has been appointed by me, effective June 16, 1983, for a term expiring the first Monday in January, 1987.

Patrick J. Scully, 1617 Ashland St., Hastings, Dakota County, has been appointed by me, effective June 16, 1983, for a term expiring the first Monday in January, 1987.

Gertrude Ulrich, 7601 Aldrich Ave. S., Minneapolis, Hennepin County, has been appointed by me, effective June 16, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Local and Urban Government.)

Sincerely,

Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has refused to adopt the Conference Committee report on the following Senate File and has voted that the bill be returned to the Senate and to the Conference Committee.

S.F. No. 989: A bill for an act relating to collection and dissemination of data; classifying government data as public, private, and nonpublic; clarifying issues relating to classifications of data, access to data, the effect of death of individuals on classifications, and the temporary classification of data; refining provisions of the data practice act; amending Minnesota Statutes 1982, sections 13.02, subdivision 8, and by adding a subdivision; 13.03, subdivisions 3 and 4, and by adding subdivisions; 13.04, subdivision 2; 13.05, subdivisions 3, 7, 9, and 10, and by adding a subdivision; 13.06, subdivisions 1 and 6; 13.31, subdivision 2; 13.41, by adding a subdivision; 13.43, subdivision 2; 13.44; 13.46, subdivision 2, and by adding subdivisions; 13.67; 144.335, subdivision 2; and 253B.03, subdivision 8; proposing new law coded in Minnesota Statutes, chapter 13.

Senate File No. 989 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 26, 1984

Mr. Peterson, R.W. moved that S.F. No. 989 and the Conference Committee report thereon be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 560, 1405, 1460, 1496, 1279, 1377, 1408, 1257, 1382, 1428, 1481, 1516, 1587, 1522, 1621, 1659, 1699, 1611, 1654 and 1784.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 26, 1984

FIRST READING OF HOUSE BILLS

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

H.F. No. 560: A bill for an act relating to Cook County; permitting the sale of certain land.

Referred to the Committee on Agriculture and Natural Resources.

H.F. No. 1405: A bill for an act relating to state monuments; adding the "Monument to the Living" in Ramsey County to the list of state monuments; amending Minnesota Statutes 1982, section 138.585, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1328, now on General Orders.

H.F. No. 1460: A bill for an act relating to state lands; providing for the conveyance of certain land in International Falls.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1371, now on General Orders.

H.F. No. 1496: A bill for an act relating to state lands; providing for the conveyance of certain state land to the city of Pillager.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1395, now on General Orders.

H.F. No. 1279: A bill for an act relating to crimes; clarifying the crime of contributing to the delinquency of a minor; providing for the admissibility of certain statements as evidence; expanding the definitions of sexual contact and coercion; increasing the age limit of minor victims protected under criminal sexual conduct offenses; clarifying certain terms; amending Minnesota Statutes 1982, sections 595.02; 609.341, subdivisions 11 and 14; 609.346; 609.347, subdivision 3; 609.364, subdivision 9; and 626.556, subdivision 8; Minnesota Statutes 1983 Supplement, sections 260.315; 609.342; and 609.343; proposing new law coded in Minnesota Statutes, chapter 260.

Referred to the Committee on Judiciary.

H.F. No. 1377: A bill for an act relating to local government; providing for

supplemental local government aid payments to certain cities and towns; appropriating money.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1344, now on General Orders.

H.F. No. 1408: A bill for an act relating to public safety; traffic regulations; regulating school buses; amending Minnesota Statutes 1982, sections 169.01, subdivision 6; 169.44, subdivisions 1c, 2, 8, and 15; 169.45; and 171.01, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1446, now on General Orders.

H.F. No. 1257: A bill for an act relating to occupations and professions; regulating entertainment agencies; providing penalties; proposing new law coded as Minnesota Statutes, chapter 184A.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 1382: A bill for an act relating to crimes; clarifying the definition of "inmate" and "term of imprisonment"; providing for the manner of modifying sentencing guidelines and resentencing affected inmates; amending Minnesota Statutes 1982, section 244.01, subdivisions 2 and 8; 244.09, subdivision 5, and by adding a subdivision; and Minnesota Statutes 1983 Supplement, section 244.09, subdivision 11.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1354, now on General Orders.

H.F. No. 1428: A bill for an act relating to missing children; requiring the commissioner of public safety to establish a Minnesota missing child program; requiring law enforcement agencies receiving missing child reports to take certain actions; proposing new law coded in Minnesota Statutes, chapter 299C.

Referred to the Committee on Judiciary.

H.F. No. 1481: A bill for an act relating to financial institutions; credit unions; authorizing credit unions to offer various classes of shares, share certificates, deposits, or deposit certificates; authorizing the board of directors to establish different classes of shares and place certain restrictions on one class of shares; allowing credit unions to designate the par value of shares; specifying certain components of the capital of a credit union; adding investment losses to the category of contingencies against which credit unions are required to reserve; permitting the board to pay no dividend; permitting the exclusion of one share of a member from the requirement for insurance; amending Minnesota Statutes 1982, sections 52.12; 52.17, subdivision 1; 52.18; and 52.24, by adding a subdivision; Minnesota Statutes 1983 Supplement, sections 52.01; 52.04, subdivision 1; 52.05; and 52.09, subdivision 2.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 1516: A bill for an act relating to local government; authorizing the levy of special assessments or service charges for fire protection systems; amending Minnesota Statutes 1982, sections 429.011, by adding a subdivision; 429.021, subdivision 1; 429.031, subdivision 3; 429.091, subdivisions

2 and 3; and 429.101, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1506, now on the Calendar.

H.F. No. 1587: A bill for an act relating to state government; ratifying state labor agreements and compensation plans; providing for interim approval of certain negotiated agreements and compensation plans; making a change in the state unit composition schedule.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1553, now on General Orders.

H.F. No. 1522: A bill for an act relating to Mille Lacs county; permitting the sale of certain tax-forfeited land.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1377.

H.F. No. 1621: A bill for an act relating to veterans; allowing certain veterans organizations to use space in the Veterans Service Building; amending Minnesota Statutes 1982, section 197.58.

Referred to the Committee on Veterans and General Legislation.

H.F. No. 1659: A bill for an act relating to commerce; prohibiting limited partnerships from interposing the defense of usury; amending Minnesota Statutes 1982, section 334.021.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 1699: A bill for an act relating to state lands; terminating a possible right of reversion to the state in certain real estate.

Referred to the Committee on Agriculture and Natural Resources.

H.F. No. 1611: A bill for an act relating to commerce; manufactured homes; clarifying provisions relating to manufactured home safety features; amending Minnesota Statutes 1983 Supplement, sections 327C.02, subdivision 5; and 327C.07, subdivisions 3a and 8.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1508, now on General Orders.

H.F. No. 1654: A bill for an act relating to animals; prohibiting the use of a decompression chamber to destroy an animal; imposing a penalty; proposing new law coded in Minnesota Statutes, chapter 343.

Referred to the Committee on Agriculture and Natural Resources.

H.F. No. 1784: A bill for an act relating to the state board of investment; establishing combined investment funds; amending Minnesota Statutes 1982, sections 11A.14; and 11A.24, subdivision 2; and Minnesota Statutes 1983 Supplement, section 11A.24, subdivision 1; repealing Minnesota Statutes 1982, section 356.20, subdivision 5.

Referred to the Committee on Governmental Operations.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now

adopted. The motion prevailed.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1557: A bill for an act relating to health; authorizing the board of dentistry to adopt rules relating to special training and education of dentists; amending Minnesota Statutes 1982, section 150A.04, subdivision 5.

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1793: A bill for an act relating to hospital districts; providing for loans to students in health-related educational programs; amending Minnesota Statutes 1982, section 447.331.

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

Page 2, delete section 2

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1820: A bill for an act relating to public welfare; allowing reimbursement for certain services under the state general assistance medical care program; amending Minnesota Statutes 1983 Supplement, section 256D.03, subdivision 4.

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

Page 1, line 15, after the comma, insert "*equipment necessary to administer insulin and diagnostic supplies and equipment for diabetics to monitor blood sugar level,*"

Page 3, line 3, after the period, insert "*A hospital receiving a reduced payment as a result of this section may apply the unpaid balance toward satisfaction of the hospital's obligation under the Hill-Burton program, if otherwise permitted under federal law.*"

Amend the title as follows:

Page 1, line 3, after "services" insert "and medical supplies"

Page 1, line 4, after the semicolon insert "authorizing hospitals to apply toward their Hill-Burton obligation an unpaid balance resulting from reductions in payments by the state;"

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

Ms. Berglin from the Committee on Health and Human Services, to which

was referred

S.F. No. 1815: A bill for an act relating to hospitals; giving various public hospital authorities the powers of nonprofit corporations; proposing new law coded in Minnesota Statutes, chapter 317.

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

Page 1, line 8, delete "317.70" and insert "144.581"

Page 1, delete lines 9 through 18 and insert:

"Subdivision 1. A municipality, political subdivision, state agency, or other governmental entity that owns or operates a hospital authorized, organized, or operated under chapters 158, 250, 253, 376, and 397, or under sections 383A.41, 412.221, 447.05 to 447.13, 447.33, or 471.59, or under any special law authorizing or establishing a hospital or hospital district"

Page 1, line 19, delete "447.13"

Page 1, line 19, delete "operation of the hospital" and insert "delivery of health care services"

Page 1, line 19, after "have" insert ", in addition to any authority vested by law,"

Page 2, after line 8, insert:

"Subd. 2. In the event that the municipality, political subdivision, state agency, or other governmental entity provides direct financial subsidy to the hospital from tax revenue at the time an undertaking authorized under subdivision 1 is established or funded, the hospital may not contribute funds to the undertaking for more than three years and thereafter all funds must be repaid, with interest in no more than ten years.

Subd. 3. The conversion of public funds for the benefit of any individual shall constitute grounds for review and action by the attorney general or the county attorney under section 609.54.

Subd. 4. Notwithstanding the development of an organization under this section, the governance of a hospital by the organization shall be subject to the public purchasing requirements of chapter 16, the open meeting law, section 471.705, and the data practices act, chapter 13."

Amend the title as follows:

Page 1, line 5, delete "317" and insert "144"

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1782: A bill for an act relating to public welfare; establishing an experimental family-based services program for children; providing grants; proposing new law coded in Minnesota Statutes, chapter 257.

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

re-referred to the Committee on Finance. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1604: A bill for an act relating to public welfare; extending the community work experience program; amending Minnesota Statutes 1983 Supplement, section 256.737.

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

Page 1, line 14, strike "establish" and insert "*continue the*"

Page 1, line 15, after "programs" insert "*in operation as of January 1, 1984*"

Page 1, line 15, after the period, insert "*No new pilot community work experience demonstration programs may be established.*"

Page 2, line 2, delete "1986" and insert "1985"

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

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

S.F. No. 1775: A bill for an act relating to economic development; establishing a Minnesota convention facility commission; requiring the commission to report to the governor and legislature a proposal for the construction, operation, promotion, and financing of a Minnesota convention facility; appropriating money.

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

Page 2, line 1, after "of" insert "*one member from each congressional district and*"

Page 2, line 1, delete "15" and insert "*seven additional*"

Page 2, line 2, after the period, insert "*Commission members shall be compensated as provided in Minnesota Statutes, section 15.0575, subdivision 3.*"

Page 2, line 36, after the period, insert "*For the purposes of this section, the term 'city' includes statutory and home rule charter cities. For the purposes of this section, the term 'city' includes all state-owned lands at Fort Snelling, including the state park, historic site, and military site.*"

Page 3, line 11, after "a" insert "*primary*"

Page 3, line 12, before the period, insert "*along with a list of alternate proposals*"

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

Mr. Solon from the Committee on Economic Development and Com-

merce, to which was referred

S.F. No. 1504: A bill for an act relating to commerce; providing various definitions applicable to the regulation of sales of subdivided lands; providing for the registration of subdivided lands; requiring the use of public offering statements; providing certain exemptions to the subdivided land statutes; providing for the rescission of subdivided land sales contracts; regulating the filing of subdivided land documents; prohibiting the publishing of false, misleading, or deceptive advertising regarding subdivided lands; providing the filing of annual reports; regulating supplemental subdivided land reports; providing for the revocation or suspension of a subdivided land registration; regulating service of process on subdivided land registration applicants; establishing prohibited practices; prescribing penalties; amending Minnesota Statutes 1982, sections 83.20, subdivisions 1, 5, 11, and by adding subdivisions; 83.21; 83.23; 83.24; 83.25, subdivision 1; 83.26; 83.27; 83.28; 83.29, by adding subdivisions; 83.30; 83.31; 83.33, subdivisions 1 and 2; 83.34, subdivision 1; 83.35; 83.36; 83.37; 83.38, subdivision 2; 83.39; 83.40; 83.41; 83.42; proposing new law coded in Minnesota Statutes, chapter 83; repealing Minnesota Statutes 1982, section 83.33, subdivision 3.

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

Page 3, line 22, delete "camping"

Page 3, line 23, delete "club,"

Pages 3 and 4, delete section 6

Page 4, lines 16 and 36, delete "30 and 31" and insert "29 and 30"

Page 6, line 6, delete "includes" and insert "does not include"

Page 10, after line 24, insert:

"Subdivisions in which all the improvements are complete and paid for by the developer, and for which clear title can be given the purchaser at the closing, are exempt from providing independently certified financial statements."

Page 10, line 27, delete "includes" and insert "does not include"

Page 14, lines 9 and 29, delete "includes" and insert "does not include"

Page 15, line 13, delete "30" and insert "29"

Page 15, line 14, delete "31" and insert "30"

Page 15, line 29, delete "campgrounds,"

Page 16, line 2, after the semicolon, insert "and"

Page 16, line 17, delete "includes" and insert "does not include"

Page 16, line 24, delete "30 and 31" and insert "29 and 30"

Page 19, line 28, delete "includes" and insert "does not include"

Page 20, line 4, delete "30" and insert "29"

Page 20, line 5, delete "31" and insert "30"

Page 21, lines 9 and 30, delete "30 and 31" and insert "29 and 30"

Page 22, line 20, delete *"includes"* and insert *"does not include"*

Page 22, line 36, delete *"30 and 31"* and insert *"29 and 30"*

Page 24, line 24, delete *"30"* and insert *"15"*

Page 25, lines 1, 24, and 36, delete *"includes"* and insert *"does not include"*

Page 26, line 15, delete *"10"* and insert *"9"*

Page 26, line 17, delete *"30"* and insert *"29"*

Page 26, line 18, delete *"31"* and insert *"30"*

Page 26, lines 19, 26, and 28, delete *"30 and 31"* and insert *"29 and 30"*

Page 27, lines 3 and 36, delete *"30 and 31"* and insert *"29 and 30"*

Page 28, line 17, delete *"30 and 31"* and insert *"29 and 30"*

Page 29, lines 27 and 31, delete *"30 and 31"* and insert *"29 and 30"*

Page 30, line 28, delete *"30 and 31"* and insert *"29 and 30"*

Page 30, line 36, delete *"31"* and insert *"30"*

Page 31, line 18, delete *"30 and 31"* and insert *"29 and 30"*

Page 32, line 6, delete *"31"* and insert *"30"*

Page 32, lines 16 and 31, delete *"30 and 31"* and insert *"29 and 30"*

Page 33, lines 2, 20, and 31, delete *"30 and 31"* and insert *"29 and 30"*

Page 33, line 15, delete *"includes"* and insert *"does not include"*

Page 34, line 15, delete *"30"* and insert *"29"*

Page 34, line 16, delete *"31"* and insert *"30"*

Page 34, lines 18 and 22, delete *"30 and 31"* and insert *"29 and 30"*

Page 35, lines 1, 2, and 11, delete *"30 and 31"* and insert *"29 and 30"*

Page 35, lines 30 and 31, delete *"31"* and insert *"30"*

Page 36, line 17, delete *"32"* and insert *"31"*

Page 36, line 17, delete *"July"* and insert *"September"*

Renumber the sections in sequence

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

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

S.F. No. 1645: A bill for an act relating to state lands; transferring to Ren-ville county the picnic grounds area of Birch Coulee battlefield state historic site; appropriating money; amending Minnesota Statutes 1982, section 138.025, subdivision 11.

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

as follows:

Page 1, line 18, after "*park*" insert "*without jeopardy to the historical integrity of the battlefield area*"

Page 2, line 9, strike "*park*" and insert "*historic site*"

Page 2, line 11, strike "*park*" and insert "*historic site*"

Page 2, line 21, delete "*properly*"

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

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

S.F. No. 1356: A bill for an act relating to taxation; income; reinstating pollution control and feedlot pollution control credits; amending Minnesota Statutes 1982, section 290.06, by adding subdivisions.

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

Page 1, line 13, after "*standards*" insert "*, or equipment used primarily to reduce the generation of hazardous waste,*"

Page 1, line 18, delete "*so much*" and insert "*the lesser*"

Page 1, line 19, delete "*as does not exceed*" and insert "*or*"

Page 1, line 20, after "*if*" insert:

"(1)"

Page 1, line 22, after "*agency*" insert "*; or*

(2) *the pollution control agency certifies that the equipment reduces the generation of hazardous waste and that the generator is in compliance with applicable hazardous waste laws and rules*"

Page 2, line 25, delete "*9*" and insert "*16*"

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

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

S.F. No. 1588: A bill for an act relating to the environment; clarifying a definition in the Environmental Response and Liability Act; amending Minnesota Statutes 1983 Supplement, section 115B.02, subdivision 15.

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

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

S.F. No. 1676: A bill for an act relating to natural resources; providing that certain appropriations for the southern Minnesota river basin area grants are

available until expended.

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

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

S.F. No. 1377: A bill for an act relating to Mille Lacs county; permitting the sale of certain tax-forfeited land.

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

Page 1, line 8, delete "law" and insert "section 282.018"

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 992: A bill for an act relating to welfare; requiring parents of children on probation or parole to pay the costs of foster care; providing for payment of costs of care for emotionally handicapped children; amending Minnesota Statutes 1982, sections 242.19, subdivision 2; 252.27, subdivision 1; and 260.251, subdivision 1; and proposing new law coded in chapter 260.

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

Pages 2 and 3, delete section 2

Pages 3 to 5, delete sections 3 and 4 and insert:

"Sec. 2. Minnesota Statutes 1982, section 260.251, subdivision 1, is amended to read:

Subdivision 1. [CARE, EXAMINATION, OR TREATMENT.] (a) Except where parental rights are terminated,

(1) whenever legal custody of a child is transferred by the court to a county welfare board, or

(2) ~~when~~ whenever legal custody is transferred to a person other than the county welfare board, but under the supervision of the county welfare board, ~~or whenever the child is placed by the court with someone other than its parents pursuant to section 260.175, clauses (a), (b), or (c), or~~

(3) whenever a ~~minor~~ child is given physical or mental examinations or treatment under order of the court, and no provision is otherwise made by law for payment for the care, examination, or treatment of the ~~minor~~ child, these costs are a charge upon the welfare funds of the county in which proceedings are held upon certification of the judge of juvenile court.

(b) The court shall order the parents or custodian of a child, while the child is under the age of 18, to use the total income and resources attributable to the child for the period in which he or she receives care, examination, or treat-

ment, except for clothing and personal needs allowance as provided in section 256B.35, to reimburse the county for the cost of care, examination, or treatment. Income and resources attributable to the child include, but are not limited to, social security benefits, supplemental security income (SSI), veterans benefits, railroad retirement benefits and child support. When the child is over the age of 18, and continues to receive care, examination, or treatment, the court shall order the child to reimburse the county for the cost of care, examination, or treatment from the income and resources attributable to him or her less the clothing and personal needs allowance.

(c) If the income and resources attributable to the child are not enough to reimburse the county for the full cost of the care, examination, or treatment, the court ~~may~~ shall inquire into the ability of the parents to support the ~~minor~~ child and, after giving the parents a reasonable opportunity to be heard, ~~may~~ shall order the parents to ~~pay~~ reimburse the county, in the manner and to whom the court may direct, such sums as will cover in whole or in part the cost of care, examination, or treatment of the ~~minor~~ child.

(d) The court shall order the amount of reimbursement attributable to the parents or custodian, or attributable to the child, or attributable to both sources, withheld under chapter 518 from the income of the parents or the custodian of the child. If ~~the parents~~ a parent or the custodian or the child over the age of 18 ~~fail~~ fails to pay this sum without good reason, ~~they~~ he or she may be proceeded against for contempt, or the court may inform the county attorney, who shall proceed against ~~the parents~~ any of them to collect the unpaid sums, or both procedures may be used."

Amend the title as follows:

Page 1, delete line 4

Page 1, line 5, delete "handicapped children;"

Page 1, line 6, delete everything after the semicolon

Page 1, line 7, delete the first "subdivision 1;"

Page 1, line 7, delete everything after the second "subdivision 1" and insert a period

Page 1, delete line 8

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1985: A bill for an act relating to public welfare; revising procedures for determining operating cost payment rates for nursing homes; amending Minnesota Statutes 1982, section 144.072; Minnesota Statutes 1983 Supplement, sections 144A.31, subdivision 4; 256B.421, subdivision 2; 256B.431, subdivisions 1, 2, 4, 5, and by adding a subdivision; 256B.50; proposing new law coded in Minnesota Statutes, chapter 144.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 144.072, is amended to read:

144.072 [IMPLEMENTATION OF SOCIAL SECURITY AMENDMENTS OF 1972.]

Subdivision 1. The state commissioner of health shall implement by rule, pursuant to the administrative procedures act, those provisions of the social security amendments of 1972 (P. L. 92-603) required of state health agencies, including rules which:

(a) establish a plan, consistent with regulations prescribed by the secretary of health, education, and welfare, for the review by appropriate professional health personnel, of the appropriateness and quality of care and services furnished to recipients of medical assistance; and

(b) provide for the determination as to whether institutions and agencies meet the requirements for participation in the medical assistance program, and the certification that those requirements, including utilization review, are being met.

Subd. 2. *The policies and procedures, including survey forms, reporting forms, and other documents developed by the commissioner of health for the purpose of conducting the inspections of care required under the provisions of 42 CFR 456.600 to 456.614 in effect on March 1, 1984, have the force and effect of law and shall remain in effect and govern inspections of care until June 30, 1986, unless otherwise superseded by rules promulgated by the commissioner of health.*

Sec. 2. [144.0721] [ASSESSMENTS OF CARE AND SERVICES TO NURSING HOME RESIDENTS.]

Subdivision 1. *The commissioner of health shall assess the appropriateness and quality of care and services furnished to private paying residents in nursing homes and boarding care homes that are certified for participation in the medical assistance program under United States Code, title 42, section 1396 et seq. These assessments shall be conducted in accordance with section 144.072, with the exception of the provisions requiring the making of recommendations for changes in the level of care provided to the private paying residents.*

Subd. 2. [ACCESS TO DATA.] With the exception of summary data, data on individuals that is collected, maintained, used, or disseminated by the commissioner of health under subdivision 1 shall be private data on individuals and shall not be disclosed to others except:

(1) pursuant to section 13.05;

(2) pursuant to a valid court order;

(3) to the nursing home or boarding care home in which the individual resided at the time the assessment was completed; or

(4) to the commissioner of public welfare.

Sec. 3. Minnesota Statutes 1983 Supplement, section 144A.31, subdivision 4, is amended to read:

Subd. 4. [ENFORCEMENT.] The board shall develop and recommend for

implementation effective methods of enforcing quality of care standards. When it deems necessary, and when all other methods of enforcement are not appropriate, the board shall recommend to the commissioner of health closure of all or part of a nursing home or *certified boarding care home* and revocation of the license. The board shall develop, and the commissioner of public welfare shall implement, a resident relocation plan that instructs the county in which the nursing home or *certified boarding care home* is located of procedures to ensure that the needs of residents in nursing homes or *certified boarding care homes* about to be closed are met. *The duties of a county under the relocation plan also apply when residents are to be discharged from a nursing home or certified boarding care home as a result of a change in certification, closure, or loss or termination of the facility's medical assistance provider agreement.* The county shall ensure placement in swing beds in hospitals, placement in unoccupied beds in other nursing homes, utilization of home health care on a temporary basis, foster care placement, or other appropriate alternative care. In preparing for relocation, the board shall ensure that residents and their families or guardians are involved in planning the relocation.

Sec. 4. Minnesota Statutes 1983 Supplement, section 256B.421, subdivision 2, is amended to read:

Subd. 2. [ACTUAL ALLOWABLE HISTORICAL OPERATING COST PER DIEM.] "Actual allowable historical operating cost per diem" means the per diem ~~payment for actual operating costs, including operating costs,~~ allowed by the commissioner for the most recent reporting year.

Sec. 5. Minnesota Statutes 1983 Supplement, section 256B.421, subdivision 5, is amended to read:

Subd. 5. [GENERAL AND ADMINISTRATIVE COSTS.] "General and administrative costs" means all allowable costs for administering the facility, including but not limited to: salaries of administrators, assistant administrators, ~~medical directors,~~ accounting personnel, data processing personnel, and all clerical personnel; board of directors fees; business office functions and supplies; travel, *except as necessary for training programs required to maintain licensure, certification, or professional standards requirements;* telephone and telegraph; advertising; licenses and permits; membership dues and subscriptions; postage; insurance, except as included as a fringe benefit under subdivision 14; professional services such as legal, accounting and data processing services; central or home office costs; management fees; management consultants; employee training, for any top management personnel and for other than direct resident care related personnel; and business meetings and seminars. These costs shall be included in general and administrative costs in total, without direct or indirect allocation to other cost categories.

In a nursing home of 60 or fewer beds, part of an administrator's salary may be allocated to other cost categories to the extent justified in records kept by the nursing home. Central or home office costs representing services of required consultants in areas including, but not limited to, dietary, pharmacy, social services, or activities may be allocated to the appropriate department, but only if those costs are directly identified by the nursing home.

Sec. 6. Minnesota Statutes 1983 Supplement, section 256B.421, subdivi-

sion 8, is amended to read:

Subd. 8. [OPERATING COSTS.] "Operating costs" means the day-to-day costs of operating the facility in compliance with licensure and certification standards. Operating cost categories are: nursing, including nurses and nursing assistants training; dietary; laundry and linen; housekeeping; plant operation and maintenance; other care-related services; general and administration; payroll taxes; real estate taxes and actual special assessments paid; and fringe benefits, including clerical training; *and travel necessary for training programs required to maintain licensure, certification, or professional standards requirements.*

Sec. 7. Minnesota Statutes 1983 Supplement, section 256B.431, subdivision 1, is amended to read:

Subdivision 1. [IN GENERAL.] The commissioner shall determine prospective payment rates for resident care costs. In determining the rates, the commissioner shall group nursing homes according to different levels of care and geographic location until July 1, 1985, ~~and after that date, mix of resident needs, and geographic location, as defined by the commissioner.~~ *For rates established on or after July 1, 1985, the commissioner shall develop procedures for determining operating cost payment rates that take into account the mix of resident needs, geographic location, and other factors as determined by the commissioner.* The commissioner shall consider the use of the standard metropolitan statistical areas when developing groups by geographic location. ~~Until groups are established according to mix of resident needs the commissioner establishes procedures for determining operating cost payment rates,~~ the commissioner shall group all convalescent and nursing care units attached to hospitals into one group for purposes of determining reimbursement for operating costs. On or before June 15, 1983, the commissioner shall mail notices to each nursing home of the rates to be effective from July 1 of that year to June 30 of the following year. In subsequent years, the commissioner shall provide notice to each nursing home on or before May 1 of the rates effective for the following rate year. If a statute enacted after May 1 affects the rates, the commissioner shall provide a revised notice to each nursing home as soon as possible.

The commissioner shall establish, by rule, limitations on compensation recognized in the historical base for top management personnel. The commissioner shall also establish, by rule, limitations on allowable nursing hours for each level of care for the rate years beginning July 1, 1983 and July 1, 1984.

Sec. 8. Minnesota Statutes 1983 Supplement, section 256B.431, subdivision 2, is amended to read:

Subd. 2. [OPERATING COSTS.] (a) *For the rate year beginning July 1, 1984, the commissioner shall establish, by rule, procedures for determining per diem reimbursement for operating costs based on actual resident days. The commissioner shall disallow any portion of the general and administration cost category, exclusive of fringe benefits and payroll taxes, that exceeds:*

~~40 percent~~ *(1) for nursing homes with more than 100 certified beds in total, the greater of ten percent or \$2.95 per day per resident for skilled level, \$2.54*

per day per resident for intermediate care two level, or \$1.82 per day per resident for intermediate care level;

12 percent (2) for nursing homes with fewer than 101 but more than 40 certified beds in total, the greater of 12 percent or \$3.06 per day per resident for skilled level, \$2.70 per day per resident for intermediate care one level, or \$1.82 per day per resident for intermediate care two level;

14 percent (3) for nursing homes with 40 or fewer certified beds in total, the greater of 14 percent or \$5.78 per day per resident for skilled level, \$3.72 per day per resident for intermediate care one level, or \$3.72 per day per resident for intermediate care two level; and

(4) 15 percent for convalescent and nursing care units attached to hospitals for the rate year beginning July 1, 1983 1984,

of the expenditures in all operating cost categories except fringe benefits, payroll taxes, and general and administration.

(b) For the rate year beginning July 1, 1983, and ending June 30, 1984, the prospective operating cost payment rate for each nursing home shall be determined by the commissioner based on the allowed historical operating costs as reported in the most recent cost report received by December 31, 1982 and audited by March 1, 1983, and may be subsequently adjusted to reflect the costs allowed. To determine the allowed historical operating cost, the commissioner shall update the historical per diem shown in those cost reports to June 30, 1983, using a nine percent annual rate of increase after applying the general and administrative cost limitation described in paragraph (a). The commissioner shall calculate the 60th percentile of actual allowable historical operating cost per diems for each group of nursing homes established under subdivision 1.

(1) Within each group, each nursing home whose actual allowable historical operating cost per diem as determined under this paragraph (b) is above the 60th percentile shall receive the 60th percentile increased by six percent plus 80 percent of the difference between its actual allowable operating cost per diem and the 60th percentile.

(2) Within each group, each nursing home whose actual allowable historical operating cost per diem is at or below the 60th percentile shall receive that actual allowable historical operating cost per diem increased by six percent.

For the rate year beginning July 1, 1984, and ending June 30, 1985, the prospective operating cost payment rate for each nursing home shall be determined by the commissioner based on actual allowable historical operating costs incurred during the reporting year preceding the rate year. The commissioner shall analyze and evaluate each nursing home's report of allowable operating costs incurred by the nursing home during the reporting year immediately preceding the rate year. The actual allowable historical operating costs, after the commissioner's analysis and evaluation, shall be added together and divided by the number of actual resident days to compute the actual allowable historical operating cost per diems. The commissioner shall calculate the 60th percentile of actual allowable historical operating cost per diems for each group of nursing homes established under subdivision 1.

(3) Within each group, each nursing home whose actual allowable histori-

cal operating cost per diem is above the 60th percentile of payment rates shall receive the 60th percentile increased at an annual rate of six percent plus 75 percent of the difference between its actual allowable historical operating cost per diem and the 60th percentile.

(4) Within each group, each nursing home whose actual allowable historical operating cost per diem is at or below the 60th percentile shall receive that actual allowable historical operating cost per diem increased at an annual rate of six percent.

(c) For ~~subsequent years~~ *rate years beginning on or after July 1, 1985*, the commissioner shall *establish procedures for determining per diem reimbursement for operating costs. The commissioner shall:*

(1) Contract with an econometric firm with recognized expertise in and access to national economic change indices that can be applied to the appropriate cost categories when determining the operating cost payment rate;

(2) ~~Establish the 60th percentile of actual allowable historical operating cost per diems for each group of nursing homes established under subdivision 4 based on cost reports of allowable operating costs in the previous reporting year.~~ The commissioner shall analyze and evaluate each nursing home's cost report of allowable operating costs incurred by the nursing home during the reporting year immediately preceding the rate year for which the payment rate becomes effective. ~~The allowable historical operating costs, after the commissioner's analysis and evaluation, shall be added together and divided by the actual number of resident days in order to compute the actual allowable historical operating cost per diem;~~

(3) *Establish limits on actual allowable historical operating cost per diems based on cost reports of allowable operating costs for the reporting year that begins October 1, 1983, taking into consideration relevant factors including resident needs, geographic location, age, and size of the nursing home. The limits established under this clause shall remain in effect until the commissioner establishes a new base period. Until the new base period is established, the commissioner shall adjust the limits annually using the appropriate economic change indices established in paragraph (c), clause (4).*

In determining allowable historical operating cost per diems for purposes of setting limits and nursing home payment rates, the commissioner shall divide the allowable historical operating costs by the actual number of resident days, except that where a nursing home is occupied at less than 90 percent of licensed capacity days, the commissioner may establish procedures to adjust the computation of the per diem to an imputed occupancy level at or below 90 percent.

The commissioner may establish efficiency incentives for different operating cost categories. The commissioner may combine one or more operating cost categories and may use different methods for calculating payment rates for each operating cost category or combination of operating cost categories.

~~(3)~~ (4) *Establish a composite index for each group or indices by determining the weighted average of all appropriate economic change indicators to be applied to the specific operating cost categories in that group; or combination of operating cost categories.*

(4) Within each group, each nursing home shall receive the 60th percentile increased by the composite index calculated in paragraph (c)(3). The historical base for determining the prospective payment rate shall not exceed the operating cost payment rates during that reporting year.

(5) Each nursing home shall receive an operating cost payment rate equal to the sum of the nursing home's operating cost payment rates for each operating cost category. The operating cost payment rate for an operating cost category shall be the lesser of the nursing home's historical operating cost in the category increased by the appropriate index established in paragraph (c), clause (4) for the operating cost category plus an efficiency incentive established pursuant to paragraph (c), clause (3), or the limit for the operating cost category increased by the same index. If a nursing home's actual historic operating costs are greater than the prospective payment rate for that rate year, there shall be no retroactive cost settle-up. In establishing payment rates for one or more operating cost categories, the commissioner may establish separate rates for different classes of residents based on their relative care needs.

(6) The commissioner shall include the reported actual real estate tax liability of each proprietary nursing home as an operating cost of that nursing home. The commissioner shall include a reported actual special assessment for each nursing home as an operating cost of that nursing home. Total real estate tax liability and actual special assessments paid for each nursing home (i) shall be divided by actual resident days in order to compute the operating cost payment rate for this operating cost category, but (ii) shall not be used to compute the 60th percentile (ii) shall not be used to compute the 60th percentile or other operating cost limits established by the commissioner, and (iii) shall not be increased by the composite index or indices established pursuant to paragraph (c), clause (4).

(7) For rate years beginning on or after July 1, 1986, the commissioner may allow a one time adjustment to historical operating costs of a nursing home that has been found by the commissioner of health to be significantly below care related minimum standards appropriate to the mix of resident needs in that nursing home when it is determined by the commissioners of health and welfare that the nursing home is unable to meet minimum standards by other means. In developing procedures to allow adjustments, the commissioner shall specify the terms and conditions governing any additional payments made to a nursing home as a result of the adjustment. The commissioner shall establish procedures to recover amounts paid pursuant to this clause, in whole or in part, and to adjust current and future rates, for nursing homes that fail to use the adjustment to satisfy care related minimum standards.

(d) The commissioner shall allow the nursing home to keep, as an efficiency incentive, the difference between the nursing home's operating cost payment rate established for that rate year and the actual historical operating costs incurred for that rate year, if the latter amount is smaller. If a nursing home's actual historic operating costs are greater than the prospective payment rate for that rate year, there shall be no retroactive cost settle-up. If an annual cost report or field audit indicates that the expenditures for direct resident care have been reduced in amounts large enough to indicate a possible detrimental effect on the quality of care, the commissioner shall notify the commissioner of health and the interagency board for quality assurance. If a field audit

reveals that unallowable expenditures have been included in the nursing home's historical operating costs, the commissioner shall disallow the expenditures and recover the entire overpayment. The commissioner shall establish, by rule, procedures for assessing an interest charge at the rate determined for unpaid taxes or penalties under section 270.75 on any outstanding balance resulting from an overpayment or underpayment.

(e) *Until procedures for determining operating cost payment rates according to mix of resident needs are established*, the commissioner may negotiate, with a nursing home that is eligible to receive medical assistance payments, a payment rate of up to 125 percent of the allowed payment rate to be paid for a period of up to three months for individuals who have been hospitalized for more than 100 days, or who have extensive care needs based on nursing hours actually provided or mental or physical disability, or need for respite care for a specified and limited time period, and based on an assessment of the nursing home's resident mix as determined by the commissioner of health. The payment rate negotiated and paid pursuant to this paragraph is specifically exempt from the definition of "rule" and the rule-making procedures required by chapter 14 and section 256B.502.

(f) ~~Until groups are established according to mix of resident care needs procedures for determining operating cost payment rates according to mix of resident needs are established~~, nursing homes licensed on June 1, 1983 by the commissioner to provide residential services for the physically handicapped and nursing homes that have an average length of stay of less than 180 days shall not be included in the calculation of the 60th percentile of any group. For rate year beginning July 1, 1983 and July 1, 1984, each of these nursing homes shall receive their actual allowed historical operating cost per diem increased by six percent. The commissioner shall also apply to these nursing homes the percentage limitation on the general and administrative cost category as provided in subdivision 2, paragraph (a).

Sec. 9. Minnesota Statutes 1983 Supplement, section 256B.431, subdivision 4, is amended to read:

Subd. 4. [SPECIAL RATES.] (a) A newly constructed nursing home or one with a capacity increase of 50 percent or more may, upon written application to the commissioner, receive an interim payment rate for reimbursement for property-related costs calculated pursuant to the statutes and rules in effect on May 1, 1983 and for operating costs negotiated by the commissioner based upon the 60th percentile established for the appropriate group under subdivision 2, paragraph (b) to be effective from the first day a medical assistance recipient resides in the home or for the added beds. For newly constructed nursing homes which are not included in the calculation of the 60th percentile for any group, subdivision 2(f), the commissioner shall establish by rule procedures for determining interim operating cost payment rates and interim property-related cost payment rates. The interim payment rate shall not be in effect for more than 17 months. The commissioner shall establish, by temporary and permanent rules, procedures for determining the interim rate and for making a retroactive cost settle-up after the first year of operation; the cost settled operating cost per diem shall not exceed 110 percent of the 60th percentile established for the appropriate group. *Until procedures determining operating cost payment rates according to mix of resident needs are established*, the commissioner shall establish by rule

procedures for determining payment rates for nursing homes which provide care under a lesser care level than the level for which the nursing home is certified.

(b) For rate years beginning on or after July 1, 1983, the commissioner may exclude from a provision of 12 MCAR 2.050 any facility that is licensed by the department of health only as a boarding care home, is certified by the department of health as an intermediate care facility, is licensed by the department of public welfare under 12 MCAR 2.036, and has less than five percent of its licensed boarding care capacity reimbursed by the medical assistance program. Until a permanent rule to establish the payment rates for facilities meeting these criteria is promulgated, the commissioner shall establish the medical assistance payment rate as follows:

(1) The desk audited payment rate in effect on June 30, 1983, shall remain in effect until the end of the facility's fiscal year. The commissioner shall not allow any amendments to the cost report on which this desk audited payment rate is based.

(2) For each fiscal year beginning between July 1, 1983, and June 30, 1985, the facility's payment rate shall be established by increasing the desk audited payment rate determined in paragraph (b), clause (1) at an annual rate of five percent.

(3) For fiscal years beginning on or after July 1, 1985, the facility's payment rate shall be established by increasing the facility's payment rate in the facility's prior fiscal year by the increase indicated by the consumer price index for Minneapolis and St. Paul.

(4) For the purpose of establishing payment rates under this clause, the facility's rate and reporting years coincide with the facility's fiscal year.

A facility that meets the criteria of paragraph (b) shall submit annual cost reports on forms prescribed by the commissioner.

Sec. 10. Minnesota Statutes 1983 Supplement, section 256B.431, subdivision 5, is amended to read:

Subd. 5. [ADJUSTMENTS.] When resolution of appeals or on-site field audits of the records of nursing homes within a group result in adjustments to the 60th percentile of the payment rates within the group in ~~any~~ the reporting year ending on September 30, 1983, the 60th percentile established for the following rate year for that group shall be increased or decreased by the adjustment amount.

Sec. 11. Minnesota Statutes 1983 Supplement, section 256B.50, is amended to read:

256B.50 [APPEALS.]

A nursing home may appeal a decision arising from the application of standards or methods pursuant to sections 256B.41 and 256B.47 if the appeal, if successful, would result in a change to the nursing home's payment rate. *The appeal procedures also apply to appeals of payment rates calculated under 12 MCAR S 2.049 filed with the department on or after May 1, 1984.* To appeal, the nursing home shall notify the commissioner in writing of its intent to appeal within 30 days and submit a written appeal request within 60

days of receiving notice of the payment rate determination or decision. The appeal request shall specify each disputed item, the reason for the dispute, an estimate of the dollar amount involved for each disputed item, the computation that the nursing home believes is correct, the authority in statute or rule upon which the nursing home relies for each disputed item, the name and address of the person or firm with whom contacts may be made regarding the appeal, and other information required by the commissioner. The appeal shall be heard by a hearing examiner according to sections 14.48 to 14.56, or upon agreement by both parties according to a modified appeals procedure established by the commissioner and the hearing examiner. In any proceeding under this section, the appealing party must demonstrate by a preponderance of the evidence that the commissioner's determination is incorrect. Regardless of any rate appeal, the rate established shall be the rate paid and shall remain in effect until final resolution of the appeal or subsequent desk or field audit adjustment, notwithstanding any provision of law or rule to the contrary. To challenge the validity of rules established by the commissioner pursuant to sections 256B.41, 256B.421, 256B.431, 256B.47, 256B.48, 256B.50, and 256B.502, a nursing home shall comply with section 14.44.

Sec. 12. Minnesota Statutes 1982, section 256B.431, is amended by adding a subdivision to read:

Subd. 6. The commissioners of health and welfare shall adopt temporary rules necessary for the implementation and enforcement of the reimbursement system established in sections 1 to 11. The commissioner of health may adopt temporary rules relating to the licensure requirements of boarding care homes and nursing homes promulgated under sections 144.56 and 144A.08 if appropriate due to the changes in the reimbursement system. Until June 30, 1986, any temporary rules promulgated by the commissioner of health or welfare under this section shall be promulgated in accordance with the provisions contained in sections 14.29 to 14.36 in effect as of March 1, 1984. Temporary rules promulgated under this section shall have the force and effect of law and shall remain in effect until June 30, 1986, unless otherwise superseded by rule. The procedures for the adoption of the temporary rules authorized by this section shall prevail over any other act which amends the provisions of chapter 14 regardless of the date of final enactment of those amendments. The rules shall be developed in consultation with the interagency board for quality assurance and the board shall conduct public hearings as appropriate. The commissioners of health and welfare shall consider all comments received and shall not implement the temporary rules until a report on the proposed rules has been presented to the senate health and human services committee and the house of representatives health and welfare committee. The rules shall be effective five days after publication in the State Register. Rules adopted under this subdivision shall remain in effect until June 30, 1986.

Sec. 13. [APPROPRIATION.]

There is appropriated to the commissioner of health \$..... for purposes of sections 1, 2, and 12. The approved complement of the department of health is increased by positions for the purposes of sections 1, 2, and 12.

Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 13 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public welfare; revising procedures for determining operating cost payment rates for nursing homes; amending Minnesota Statutes 1982, section 144.072; Minnesota Statutes 1983 Supplement, sections 144A.31, subdivision 4; 256B.421, subdivisions 2, 5, and 8; 256B.431, subdivisions 1, 2, 4, 5, and by adding a subdivision; and 256B.50; proposing new law coded in Minnesota Statutes, chapter 144."

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

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

S.F. No. 1000: A bill for an act relating to local improvements; permitting counties to assess for highway improvements within cities; amending Minnesota Statutes 1982, section 429.011, subdivision 2a.

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

Page 1, after line 15, insert:

"Sec. 2. Minnesota Statutes 1982, section 429.061, subdivision 1, is amended to read:

Subdivision 1. [CALCULATION, NOTICE.] At any time after the expense incurred or to be incurred in making an improvement shall be calculated under the direction of the council, the council shall determine by resolution the amount of the total expense the municipality will pay, other than the amount, if any, which it will pay as a property owner, and the amount to be assessed. *If a county proposes to assess within the boundaries of a city for a county state-aid highway or county highway, the resolution must include the portion of the cost proposed to be assessed within the city. The county shall forward the resolution to the city and it may not proceed with the assessment procedure under this section for property within the city unless the city council adopts a resolution approving the assessment.* Thereupon the clerk, with the assistance of the engineer or other qualified person selected by the council, shall calculate the proper amount to be specially assessed for the improvement against every assessable lot, piece or parcel of land, without regard to cash valuation, in accordance with the provisions of section 429.051. The proposed assessment roll shall be filed with the clerk and be open to public inspection. The clerk shall thereupon, under the council's direction, publish notice that the council will meet to consider the proposed assessment. Such notice shall be published in the newspaper at least once and shall be mailed to the owner of each parcel described in the assessment roll. For the purpose of giving mailed notice under this subdivision, owners shall be those shown to be such on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. Such publication and mailing shall be no less than two weeks prior to such meeting of the council. Except as to the owners of tax exempt

property or property taxes on a gross earnings basis, every property owner whose name does not appear on the records of the county auditor or the county treasurer shall be deemed to have waived such mailed notice unless he has requested in writing that the county auditor or county treasurer, as the case may be, include his name on the records for such purpose. Such notice shall state the date, time, and place of such meeting, the general nature of the improvement, the area proposed to be assessed, that the proposed assessment roll is on the file with the clerk, and that written or oral objections thereto by any property owner will be considered. No appeal may be taken as to the amount of any assessment adopted pursuant to subdivision 2, unless a written objection signed by the affected property owner is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing. The notice shall also state that an owner may appeal an assessment to district court pursuant to section 429.081 by serving notice of the appeal upon the mayor or clerk of the municipality within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the mayor or clerk. The notice shall also inform property owners of the provisions of sections 435.193 to 435.195 and the existence of any deferment procedure established pursuant thereto in the municipality."

Amend the title as follows:

Page 1, line 4, delete "section" and insert "sections"

Page 1, line 5, before the period, insert "and 429.061, subdivision 1"

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

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

S.F. No. 1294: A bill for an act relating to motor vehicles; providing for collection of a surcharge on leases for traffic fine reimbursement; proposing new law coded in Minnesota Statutes, chapter 168.

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

Delete everything after the enacting clause and insert:

"Section 1. [168.2711] [SURCHARGE ON LEASES.]

Subdivision 1. [COLLECTION OF SURCHARGE.] Those persons or agencies that engage in the rental of passenger automobiles shall collect a surcharge of 25 cents on each rental transaction and pay the same to the state treasurer in quarterly installments, beginning September 30 of the year of enactment, to be kept by the state treasurer as an open appropriation of dedicated receipts which shall be disbursed as provided in this section. Any unexpended balance in the fund at the close of the biennium shall be credited to the state general revenue fund.

Subd. 2. [ACCOUNTABILITY OF TRAFFIC VIOLATIONS.] Those persons or agencies that engage in the rental of passenger automobiles shall inform and convey all information of traffic violations incurred by vehicles

owned or controlled by them, while being rented, to the issuing authority within 15 days of the renting agency's knowledge. Information forwarded to the issuing authority, to the extent available, shall include driver's name, driver's license number, home address, employer, employer's address, post office box, form of payment, and local address, if any.

Upon compliance with this section the renting agency shall not be liable for the amount of the fine, late payment penalty, or cost of any warrants issued in connection with the violation. However, action on the part of the issuing authority relieving the lessor of liability shall not absolve the person who incurred the violation of any responsibility for the infraction.

Subd. 3. [REIMBURSEMENT FROM FUND.] Any city, county, or municipality in which traffic tickets are issued to renters of passenger automobiles for violations arising out of use and operation of such vehicles may apply to the state treasurer for reimbursement for an amount equal to fines incurred by persons renting the passenger automobiles, but left unpaid. Reimbursement shall be made from the fund provided in subdivision 1 upon submission of a proper claim to the state treasurer pursuant to procedures prescribed by the treasurer.

Subd. 4. [COLLECTION AND RETENTION OF FINES.] A city, county, or municipality that has obtained reimbursement for unpaid traffic fines as provided in subdivision 3 shall not thereby be precluded from collecting such fines directly from the person receiving the ticket who shall remain solely responsible. The amounts so collected may be retained by the city, county, or municipality notwithstanding the receipt of any reimbursement therefor pursuant to this section."

Amend the title as follows:

Page 1, line 3, delete "leases" and insert "passenger automobile rentals"

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

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

S.F. No. 1551: A bill for an act relating to taxation; providing for the determination of EARC adjusted assessed value; clarifying certain property tax credit provisions; simplifying iron ore valuation hearing requirements; modifying assessment procedures of certain class 3 property; altering the process for determining flexible homestead brackets; allowing for the rounding of amounts of special assessments on tax statements; changing the date for the issuance of warrants for delinquent personal property taxes; providing for additional administrative procedures for cigarette tax collection; requiring annual payment of occupation taxes; changing payment method for production taxes; adopting certain procedures relating to liquor tax collections; authorizing county treasurers to charge for dishonored checks; amending Minnesota Statutes 1982, sections 124.2131; 273.1104, subdivision 2; 277.03; 298.09, subdivision 2; 298.27; 298.282, subdivision 3; 340.601; Minnesota Statutes 1983 Supplement, sections 124.2137, subdivision 1; 273.13, subdivision 21; 273.1311; 276.04; and 298.28, subdivision 1; proposing new law coded in Minnesota Statutes, chapters 297; 340; and 385;

repealing Minnesota Statutes 1982, sections 298.045; 298.046; 298.047; and 298.048.

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

Page 2, line 36, after "*associated*" insert "*department of revenue*"

Page 3, line 20, strike "*surrounding one*" and insert "*an*" and after "*land*" insert "*for each dwelling*"

Page 5, after line 7, insert:

"Sec. 4. Minnesota Statutes 1983 Supplement, section 273.13, subdivision 7, is amended to read:

Subd. 7. [CLASS 3C, 3CC.] All other real estate and class 2a property, except as provided by classes 1 and 3cc, which is used for the purposes of a homestead, shall constitute class 3c, and shall be valued and assessed as follows: the first \$30,000 of market value shall be valued and assessed at 17 percent; the next \$30,000 of market value shall be valued and assessed at 19 percent; and the remaining market value shall be valued and assessed at 30 percent. The maximum amounts of the market value of the homestead brackets subject to the 17 percent and 19 percent rates shall be adjusted by the commissioner of revenue as provided in section 273.1311. The property tax to be paid on class 3c property as otherwise determined by law, less any reduction received pursuant to sections 273.123, 273.135, and 473H.10 shall be reduced by 54 percent of the tax imposed on the first \$67,000 of market value; provided that the amount of the reduction shall not exceed \$650. The first \$12,000 market value of each tract of such real estate used for the purposes of a homestead shall be exempt from taxation for state purposes; except as specifically provided otherwise by law.

Class 3cc property shall include real estate or manufactured homes used for the purposes of a homestead by (a) any blind person, if the blind person is the owner thereof or if the blind person and his or her spouse are the sole owners thereof; or (b) any person (hereinafter referred to as veteran) who: (1) served in the active military or naval service of the United States and (2) is entitled to compensation under the laws and regulations of the United States for permanent and total service-connected disability due to the loss, or loss of use, by reason of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both lower extremities, such as to preclude motion without the aid of braces, crutches, canes, or a wheelchair, and (3) with assistance by the administration of veterans affairs has acquired a special housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability, or the surviving spouse of the deceased veteran for as long as the surviving spouse retains the special housing unit as his or her homestead; or (c) any person who: (1) is permanently and totally disabled and (2) receives 90 percent or more of his total income from (i) aid from any state as a result of that disability, or (ii) supplemental security income for the disabled, or (iii) workers' compensation based on a finding of total and permanent disability, or (iv) social security disability, including the amount of a disability insurance benefit which is converted to an old age insurance benefit and any subsequent cost of living increases, or (v) aid under the Federal Railroad Retirement Act of 1937, 45 United States Code Annotated, Section

228b(a)5, or (vi) a pension from any local government retirement fund located in the state of Minnesota as a result of that disability, or (vii) a pension not exceeding \$20,000 per year paid from a private source as a result of that disability. Property shall be classified and assessed as class 3cc pursuant to clause (a) only if the commissioner of revenue certifies to the assessor that the owner of the property satisfies the requirements of this subdivision. The commissioner of welfare shall provide a copy of the certificate to the commissioner of revenue. Class 3cc property shall be valued and assessed as follows: in the case of agricultural land, including a manufactured home, used for a homestead, the first \$30,000 of market value shall be valued and assessed at five percent, the next \$30,000 of market value shall be valued and assessed at 14 percent, and the remaining market value shall be valued and assessed at 19 percent; and in the case of all other real estate and manufactured homes, the first \$30,000 of market value shall be valued and assessed at five percent, the next \$30,000 of market value shall be valued and assessed at 19 percent, and the remaining market value shall be valued and assessed at 30 percent. In the case of agricultural land including a manufactured home used for purposes of a homestead, the commissioner of revenue shall adjust, as provided in section 273.1311, the maximum amount of the market value of the homestead brackets subject to the five percent and 14 percent rates; and for all other real estate and manufactured homes, the commissioner of revenue shall adjust, as provided in section 273.1311, the maximum amount of the market value of the homestead brackets subject to the five percent and 19 percent rates. Permanently and totally disabled for the purpose of this subdivision means a condition which is permanent in nature and totally incapacitates the person from working at an occupation which brings him an income. The property tax to be paid on class 3cc property as otherwise determined by law, less any reduction received pursuant to section 273.135 shall be reduced by 54 percent of the tax imposed on the first \$67,000 of market value; provided that the amount of the reduction shall not exceed \$650.

For purposes of this subdivision, homestead property which qualifies for the classification ratios and credits provided in this subdivision shall include property which is used for purposes of the homestead but is separated from the homestead by a road, street, lot, waterway, or other similar intervening property. The term "used for purposes of the homestead" shall include but not be limited to uses for gardens, garages, or other outbuildings commonly associated with a homestead, but shall not include vacant land held primarily for future development. In order to receive homestead treatment for the non-contiguous property, the owner shall apply for it to the assessor by July 1 of 1983 or the year when the treatment is initially sought. After initial qualification for the homestead treatment, additional applications for subsequent years are not required.

Sec. 5. Minnesota Statutes 1982, section 273.13, subdivision 19, is amended to read:

Subd. 19. [CLASS 3D, 3DD.] Residential real estate containing four or more units, other than seasonal residential, recreational and homesteads shall be classified as class 3d property and shall have a taxable value equal to 36 percent of market value for taxes levied in 1981 and 34 percent of market value for taxes levied in 1982 and thereafter. Residential real estate contain-

ing three or less units, other than seasonal residential, recreational and homesteads, shall be classified as class 3dd property and shall have a taxable value equal to 28 percent of market value.

Residential real estate as used in this subdivision means real property used or held for use by the owner thereof, or by his tenants or lessees as a residence for rental periods of 30 days or more, but shall not include homesteads, or real estate devoted to temporary or seasonal residential occupancy for recreational purposes. Where a portion of a parcel of property qualified for class 3d or 3dd and a portion does not qualify for class 3d or 3dd the valuation shall be apportioned according to the respective uses.

Residential real estate ~~containing less than three units~~, when entitled to homestead classification for one or more units, shall be ~~classified~~ assessed as 3b, 3c or 3cc according to the provisions of subdivisions 6 and 7 to the extent of the greater of (1) the value of the first tier of assessment percentages provided under those subdivisions or (2) the value of the homestead unit. The homestead credit provided under subdivisions 6, 7, and 14a and reductions in tax provided under sections 273.135 and 273.1391, subject to any valuation limitations contained in those provisions, shall apply to the value of both homestead and nonhomestead portions of the property. A single rented or leased dwelling unit located on the premises of the homestead must be classified as 3b, 3c, 3cc, 3d, 3dd or as non-commercial, seasonal recreational residential property according to the provisions of this section."

Page 5, line 11, delete "1983" and insert "1984"

Page 5, line 11, delete "1984" and insert "1985"

Page 5, line 13, strike "only the values" and insert "the greater of the value"

Page 5, line 14, after "3cc" insert "or the value of the first tier of assessment percentages provided under those subdivisions"

Page 5, line 15, strike "entitled to homestead treatment" and insert "assessed at the percentages applicable to class 3b, 3c, or 3cc. The homestead credit provided under subdivisions 6, 7, and 14a and reductions in tax provided under sections 273.135 and 273.1391, subject to any valuation limitations contained in those provisions, shall apply to the value of both homestead and nonhomestead portions of the property"

Page 5, after line 21, insert:

"Sec. 7. [1984 ABATEMENTS.]

Any owner of split classification homestead property, the taxes on which were computed for taxes payable in 1984 pursuant to the method applicable to taxes payable in 1985 and thereafter according to Laws 1983, chapter 222, section 13, may apply for an abatement pursuant to Minnesota Statutes, section 375.192. The county board, upon receipt of the application, shall grant the abatement in the amount necessary to compensate for any increase in assessed valuation of the property attributable to the change between the 1983 and 1984 assessments in the assessment practices applied to split homestead property in the jurisdiction and for reduction in the homestead credit paid pursuant to Minnesota Statutes, section 273.13, the taconite homestead credit paid pursuant to Minnesota Statutes, section 273.135, and

the supplementary homestead property tax relief paid pursuant to Minnesota Statutes, section 273.1391, attributable to a change in practice."

Page 5, after line 35, insert:

"Sec. 9. Minnesota Statutes 1983 Supplement, section 273.1315, is amended to read:

Any property owner seeking classification and assessment of his homestead as class 3cc property pursuant to section 273.13, subdivision 7, *clause (b) or (c)*, shall file with the commissioner of revenue for each assessment year a 3cc homestead declaration, on a form prescribed by the commissioner. The declaration shall contain the following information:

(a) the information necessary to verify that the property owner or his spouse satisfies the requirements of section 273.13, subdivision 7, for 3cc classification;

(b) the property owner's household income, as defined in section 290A.03, for the previous calendar year; and

(c) any additional information prescribed by the commissioner.

The declaration shall be filed on or before ~~February 1~~ *March 1* of each year to be effective for property taxes payable during the succeeding calendar year. The declaration and any supplementary information received from the property owner pursuant to this section shall be subject to section 290A.17.

The commissioner shall provide to the assessor on or before April 1 a listing of the parcels of property qualifying for 3cc classification.

Sec. 10. Minnesota Statutes 1982, section 274.14, is amended to read:

274.14 [LENGTH OF SESSION; RECORD.]

The county board of equalization or the special board of equalization appointed by it may continue in session and adjourn from time to time commencing ~~on the first Monday following at the first county board meeting in July or at a special meeting called for that purpose prior to the fourth 15th day of July or, if the first Monday following the fourth day of July is a legal holiday, the first Tuesday following the fourth day of July~~ and ending on or before the tenth following working day, when it shall adjourn and no action taken subsequent to the day of adjournment shall be valid unless a longer session period is approved by the commissioner of revenue. The commissioner may extend the session period to August 10 but no action taken by the county board of review after the extended termination date shall be valid. The county auditor shall keep an accurate record of the proceedings and orders of the board, which record shall be published in the same manner as other proceedings of county commissioners. A copy of such published record shall be transmitted to the commissioner of revenue, with the abstract of assessment required by section 274.16.

Sec. 11. Minnesota Statutes 1982, section 274.16, is amended to read:

274.16 [CORRECTED LISTS, ABSTRACTS.]

The county assessor or, in Ramsey county, the official designated by the board of county commissioners shall calculate the changes of the assessment lists determined by the county board of equalization, and make corrections

accordingly, in the real or personal lists, or both, and shall make duplicate abstracts of the same; one shall be filed in his office, and one shall be forwarded to the commissioner of revenue on or before August 4/10.

Sec. 12. Minnesota Statutes 1983 Supplement, section 275.50, subdivision 5, is amended to read:

Subd. 5. Notwithstanding any other law to the contrary for taxes levied in 1983 payable in 1984 and subsequent years, "special levies" means those portions of ad valorem taxes levied by governmental subdivisions to:

(a) satisfy judgments rendered against the governmental subdivision by a court of competent jurisdiction in any tort action, or to pay the costs of settlements out of court against the governmental subdivision in a tort action when substantiated by a stipulation for the dismissal of the action filed with the court of competent jurisdiction and signed by both the plaintiff and the legal representative of the governmental subdivision, but only to the extent of the increase in levy for such judgments and out of court settlements over levy year 1970, taxes payable in 1971;

(b) pay the costs of complying with any written lawful order initially issued prior to January 1, 1977 by the state of Minnesota, or the United States, or any agency or subdivision thereof, which is authorized by law, statute, special act or ordinance and is enforceable in a court of competent jurisdiction, or any stipulation agreement or permit for treatment works or disposal system for pollution abatement in lieu of a lawful order signed by the governmental subdivision and the state of Minnesota, or the United States, or any agency or subdivision thereof which is enforceable in a court of competent jurisdiction. The commissioner of revenue shall in consultation with other state departments and agencies, develop a suggested form for use by the state of Minnesota, its agencies and subdivisions in issuing orders pursuant to this subdivision;

(c) pay the costs to a governmental subdivision for their minimum required share of any program otherwise authorized by law for which matching funds have been appropriated by the state of Minnesota or the United States, excluding the administrative costs of public assistance programs, to the extent of the increase in levy over the amount levied for the local share of the program for the taxes payable year 1971. This clause shall apply only to those programs or projects for which matching funds have been designated by the state of Minnesota or the United States on or before September 1, of the previous year and only when the receipt of these matching funds is contingent upon the initiation or implementation of the project or program during the year in which the taxes are payable or those programs or projects approved by the commissioner;

(d) pay the costs not reimbursed by the state or federal government, of payments made to or on behalf of recipients of aid under any public assistance program authorized by law, and the costs of purchase or delivery of social services. Except for the costs of general assistance as defined in section 256D.02, subdivision 4, general assistance medical care under section 256D.03 and the costs of hospital care pursuant to section 261.21, the aggregate amounts levied pursuant to this clause are subject to a maximum increase of 18 percent over the amount levied for these purposes in the previous year;

(e) pay the costs of principal and interest on bonded indebtedness or to reimburse for the amount of liquor store revenues used to pay the principal and interest due in the year preceding the year for which the levy limit is calculated on municipal liquor store bonds;

(f) pay the costs of principal and interest on certificates of indebtedness, except tax anticipation or aid anticipation certificates of indebtedness, issued for any corporate purpose except current expenses or funding an insufficiency in receipts from taxes or other sources or funding extraordinary expenditures resulting from a public emergency, *and to pay the cost for certificates of indebtedness issued pursuant to sections 298.28 and 298.282;*

(g) fund the payments made to the Minnesota state armory building commission pursuant to section 193.145, subdivision 2, to retire the principal and interest on armory construction bonds;

(h) provide for the bonded indebtedness portion of payments made to another political subdivision of the state of Minnesota;

(i) pay the amounts required to compensate for a decrease in manufactured homes property tax receipts to the extent that the governmental subdivision's portion of the total levy in the current levy year, pursuant to section 273.13, subdivision 3, as amended, is less than the distribution of the manufactured homes tax to the governmental subdivision pursuant to section 273.13, subdivision 3, in calendar year 1971;

(j) pay the amounts required, in accordance with section 275.075, to correct for a county auditor's error of omission but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(k) pay amounts required to correct for an error of omission in the levy certified to the appropriate county auditor or auditors by the governing body of a city or town with statutory city powers in a levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(l) pay the increased cost of municipal services as the result of an annexation or consolidation ordered by the Minnesota municipal board but only to the extent and for the levy years as provided by the board in its order pursuant to section 414.01, subdivision 15. Special levies authorized by the board shall not exceed 50 percent of the levy limit base of the governmental subdivision and may not be in effect for more than three years after the board's order;

(m) pay the increased costs of municipal services provided to new private industrial and nonresidential commercial development, to the extent that the extension of such services are not paid for through bonded indebtedness or special assessments, and not to exceed the amount determined as follows. The governmental subdivision may calculate the aggregate of:

(1) The increased expenditures necessary in preparation for the delivering

of municipal services to new private industrial and nonresidential commercial development, but limited to one year's expenditures one time for each such development;

(2) The amount determined by dividing the overall levy limitation established pursuant to sections 275.50 to 275.56, and exclusive of special levies and special assessments, by the total taxable value of the governmental subdivision, and then multiplying this quotient times the total increase in assessed value of private industrial and nonresidential commercial development within the governmental subdivision. For the purpose of this clause, the increase in the assessed value of private industrial and nonresidential commercial development is calculated as the increase in assessed value over the assessed value of the real estate parcels subject to such private development as most recently determined before the building permit was issued. In the fourth levy year subsequent to the levy year in which the building permit was issued, the increase in assessed value of the real estate parcels subject to such private development shall no longer be included in determining the special levy.

The aggregate of the foregoing amounts, less any costs of extending municipal services to new private industrial and nonresidential commercial development which are paid by bonded indebtedness or special assessments, equals the maximum amount that may be levied as a "special levy" for the increased costs of municipal services provided to new private industrial and nonresidential commercial development. In the levy year following the levy year in which the special levy made pursuant to this clause is discontinued, one-half of the amount of that special levy made in the preceding year shall be added to the permanent levy base of the governmental subdivision;

(n) recover a loss or refunds in tax receipts incurred in non-special levy funds resulting from abatements or court action in the previous year pursuant to section 275.48;

(o) pay amounts required by law to be paid to pay the interest on and to reduce the unfunded accrued liability of public pension funds in accordance with the actuarial standards and guidelines specified in sections 356.215 and 356.216 reduced by 106 percent of the amount levied for that purpose in 1976, payable in 1977. For the purpose of this special levy, the estimated receipts expected from the state of Minnesota pursuant to sections 69.011 to 69.031 or any other state aid expressly intended for the support of public pension funds shall be considered as a deduction in determining the required levy for the normal costs of the public pension funds. No amount of these aids shall be considered as a deduction in determining the governmental subdivision's required levy for the reduction of the unfunded accrued liability of public pension funds;

(p) the amounts allowed under section 174.27 to establish and administer a commuter van program;

(q) pay the costs of financial assistance to local governmental units and certain administrative, engineering, and legal expenses pursuant to Laws 1979, chapter 253, section 3;

(r) compensate for revenue lost as a result of abatements or court action pursuant to sections 270.07, 270.17 or 278.01 due to a reassessment ordered

by the commissioner of revenue pursuant to section 270.16;

(s) pay the total operating cost of a county jail as authorized in section 641.01. If the county government utilizes this special levy, then any amount levied by the county government in the previous year for operating its county jail and included in its previous year's levy limitation computed pursuant to section 275.51 shall be deducted from the current levy limitation;

(t) pay the costs of implementing section 18.023, including sanitation and reforestation; and

(u) pay the estimated cost for the following calendar year of the county's share of funding the Minnesota cooperative soil survey.

Sec. 13. Minnesota Statutes 1983 Supplement, section 275.51, subdivision 3i, is amended to read:

Subd. 3i. [LEVY LIMITATION.] The levy limitation for a governmental subdivision shall be equal to the adjusted levy limit base determined pursuant to subdivision 3h, reduced by (a) the total amount of local government aid that the governmental subdivision has been certified to receive pursuant to sections 477A.011 to 477A.014; (b) ~~taconite taxes and aids~~ pursuant to sections 298.28 and 298.282 *including any aid received in the levy year which was required to be placed in a special fund for expenditure in the next succeeding year*; (c) state reimbursements for wetlands and native prairie property tax exemptions pursuant to sections 273.115, subdivision 3 and 273.116, subdivision 3; and (d) payments in lieu of taxes to a county pursuant to section 477A.12 which are required to be used to provide property tax levy reduction certified to be paid in the calendar year in which property taxes are payable. *If the sum of the taconite aids deducted exceeds the adjusted levy limit base, the excess shall be used to reduce the amounts levied as special levies pursuant to section 275.50, subdivisions 5 and 7. The commissioner of revenue shall notify a governmental subdivision of any excess taconite aids to be used to reduce special levies.*

As provided in section 298.28, subdivision 1, one cent per taxable ton of the amount distributed under section 298.28, subdivision 1, clause (4)(c) shall not be deducted from the levy limit base of the counties that receive that aid. The resulting figure is the amount of property taxes which a governmental subdivision may levy for all purposes other than those for which special levies and special assessments are made."

Page 7, after line 32, insert:

"Sec. 16. Minnesota Statutes 1982, section 278.07, is amended to read:

278.07 [JUDGMENT; AMOUNT; COSTS.]

Judgment shall be for the amount of the taxes for the year as the court shall determine the same, less the amount paid thereon, if any. If the tax is sustained in the full amount levied *or increased*, costs and disbursements shall be taxed and allowed as in delinquent tax proceedings and shall be included in the judgment. If the tax so determined shall be less than the amount thereof as levied, the court ~~may, in its discretion,~~ *shall award costs and disbursements to the petitioner, which shall be taxed and allowed and be deducted from the amount of the taxes as determined. If there be no judgment for taxes, a judgment may be entered determining the right of the parties and for the*

costs and disbursements as taxed and allowed."

Page 8, after line 36, insert:

"Sec. 18. Minnesota Statutes 1982, section 298.031, subdivision 2, is amended to read:

Subd. 2. [VALUE OF CERTAIN ORE; HOW ASCERTAINED.] (1) The taxpayer shall be given a credit in each taxable year upon the occupation tax assessed in such year under Minnesota Statutes 1957, Chapter 298, against a given mine after credit for labor credits has been given, in an amount equal to the occupation tax under said chapter 298 upon an amount produced by multiplying the number of tons of ore sold at a discount by the amount of such discount.

(2) The aggregate amount of all credits allowed under this section to all mines shall not exceed one percent of the aggregate amount of all occupation taxes imposed under section 298.01, subdivision 1, assessed against all mines in the state for said year prior to the deduction of the credit allowed by this section.

(3) The amount of the foregoing subtraction shall be ascertained and determined by the commissioner.

(4) If ore stockpiled from previous years operations is sold at a discount, the discount credit shall be allowed against all ore currently being produced by the same company to the extent that the discount credit is available. Any unused credit may be carried forward and utilized with future years production of ore from the stockpiled property or other properties operated by the same company."

Page 9, line 4, reinstate the stricken "shall" and delete " may"

Page 9, line 25, reinstate the stricken language

Page 9, line 26, reinstate the stricken "due on or before March 15."

Page 15, line 29, strike "and with the county auditor of each"

Page 15, strike lines 30 and 31

Page 15, line 32, strike "entitled to participate in the distribution of the tax,"

Page 16, line 3, strike "Such"

Page 16, strike lines 4 to 12

Page 16, line 13, strike "taxpayer and the public officers receiving such estimate." and insert "*The commissioner of revenue shall annually on or before October 10 report an estimated distribution amount to each taxing district and*"

Page 16, line 16, strike the comma and insert "or"

Page 16, line 16, after "city" strike "or"

Page 16, line 17, strike "school district"

Page 16, line 22, strike "Such taxpayer shall then pay, at the times payments are"

Page 16, strike lines 23 to 33

Page 16, line 34, strike "due from the taxpayer in subsequent years."

Page 16, line 35, strike "275.125"

Page 16, line 36, strike "or"

Page 17, line 1, strike the comma and insert "or"

Page 17, line 1, after "city" strike "or school district"

Page 17, line 2, after "estimated" insert "*by the commissioner*" and strike the comma and insert "or"

Page 17, line 2, after "city" strike "or school"

Page 17, line 3, strike "district"

Page 17, line 4, strike the comma and insert "or"

Page 17, line 4, after "city" strike "or school district"

Page 17, line 5, reinstate the stricken comma

Page 17, line 6, reinstate the stricken "and" and delete the new language

Page 17, line 7, delete the new language

Page 17, line 8, reinstate the stricken language and delete the new language

Page 17, line 9, strike "275.125"

Page 17, line 9, reinstate the stricken "275.50 to 275.59, of such county," and insert "or" and reinstate the stricken "city"

Page 17, line 10, reinstate the stricken "payable"

Page 17, line 11, after "county" strike the comma and insert "or"

Page 17, line 11, strike "or school district,"

Page 17, line 13, strike "indicated by such estimates" and insert "*by which a taxing district's levies were reduced pursuant to this section*"

Page 17, line 14, strike the comma and insert "or"

Page 17, line 14, strike "or school district"

Page 17, line 16, reinstate the stricken ", in excess of the limitations of sections"

Page 17, line 17, reinstate the stricken "275.50 to 275.59"

Page 17, lines 19 to 23, delete the new language

Page 18, line 19, delete "*all existing levy limitations, except*"

Page 19, line 24, delete "*Proof of any*"

Page 19, delete lines 25 to 30

Page 19, line 31, delete "*correctness of the amount of tax due, as shown therein.*"

Page 20, line 2, delete "*stating his intention to assess*" and insert "*assessing*"

Page 20, delete lines 10 to 24

Page 20, line 29, delete "pursuant to subdivision 2"

Renumber the subdivisions in sequence

Page 22, after line 22, insert:

"Sec. 26. Minnesota Statutes 1982, section 373.01, is amended by adding a subdivision to read:

Subd. 3. A county board may, by resolution and without referendum, issue capital notes subject to the county debt limit to purchase capital equipment useful for county purposes that has an expected useful life at least equal to the term of the notes. The notes shall be payable in not more than five years and shall be issued on terms and in a manner the board determines. A tax levy shall be made for payment of the principal and interest on the notes, in accordance with section 475.61, as in the case of bonds."

Page 22, line 23, after "[385.42]" insert "[IMPOSITION OF PENALTY.]"

Page 22, line 27, after "board" insert ", but shall not exceed the amount stated in section 332.50"

Page 22, line 32, delete "5, and 6" and insert "4, 5, 8, and 14"

Page 22, line 34, delete "to 9, and 13 to 17" and insert ", 10, 11, 15, 17, 18, 19, 23, 24, 25, 27, and 28"

Page 22, line 35, delete everything after the period

Page 22, delete line 36

Page 23, delete line 1 and insert "Section 9 is effective for taxes levied in 1985, payable in 1986, and thereafter. Section 16 is effective for actions in which petitions are filed after July 31, 1984. Sections 20 to 22 are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "extending 3cc classification to homesteads of private disability pension recipients; providing for assessment of certain homestead property; authorizing abatements;"

Page 1, line 7, after the semicolon, insert "changing dates for board of equalization meetings and filing of corrected assessment lists; clarifying levy limit provisions;"

Page 1, line 11, after the semicolon, insert "providing for property tax appeals;"

Page 1, line 13, after the semicolon, insert "providing a credit for stock-piled ore;"

Page 1, line 16, after the semicolon, insert "authorizing issuance of capital notes by counties;"

Page 1, line 18, after "124.2131" insert ", subdivision 1"

Page 1, line 18, after "2;" insert "273.13, subdivision 19; 274.14;

274.16;"

Page 1, line 19, after "277.03;" insert "278.07; 298.031, subdivision 2;"

Page 1, line 20, after "340.601;" insert "373.01, by adding a subdivision;"

Page 1, line 22, delete "subdivision" and insert "subdivisions 7 and"

Page 1, line 22, after "273.1311;" insert "273.1315; 275.50, subdivision 5; 275.51, subdivision 3i;"

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

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

S.F. No. 1660: A bill for an act relating to the city of Duluth; authorizing the establishment of an energy conservation program for dwellings as a part of its municipal utility system and the issuance of municipal revenue bonds for that purpose; amending Laws 1981, chapter 223, section 2.

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

Amend the title as follows:

Page 1, delete lines 3 to 5 and insert "application of the energy conservation program to all structures containing dwelling units"

Page 1, line 6, delete "purpose"

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

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

S.F. No. 1842: A bill for an act relating to local government; setting authority to regulate firearms and related matters; amending Minnesota Statutes 1982, sections 624.7132, subdivision 16; and 624.717; proposing new law coded in Minnesota Statutes, chapter 471; repealing Minnesota Statutes 1982, section 624.718.

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

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

S.F. No. 1702: A bill for an act relating to counties; changing certain county powers; removing a lynching provision; fixing expenditure authority for various county activities; changing penalties; revising the language of the text of chapters governing county powers and county boards; amending Minnesota Statutes 1982, chapters 373, as amended, and 375, as amended; repealing Minnesota Statutes 1982, section 373.28.

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

as follows:

Page 45, delete line 36

Page 46, delete lines 1 to 15

Page 68, line 31, delete "*section 373.28, is*" and insert "*sections 373.28 and 375.29 are*"

Amend the title as follows:

Page 1, line 9, delete "*section 373.28*" and insert "*sections 373.28 and 375.29*"

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

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

S.F. No. 1451: A bill for an act relating to commerce; providing a lien for agricultural production inputs; establishing priority and foreclosure requirements; amending Minnesota Statutes 1983 Supplement, section 336.9-312; proposing new law coded in Minnesota Statutes, chapter 514.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 336.9-312, is amended to read:

336.9-312 [PRIORITIES AMONG CONFLICTING SECURITY INTERESTS IN THE SAME COLLATERAL.]

(1) The rules of priority stated in other sections of this part and in the following sections shall govern when applicable: section 336.4-208 with respect to the security interests of collecting banks in items being collected, accompanying documents and proceeds; section 336.9-103 on security interests related to other jurisdictions; section 336.9-114 on consignments.

(2) A perfected security interest in crops for new value given to enable the debtor to produce the crops during the production season and given not more than three months before the crops become growing crops by planting or otherwise takes priority over an earlier perfected security interest to the extent that such earlier interest secures obligations due more than six months before the crops become growing crops by planting or otherwise, even though the person giving new value had knowledge of the earlier security interest. Sections 3 to 8 govern the priority of agricultural production input liens in relation to each other and in relation to other security interests in the same crops or livestock.

(3) A perfected purchase money security interest in inventory has priority over a conflicting security interest in the same inventory and also has priority in identifiable cash proceeds received on or before the delivery of the inventory to a buyer if

(a) the purchase money security interest is perfected at the time the debtor receives possession of the inventory; and

(b) the purchase money secured party gives notification in writing to the holder of the conflicting security interest if the holder had filed a financing statement covering the same types of inventory (i) before the date of the filing made by the purchase money secured party, or (ii) before the beginning of the 21 day period where the purchase money security interest is temporarily perfected without filing or possession (subsection (5) of section 336.9-304); and

(c) the holder of the conflicting security interest receives the notification within five years before the debtor receives possession of the inventory; and

(d) the notification states that the person giving the notice has or expects to acquire a purchase money security interest in inventory of the debtor, describing such inventory by item or type.

(4) A purchase money security interest in collateral other than inventory has priority over a conflicting security interest in the same collateral or its proceeds if the purchase money security interest is perfected at the time the debtor receives possession of the collateral or within 20 days thereafter.

(5) In all cases not governed by other rules stated in this section (including cases of purchase money security interests which do not qualify for the special priorities set forth in subsections (3) and (4) of this section), priority between conflicting security interests in the same collateral shall be determined according to the following rules:

(a) Conflicting security interests rank according to priority in time of filing or perfection. Priority dates from the time a filing is first made covering the collateral or the time the security interest is first perfected, whichever is earlier, provided that there is no period thereafter when there is neither filing nor perfection.

(b) so long as conflicting security interests are unperfected, the first to attach has priority.

(6) For the purposes of subsection (5) a date of filing or perfection as to collateral is also a date of filing or perfection as to proceeds.

(7) If future advances are made while a security interest is perfected by filing, the taking of possession, or under section 336.8-321 on securities, the security interest has the same priority for the purposes of subsection (5) with respect to the future advances as it does with respect to the first advance. If a commitment is made before or while the security interest is so perfected, the security interest has the same priority with respect to advances made pursuant thereto. In other cases a perfected security interest has priority from the date the advance is made.

Sec. 2. Minnesota Statutes 1982, section 386.42, is amended to read:

386.42 [ABSTRACT OF MORTGAGES AND LIENS ON GRAIN CROPS FOR ELEVATOR COMPANIES.]

Any elevator company or grain buyer doing business in this state may annually make written application to the county recorder for an abstract of all designated mortgages and liens upon grains grown during the year ~~within the~~ *filed with the county recorder*. The application shall state the name and the post office address of the company and be accompanied by a fee. The fee

shall be determined by resolution of the county board upon the recommendation of the county recorder based upon the estimated cost of providing the service.

Sec. 3. [514.950] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 3 to 8.

Subd. 2. [AGRICULTURAL CHEMICAL.] "Agricultural chemical" means fertilizers or agricultural chemicals that are applied to crops or land that is used for raising crops, including fertilizer material, plant amendment, plant food, and soil amendment as defined in section 17.713, and pesticide and plant regulator as defined in section 18A.21.

Subd. 3. [AGRICULTURAL PRODUCTION INPUT.] "Agricultural production input" means crop production inputs and livestock production inputs.

Subd. 4. [CROP PRODUCTION INPUT.] "Crop production input" means agricultural chemicals, seeds, petroleum products, the custom application of agricultural chemicals and seeds, and labor used in preparing the land for planting, cultivating, growing, producing, harvesting, drying, and storing crops or crop products.

Subd. 5. [FEED.] "Feed" means commercial feeds, feed ingredients, mineral feeds, drugs, animal health products, or customer-formula feeds that are used for feeding livestock, including commercial feed as defined in section 25.33.

Subd. 6. [LETTER OF CREDIT.] "Letter of credit" means a binding, irrevocable and unconditional agreement by a financial institution to honor drafts or other demands for payment.

Subd. 7. [LIVESTOCK PRODUCTION INPUT.] "Livestock production input" means feed and labor used in raising livestock.

Subd. 8. [PERSON.] "Person" means an individual or an organization as defined in section 336.1-201, paragraph (30).

Subd. 9. [PETROLEUM PRODUCT.] "Petroleum product" means motor fuels and special fuels that are used in the production of crops and livestock, including petroleum products as defined in section 296.01, alcohol fuels, propane, lubes, and oils.

Subd. 10. [PROCEEDS.] "Proceeds" means proceeds as defined in section 336.9-306 except that if rights or duties are contingent upon express language in a financing statement, the requisite language may exist in a lien statement under section 5, and includes farm products, inventory, warehouse receipts, and documents of title.

Subd. 11. [SEED.] "Seed" means agricultural seeds that are used to produce crops, including agricultural seed as defined in section 21.47.

Subd. 12. [SUPPLIER.] "Supplier" means a person who furnishes agricultural production inputs.

Sec. 4. [514.952] [AGRICULTURAL INPUT LIEN; REQUIREMENTS; PRIORITY.]

Subdivision 1. [NOTIFICATION OF AN AGRICULTURAL PRODUCTION INPUT LIEN.] A supplier may notify a lender of an agricultural production input lien by certified letter or by another verifiable method a lien-notification statement to the lender. A lien-notification statement must be delivered to lender in an envelope that states "IMPORTANT - LEGAL NOTICE."

Subd. 2. [LIEN-NOTIFICATION STATEMENT.] The lien-notification statement must disclose the following:

(1) the name and business address of any lender designated as a lender providing a line of credit;

(2) the name and address of the person claiming the lien;

(3) a description and the date or anticipated date of the transaction and the retail cost of the agricultural production input that was furnished;

(4) the name, residential address, and signature of the person to whom the agricultural production input was furnished;

(5) the name and residential address of the owner and the legal description or the location of the real property where the crops to which the lien attaches are growing or are to be grown; or for a lien attaching to livestock, the name and residential address of the owner of the livestock, the location where the livestock will be raised, and a description of the livestock; and

(6) A statement that products and proceeds of the crops or livestock are covered by the agricultural input lien.

Subd. 3. [RESPONSE OF LENDER TO NOTIFICATION.] Within ten calendar days after receiving a lien-notification statement, the lender must respond to the supplier with either:

(1) a letter of credit; or

(2) a written refusal to issue a letter of credit.

Subd. 4. [EFFECT OF RESPONSE.] (a) If a lender responds with a letter of credit, the supplier may not obtain a lien for the amount stated in the letter of credit.

(b) If a lender responds with a refusal to provide a letter of credit, the supplier may obtain a lien for the unpaid retail cost of the agricultural production input.

Subd. 5. [EFFECT OF NO RESPONSE.] If a lender does not respond to the supplier within ten calendar days after receiving the lien-notification statement, an agricultural production input lien corresponding to the lien-notification statement has priority over any security interest of the lender in the same crops or livestock or their proceeds for the lesser of:

(1) the amount stated in the lien-notification statement; or

(2) the unpaid retail cost of the agricultural production input identified in the lien-notification statement.

Subd. 6. [LIEN PRIORITY.] An agricultural production input lien does not have priority over liens that arise under chapter 395 or 514, or over perfected security interests for unpaid rent for the land where the crops were

grown. Perfected agricultural production input liens have priority in the order that the lien-notification statements are filed with the filing officer.

Sec. 5. [514.954] [LIEN ATTACHMENT.]

Subdivision 1. [LIEN ON CROPS.] A supplier who furnishes crop production inputs has an agricultural input lien for the unpaid retail cost of the crop production inputs. The lien attaches to: (1) the existing crops upon the land where a furnished agricultural chemical was applied, or if no crops exist, to the next production crop within 16 months following the last date on which the agricultural chemical was applied; (2) the crops produced from furnished seed; or (3) the crops produced, harvested, or processed using a furnished petroleum product. If the crops are grown on leased land and the lease provides for payment in crops, the lien does not attach to the lessor's portion of the crops. The lien continues in crop products and proceeds, except that the lien does not continue in grain after a cash sale under section 223.16.

Subd. 2. [LIEN ON LIVESTOCK.] A supplier who furnishes livestock production inputs has an agricultural production input lien for the unpaid retail cost of the livestock production input. The lien attaches to all livestock consuming the feed and continues in livestock products and proceeds. A perfected agricultural production input lien that attaches to livestock is for the amount that is the greater of: (1) the difference between the fair market value of the livestock at the time the lien attaches and the sale price, or (2) the difference between the acquisition price of the livestock and the sale price.

Sec. 6. [514.956] [PERFECTION OF LIEN; FILING.]

Subdivision 1. [PERFECTION.] To perfect an agricultural production input lien, the lien must attach and the supplier entitled to the lien must file a verified lien-notification statement with the appropriate filing office under section 336.9-401 by six months after the last date that the agricultural production input was furnished.

Subd. 2. [FAILURE TO PERFECT.] An agricultural production input lien that is not perfected has the priority of an unperfected security interest under section 336.9-312.

Subd. 3. [DUTIES OF FILING OFFICER.] The filing officer shall enter on the lien-notification statement the time of day and date of filing. The filing officer shall note the filing of a lien-notification statement under this section in the manner provided by section 336.9-403 for a financing statement.

Sec. 7. [514.958] [ENFORCEMENT OF LIEN.]

The holder of an agricultural production input lien may enforce the lien in the manner provided in sections 336.9-501 to 336.9-508 subject to section 550.17. For enforcement of the lien, the lienholder is the secured party and the person for whom the agricultural production input was furnished is the debtor, and each has the respective rights and duties of a secured party and a debtor under sections 336.9-501 to 336.9-508. If a right or duty under sections 336.9-501 to 336.9-508 is contingent upon the existence of express language in a security agreement or may be waived by express language in a security agreement, the requisite language does not exist.

Sec. 8. [514.959] [ENFORCEMENT ACTIONS: LIEN EXTIN-

GUISHED.]

An action to enforce an agricultural production input lien may be brought in district court in a county where some part of the crop or livestock is located after the lien is perfected. A lien-notification statement may be amended, except the amount demanded, by leave of the court in the furtherance of justice. An agricultural production input lien is extinguished if an action to enforce the lien is not brought within 18 months after the date the lien-notification statement is filed.

Sec. 9. [EFFECTIVE DATE.]

This act is effective July 1, 1984, except that an agricultural input lien may not attach to crops planted before December 1, 1984."

Delete the title and insert:

"A bill for an act relating to commerce; providing a lien for agricultural production inputs; establishing priority and foreclosure requirements; amending Minnesota Statutes 1982, section 386.42; and Minnesota Statutes 1983 Supplement, section 336.9-312; proposing new law coded in Minnesota Statutes, chapter 514."

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

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

S.F. No. 1532: A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 10; allowing public lands of the state to be exchanged for any other public land; amending Minnesota Statutes 1982, section 94.343, subdivision 1.

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

Page 1, line 17, after "*publicly*" delete "*held*"

Page 2, after line 15, insert:

"Sec. 4. Minnesota Statutes 1982, section 94.349, subdivision 3, is amended to read:

Subd. 3. The classes of state land which may be involved in a transfer of title are the same as those which may be exchanged under land exchange laws and are subject to the same limitations as are applied to state lands under land exchange laws. ~~In addition, land subject to the public sale requirements of Minnesota Constitution, Article XI, Section 8, shall be condemned prior to any title transfer. The condemnation award must be paid and the time to appeal from the award must have expired prior to any title transfer under this section."~~

Page 2, line 16, delete "*4*" and insert "*5*"

Page 2, line 17, delete "*Section 3 is*" and insert "*Sections 3 and 4 are*"

Amend the title as follows:

Page 1, line 5, delete "*section*" and insert "*sections*"

Page 1, line 6, before the period, insert “; and 94.349, subdivision 3”

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

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

S.F. No. 1627: A bill for an act relating to environment; changing the date by which the pollution control agency must adopt an acid deposition standard for acid deposition in certain sensitive areas; amending Minnesota Statutes 1982, section 116.44, subdivision 2.

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

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

S.F. No. 1794: A bill for an act relating to waters; legislative approval of a certain diversion by the North Kittson Rural Water District.

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

Page 1, line 6, delete “DIVERSION” and insert “PROVISION” and delete “WATERS” and insert “WATER”

Page 1, line 8, delete “*the diversion of*”

Page 1, line 9, delete “*water by*” and delete “*for sale*” and insert “*to provide water*”

Page 1, line 11, after “*approval*” insert “*for this provision of water*” and delete “*hereby*” and delete the comma

Amend the title as follows:

Page 1, line 2, delete “of a certain”

Page 1, line 3, delete “diversion” and insert “to provide water to Emerson, Manitoba”

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

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

S.F. No. 1790: A bill for an act relating to natural resources; eliminating duplicative appraisal reviews in land acquisition procedures; amending Minnesota Statutes 1982, section 84.0272; repealing Minnesota Statutes 1982, section 84.0271.

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

Page 2, delete lines 12 and 13

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

adopted.

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

S.F. No. 1671: A bill for an act relating to tax-forfeited lands; modifying certain limitations on the sale of tax-forfeited land which borders on or is adjacent to certain waters; amending Minnesota Statutes 1982, section 282.018.

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

Page 2, delete lines 24 and 25

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

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

S.F. No. 1789: A bill for an act relating to state land; modifying certain procedures relating to sale of surplus state land; amending Minnesota Statutes 1982, section 94.10, subdivision 2.

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

Page 1, line 12, delete "*clause*" and insert "*paragraph*"

Page 1, line 25, delete "*sold*" and insert "*offered for public sale*"

Page 2, line 1, delete "*as*" and insert "*in the manner*"

Page 2, line 1, delete "*this clause*" and insert "*paragraph (a) for sales by the commissioner of administration*" and delete everything after the period

Page 2, delete lines 2 to 9 and delete lines 15 and 16

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

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

S.F. No. 1669: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell lands and interests in land acquired for trail purposes which are no longer needed for trail purposes and which are located in certain cities.

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

Page 1, line 18, after "*Madison*" insert "*Lake*"

Page 1, line 24, after "*Madison*" insert "*Lake*"

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

Mr. Merriam from the Committee on Agriculture and Natural Resources,

to which was referred

S.F. No. 1670: A bill for an act relating to natural resources; allocating proceeds of sales of certain surplus state lands to a land acquisition account; appropriating money; amending Minnesota Statutes 1982, sections 84.085; 84A.53; 84A.54; and 94.16.

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

Page 1, lines 16 to 19, delete the new language

Page 1, line 21, after the period, insert "*Lands and interests in lands so received may be sold or exchanged as provided in chapter 94.*"

Pages 2 and 3, delete sections 4 and 5 and insert:

"Sec. 4. Minnesota Statutes 1982, section 94.16, is amended to read:

94.16 ~~[FUNDS, HOW DISPOSED OF~~ DISPOSITION OF PROCEEDS FROM SURPLUS STATE OWNED LAND.]

Subdivision 1. [PAYMENT OF EXPENSES.] All moneys Money received from the sale of such lands or lots surplus state owned land shall be credited to the general fund of the state, except that as provided in this section.

Subd. 2. [PAYMENT OF EXPENSES.] A portion of the proceeds from the sale equal in amount to the survey, appraisal, legal, advertising, and other expenses incurred by the commissioner of administration or other state official in rendering the property saleable shall be remitted to the account from which the expenses were paid, and are appropriated and immediately available for expenditure in the same manner as other money in the account.

Subd. 3. [PROCEEDS FROM NATURAL RESOURCES LAND.] The remainder of the proceeds from the sale of lands that were under the control and supervision of the commissioner of natural resources shall be credited to the land acquisition account.

Sec. 5. [94.165] [LAND ACQUISITION ACCOUNT.]

There is created in the state treasury a land acquisition account. Subject to appropriation by law, money in the account is available to the commissioner of natural resources for the acquisition of natural resource lands or interests in lands within the outdoor recreation system established in chapter 86A.

Sec. 6. [EFFECTIVE DATE.]

This act is effective July 1, 1984."

Amend the title as follows:

Page 1, line 4, delete "appropriating money" and insert "changing the allocation of proceeds from certain tax forfeited lands; creating a land acquisition account"

Page 1, line 6, before the period, insert "proposing new law coded in Minnesota Statutes, chapter 94"

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which

was referred

S.F. No. 1934: A bill for an act relating to enterprise zones; expanding the definition of areas eligible for designation as zones; limiting the designation of border city enterprise zones; clarifying the tax incentives available in enterprise zones; amending Minnesota Statutes 1983 Supplement, sections 273.1312, subdivisions 4 and 5; 273.1313, subdivisions 1 and 2; 273.1314, subdivisions 1, 6, 8, 9, 10, and by adding subdivisions.

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

Page 1, line 23, delete "The" and insert "A"

Page 1, line 23, after "zone" insert "*which is located in a city of the third or fourth class*"

Page 3, line 11, after "reservation" insert "*; except that, in the case of two or more cities seeking designation of an enterprise zone under a joint exercise of power pursuant to section 471.59, the minimum population required by this provision shall not exceed the sum of the populations of those cities*"

Page 4, line 20, delete "103(b)(6)(O)(2)" and insert "103(b)(O)(ii)"

Page 7, line 9, delete "*at the 20 and 21.5 percent rates*" and insert "*as employment property*"

Page 7, line 10, after "9," insert "*or for a tax reduction pursuant to section 273.1314, subdivision 9,*"

Page 8, after line 10, insert:

"Sec. 7. Minnesota Statutes 1983 Supplement, section 273.1314, subdivision 7, is amended to read:

Subd. 7. [LIMITATIONS; NUMBER OF DESIGNATIONS.] (a) In each of the years 1983 and 1984, the commissioner shall designate at least two but not more than five areas as enterprise zones. No designations shall be made after December 31, 1984.

(b) No more than one area may be designated as an enterprise zone in any county, except that two areas may be designated in a county containing a city of the first class.

(c) No more than ~~one area~~ *two areas* in a congressional district may be designated as an enterprise zone in ~~any calendar year~~ *1984*.

This subdivision shall not apply to enterprise zones designated pursuant to section 273.1312, subdivision 4, paragraph (c), clause (2) or (3)."

Page 10, line 25, delete "103(b)(6)(O)(1)" and insert "103(b)(6)(O)(i)"

Pages 10 and 11, delete section 9

Page 12, line 19, after the period, insert "*Any amount repaid to the municipality must be used by the municipality for economic development purposes.*"

Page 12, line 24, after "zone" insert "*or of an area or areas designated pursuant to section 273.1314, subdivision 9, paragraph (e)*" and after the period, insert "*Boundaries of a zone may not be amended to create noncon-*

tiguous subdivisions."

Page 13, line 2, after "*after the*" insert "*calendar*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after "6," insert "7,"

Page 1, line 9, delete "subdivisions" and insert "a subdivision"

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

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

S.F. No. 1402: A bill for an act relating to crimes; defining aggravated criminal damage to property; amending Minnesota Statutes 1982, section 609.595, subdivision 1.

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

Page 1, line 20, after the stricken "or" delete the comma and insert "*and*" and after "*replacement*" strike the comma

Page 1, line 21, delete the new language

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

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

S.F. No. 1858: A bill for an act relating to crimes; setting penalties for flight from a peace officer under certain conditions; amending Minnesota Statutes 1982, section 609.487, subdivision 4.

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

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

S.F. No. 1336: A bill for an act relating to highway traffic regulations; providing for criminal penalties upon refusal by a driver suspected of driving under the influence of alcohol or a controlled substance to take a chemical test; authorizing chemical testing of a suspect who is unconscious or in a condition rendering the suspect incapable of refusal; amending Minnesota Statutes 1982, section 169.123, subdivisions 2, as amended; 5a; 6, as amended; and by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 169.09, subdivision 1, is amended to read:

Subdivision 1. [DRIVER TO STOP.] The driver of any vehicle involved in

an accident resulting in *immediately demonstrable* bodily injury to or death of any person shall immediately stop the vehicle at the scene of the accident, or as close to the scene as possible, but shall then return to and in every event, shall remain at, the scene of the accident until he has fulfilled the requirements of this chapter as to the giving of information. The stop shall be made without unnecessarily obstructing traffic.

Sec. 2. Minnesota Statutes 1982, section 169.09, subdivision 4, is amended to read:

Subd. 4. [COLLISION WITH UNATTENDED VEHICLE.] The driver of any vehicle which collides with and damages any vehicle which is unattended shall immediately stop and either locate and notify the driver or owner of the vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle, shall report the same to a police officer, or shall leave in a conspicuous place in *or secured to* the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking.

Sec. 3. Minnesota Statutes 1983 Supplement, section 169.09, subdivision 14, is amended to read:

Subd. 14. [PENALTIES.] (a) The driver of any vehicle who violates subdivision 1 or 6 ~~and who caused the accident under the following circumstances~~ is punishable as follows:

(1) If the accident results in the death of any person, the driver is guilty of a felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$5,000, or both; or

(2) If the accident results in substantial bodily ~~injury~~ *harm* to any person, as defined in section 609.02, subdivision 8 7a, the driver is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$3,000, or both.

(b) The driver of any vehicle *involved in an accident not resulting in substantial bodily harm or death* who violates subdivision 1 or 6 ~~and who did not cause the accident or who violates subdivision 2 is guilty of a gross misdemeanor, and may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$1,000~~ \$3,000, or both.

(c) Any person who violates subdivision 3, clause (b) is guilty of a petty misdemeanor.

(d) Any person who violates subdivision 3, clause (a), or subdivision 4, 5, 7, 8, 10, 11, or 12 is guilty of a misdemeanor.

The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

Sec. 4. Minnesota Statutes 1983 Supplement, section 169.09, subdivision 15, is amended to read:

Subd. 15. [DEFENSE.] It is an affirmative defense to prosecution under subdivisions 1, 2, and 6 that the driver left the scene of the accident to take any person suffering ~~substantial~~ *immediately demonstrable* bodily injury in

the accident to receive emergency medical care if the driver of the involved vehicle gives notice to a law enforcement agency as required by subdivision 6 as soon as reasonably feasible after the emergency medical care has been undertaken.

Sec. 5. Minnesota Statutes 1983 Supplement, section 169.121, subdivision 3, is amended to read:

Subd. 3. [CRIMINAL PENALTIES.] A person who violates this section or an ordinance in conformity with it is guilty of a misdemeanor.

The following persons are guilty of a gross misdemeanor:

(a) A person who violates this section or an ordinance in conformity with it within five years of a prior conviction under this section, section 169.129, ~~or an ordinance in conformity with either of them~~, or a statute or ordinance from another state in conformity with ~~it either of them~~; and

(b) A person who violates this section or an ordinance in conformity with it within ten years of two or more prior convictions under this section, section 169.129, ~~or an ordinance in conformity with either of them~~, or a statute or ordinance from another state in conformity with ~~it either of them~~.

The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

Sec. 6. Minnesota Statutes 1983 Supplement, section 169.123, subdivision 2, is amended to read:

Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.] (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state consents, subject to the provisions of this section and section 169.121, to a chemical test of his blood, breath, or urine for the purpose of determining the presence of alcohol or a controlled substance. The test shall be administered at the direction of a peace officer. The test may be required of a person when an officer has reasonable and probable grounds to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist: (1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity with it; or (2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death; or (3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or (4) the screening test was administered and recorded an alcohol concentration of 0.10 or more. ~~No action may be taken against the person for declining to take a direct blood test, if offered, unless an alternative test was offered.~~

(b) Any person who is required to submit to a test under this subdivision and who refuses to submit to the test is guilty of a misdemeanor and, upon conviction, shall be punished in the same manner as if convicted of violation of section 169.121, subdivision 1, and shall be subject to the criminal penalties of section 169.121, subdivision 3.

(c) At the time a chemical test specimen is requested, the person shall be

informed:

(1) that Minnesota law requires the person to take a test to determine if the person is under the influence of alcohol or a controlled substance;

(4) (2) that if testing is refused, the person will be subject to criminal penalties and the person's right to drive will be revoked for a minimum period of six months one year;

(2) (3) that if a test is taken and the results indicate that the person is under the influence of alcohol or a controlled substance, the person will be subject to criminal penalties and the person's right to drive may be revoked for a minimum period of 90 days;

(3) that the person has a right to consult with an attorney but that this right is limited to the extent that it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test; and

(4) that after submitting to testing, the person has the right to have additional tests made by a person of his own choosing; and

(5) that if he refuses to take a test, the refusal will be offered into evidence against him at trial.

(d) The peace officer who requires a test pursuant to this subdivision may direct whether the test shall be of blood, breath, or urine. However, if the officer directs that the test shall be of a person's blood or urine, the person may choose whether the test shall be of his blood or urine.

Sec. 7. Minnesota Statutes 1982, section 169.123, is amended by adding a subdivision to read:

Subd. 2b. [CONSENT OF PERSON INCAPABLE OF REFUSAL NOT WITHDRAWN.] A person who is unconscious or who is otherwise in a condition rendering the person incapable of refusal is deemed not to have withdrawn the consent provided by subdivision 2 and the test may be given.

Sec. 8. Minnesota Statutes 1982, section 169.123, subdivision 4, is amended to read:

Subd. 4. [REFUSAL, CONSENT TO PERMIT TEST; REVOCATION OF LICENSE.] If a person refuses to permit chemical testing, none shall be given, but the peace officer shall report the refusal to the commissioner of public safety and the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred. If a person submits to chemical testing and the test results indicate an alcohol concentration of 0.10 or more, the results of the test shall be reported to the commissioner of public safety and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred.

Upon certification by the peace officer that there existed reasonable and probable grounds to believe the person had been driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person refused to submit to chemical testing, the commissioner of public safety shall revoke the person's license or permit to drive, or his nonresident operating privilege, for a period of ~~six months~~ one year. Upon certification by the peace officer that there existed

reasonable and probable grounds to believe the person had been driving, operating or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person submitted to chemical testing and the test results indicate an alcohol concentration of 0.10 or more, the commissioner of public safety shall revoke the person's license or permit to drive, or his nonresident operating privilege, for a period of 90 days.

If the person is a resident without a license or permit to operate a motor vehicle in this state, the commissioner of public safety shall deny to the person the issuance of a license or permit for the same period after the date of the alleged violation as provided herein for revocation, subject to review as hereinafter provided.

Sec. 9. Minnesota Statutes 1982, section 169.123, subdivision 5a, is amended to read:

Subd. 5a. [PEACE OFFICER AGENT FOR NOTICE OF REVOCATION.] On behalf of the commissioner of public safety a peace officer ~~offering~~ requiring a chemical test or directing the administration of a chemical test shall serve immediate notice of intention to revoke and of revocation on a person who refuses to permit chemical testing or on a person who submits to a chemical test the results of which indicate an alcohol concentration of 0.10 or more. The officer shall take the license or permit of the driver, if any, and issue a temporary license effective only for 7 days. The peace officer shall send the person's driver's license to the commissioner of public safety along with the certificate required by subdivision 4.

Sec. 10. Minnesota Statutes 1983 Supplement, section 169.123, subdivision 6, is amended to read:

Subd. 6. [HEARING.] A hearing under this section shall be before a municipal or county judge, in any county in the judicial district where the alleged offense occurred. The hearing shall be to the court and may be conducted at the same time and in the same manner as hearings upon pre-trial motions in the criminal prosecution under section 169.121, if any. The hearing shall be recorded. The commissioner of public safety shall appear and be represented by the attorney general or through the prosecuting authority for the jurisdiction involved.

The hearing shall be held at the earliest practicable date, and in any event no later than 60 days following the filing of the petition for review. The judicial district administrator shall establish procedures to ensure efficient compliance with the provisions of this subdivision. To accomplish this, the administrator may, whenever possible, consolidate and transfer review hearings among the county courts within the judicial district.

The scope of the hearing shall be limited to the issues of:

(1) whether the peace officer had reasonable and probable grounds to believe the person was driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance, and whether the person was lawfully placed under arrest for violation of section 169.121, or the person was involved in a motor vehicle accident or collision resulting in property damage, personal injury or death, or the person refused to take a screening test provided for by section 169.121, subdivision 6, or the screening test was administered and recorded an alcohol concentration of

0.10 or more; and

(2) whether at the time of the request for the test the peace officer informed the person of his rights and the consequences of taking or refusing the test as required by subdivision 2; and

(3) either (a) whether the person refused to permit the test, or (b) whether a test was taken and the test results indicated an alcohol concentration of 0.10 or more at the time of testing, and whether the testing method used was valid and reliable, and whether the test results were accurately evaluated.

~~It shall be an affirmative defense for the petitioner to prove that, at the time of the refusal, his refusal to permit the test was based upon reasonable grounds.~~

Certified or otherwise authenticated copies of laboratory or medical personnel reports, records, documents, licenses and certificates shall be admissible as substantive evidence.

The court shall order either that the revocation be rescinded or sustained and forward the order to the commissioner of public safety. The court shall file its order within 14 days following the hearing. If the revocation is sustained, the court shall also forward the person's driver's license or permit to the commissioner of public safety for his further action if the license or permit is not already in the commissioner's possession.

Sec. 11. Minnesota Statutes 1983 Supplement, section 609.21, subdivision 1, is amended to read:

~~Subdivision 1. [RESULTING IN DEATH.] Whoever, as a result of operating a vehicle as defined in section 169.01, subdivision 2, or an aircraft or watercraft, in a grossly negligent manner, or in a negligent manner while under the influence of alcohol or a controlled substance as defined in section 169.121, subdivision 1, causes the death of a human being not constituting murder or manslaughter is guilty of criminal vehicular operation resulting in death and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both. Whoever causes the death of a human being not constituting murder or manslaughter as a result of operating a vehicle as defined in section 169.01, subdivision 2, or an aircraft or watercraft,~~

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of alcohol, a controlled substance, or any combination of those elements; or

(3) in a negligent manner while having an alcohol concentration of 0.10 or more,

is guilty of criminal vehicular operation resulting in death and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.

Sec. 12. Minnesota Statutes 1983 Supplement, section 609.21, subdivision 2, is amended to read:

~~Subd. 2. [RESULTING IN INJURY.] Whoever, as a result of operating a vehicle defined in section 169.01, subdivision 2, or an aircraft or watercraft, in a grossly negligent manner, or in a negligent manner while under the influence~~

of alcohol or a controlled substance as defined in section 169.121, subdivision 1, causes great bodily harm to another, as defined in section 609.02, subdivision 8, not constituting attempted murder or assault is guilty of criminal vehicular operation resulting in injury and may be sentenced to imprisonment for not more than three years or the payment of a fine of not more than \$3,000 or both. Whoever causes great bodily harm to another, as defined in section 609.02, subdivision 8, not constituting attempted murder or assault as a result of operating a vehicle defined in section 169.01, subdivision 2, or an aircraft or watercraft,

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of alcohol, a controlled substance, or any combination of those elements; or

(3) in a negligent manner while having an alcohol concentration of 0.10 or more,

is guilty of criminal vehicular operation resulting in injury and may be sentenced to imprisonment for not more than three years or the payment of a fine of not more than \$3,000, or both.

Sec. 13. [634.17] [ADMISSION INTO EVIDENCE FOR IMPEACHMENT PURPOSES OF CERTAIN CONVICTIONS FOR DRIVING OFFENSES.]

Notwithstanding section 169.94, subdivision 2, in any hearing or trial of a felony driving offense, the court may admit evidence of a person's previous conviction for a driving offense involving the use of alcohol or a controlled substance for the purpose of impeaching that person if the court finds that:

(a) The probative value of the conviction substantially outweighs its inflammatory or prejudicial effect;

(b) The use of alcohol or a controlled substance is an element of the charged offense or is relevant to a fact that is at issue in the case;

(c) The accused person has been served notice pursuant to Rule 7 or Rule 9 of the Rules of Criminal Procedure; and

(d) The previous conviction occurred within ten years of the charged offense.

Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 13 are effective August 1, 1984, and apply to offenses committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crime; providing for criminal penalties and a one year driver's license revocation upon refusal by a driver suspected of driving under the influence of alcohol or a controlled substance to take a test; authorizing testing of a suspect who is unconscious or in a condition rendering the suspect incapable of refusal; clarifying provisions of the hit and run law; clarifying penalties imposed on certain persons convicted of driving while under the influence of alcohol or a controlled substance; prescribing penalties for causing death or injury of another while operating a vehicle in a certain manner; providing for admission into evidence of certain convictions

for driving offenses for impeachment purposes; amending Minnesota Statutes 1982, sections 169.09, subdivision 4; 169.123, subdivisions 4 and 5a, and by adding a subdivision; and Minnesota Statutes 1983 Supplement, sections 169.09, subdivisions 1, 14, and 15; 169.121, subdivision 3; 169.123, subdivisions 2 and 6; and 609.21, subdivisions 1 and 2; proposing new law coded in Minnesota Statutes, chapter 634."

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

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

H.F. No. 1456: A bill for an act relating to Otter Tail county; authorizing the board of county commissioners to sell certain real property.

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

Page 1, line 8, delete "*realtor*" and insert "*licensed real estate agent*"

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

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

S.F. No. 1825: A bill for an act relating to Otter Tail County; authorizing the county board to adopt an ordinance for the control of dogs and cats.

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

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

S.F. No. 1831: A bill for an act relating to the city of Minneapolis; authorizing compensation for members of the park and recreation board; amending Laws 1974, chapter 181, section 1, as amended.

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

Page 1, line 14, delete "*shall*" and insert "*may*"

Page 1, line 16, after the stricken word, insert "*up to*"

Page 1, line 21, delete "*subdivision 3,*"

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

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

S.F. No. 1477: A bill for an act relating to workers' compensation; clarifying the law concerning ridesharing; providing for miscellaneous changes in the workers' compensation process; amending Minnesota Statutes 1982,

sections 176.061, by adding subdivisions; 176.221, by adding a subdivision; 176.231, subdivision 1; 176.241, subdivision 1, and by adding a subdivision; 176.351, by adding a subdivision; Minnesota Statutes 1983 Supplement, sections 176.041, subdivision 1; 176.051, subdivisions 2 and 3; 176.101, subdivision 3; 176.103, subdivision 2, and by adding a subdivision; 176.129, subdivisions 3, 4, and by adding a subdivision; 176.221, subdivisions 1 and 3; 176.231, subdivision 9; 176.241, subdivision 2; 176.242, subdivisions 1, 2, 3, and 8; 176.421, subdivision 7; 176.442; and 176.66, subdivision 11; repealing Minnesota Statutes 1983 Supplement, sections 176.051, subdivision 4; and 176.129, subdivision 5.

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

Delete everything after the enacting clause and insert:

“ARTICLE 1

Section 1. [INTENT.]

The legislature finds that certain provisions enacted in 1983 relating to workers' compensation coverage of injuries or damages incurred while participating in ridesharing arrangements have created confusion among employers, employees, insurance carriers, and the public because of their ambiguous nature and their uncertain effect on the underlying premises of employer liability and workers' compensation law. The legislature also finds that the provisions have not had the intended effect of encouraging employers to promote ridesharing arrangements, but that they have had the opposite effect instead. While the provisions that were enacted were not intended to increase the scope of employer liability for travel by employees to and from work, it is feared that that interpretation may someday be given to the provisions. Therefore, the legislature seeks to clarify the meaning of those provisions and, by repealing them, to underscore its intent that the underlying law of employer liability and workers' compensation regarding employee travel to and from work is unaltered by the provisions enacted in 1983.

Sec. 2. Minnesota Statutes 1983 Supplement, section 79.34, subdivision 1, is amended to read:

Subdivision 1. A nonprofit association known as the workers' compensation reinsurance association is created, which may be incorporated under chapter 317 with all the powers of a corporation formed under that chapter, except that if the provisions of that chapter are inconsistent with sections 79.34 to 79.40 or any amendments thereto, sections 79.34 to 79.40 shall govern. Each insurer as defined by section 79.01, subdivision 2, shall as a condition of its authority to transact workers' compensation insurance in this state, be a member of the reinsurance association and shall be bound by the plan of operation of the reinsurance association; provided, that all affiliated insurers within a holding company system as defined in sections 60D.01 to 60D.13 shall be considered a single entity for purposes of the exercise of all rights and duties of membership in the reinsurance association. Each self-insurer approved pursuant to section 176.181 and each political subdivision which self-insures shall, as a condition of its authority to self-insure workers' compensation liability in this state, be a member of the reinsurance association and shall be bound by its plan of operation; provided, that (a) all af-

filiated companies within a holding company system, as determined by the commissioner in a manner consistent with the standards and definitions in sections 60D.01 to 60D.13, shall be considered a single entity for purposes of the exercise of all rights and duties of membership in the reinsurance association, and (b) all group self-insurers granted authority to self-insure pursuant to section 176.181 shall be considered a single entity for purposes of the exercise of all the rights and duties of membership in the reinsurance association. As a condition of its authority to self-insure workers' compensation liability, and for losses incurred on or after January 1, 1984, the state shall be a member of the reinsurance association and is bound by its plan of operation. The commissioner of labor and industry represents the state in the exercise of all the rights and duties of membership in the reinsurance association. The state treasurer shall pay the premium to the reinsurance association from the state compensation revolving fund upon warrants of the commissioner of labor and industry. For the purposes of this section "state" means the administrative branch of state government, the legislative branch, the judicial branch, the University of Minnesota, and any other entity whose workers' compensation liability is paid from the state revolving fund. The commissioner of finance may calculate, prorate, and charge a department or agency the portion of premiums paid to the reinsurance association for employees who are paid wholly or in part by federal funds, dedicated funds, or special revenue funds. The reinsurance association is not a state agency. Actions of the reinsurance association and its board of directors and actions of the commissioner of insurance with respect to the reinsurance association are not subject to chapters 13, 14, and 15. The reinsurance association is exempt from taxation under the laws of this state and all property owned by the association is exempt from taxation. The reinsurance association is not obligated to make any payments or pay any assessments to any funds or pools established pursuant to this chapter or chapter 176 or any other law.

Sec. 3. Minnesota Statutes 1983 Supplement, section 176.041, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYMENTS EXCLUDED.] This chapter does not apply to a person employed by a common carrier by railroad engaged in interstate or foreign commerce and who is covered by the Federal Employers' Liability Act, United States Code, title 45, sections 51 to 60, or other comparable federal law; to a person employed by a family farm as defined by section 176.011, subdivision 11a, or the spouse, parent, and child, regardless of age, of a farmer-employer working for the farmer-employer; to a partner engaged in a farm operation or a partner engaged in a business and the spouse, parent, and child, regardless of age, of a partner in the farm operation or business; to an executive officer of a family farm corporation; to an executive officer of a closely held corporation referred to in section 176.012; to a spouse, parent, or child, regardless of age, of an executive officer of a family farm corporation as defined in section 500.24, subdivision 2, and employed by that family farm corporation; to a spouse, parent, or child, regardless of age, of an executive officer of a closely held corporation referred to in section 176.012; to another farmer or to a member of the other farmer's family exchanging work with the farmer-employer or family farm corporation operator in the same community; to a person whose employment at the time of the injury is casual and not in the usual course of the trade, business, profession, or occupation of the employer; persons who are independent contractors as defined by rules adopted by the commissioner pursuant to section 176.83 except that this exclusion does not apply to an employee of an independent contractor; nor does this chapter apply to an officer or a

member of a veterans' organization whose employment relationship arises solely by virtue of attending meetings or conventions of the veterans' organization, unless the veterans' organization elects by resolution to provide coverage under this chapter for the officer or member.

Neither does the chapter apply to a person employed as a household worker in, for, or about a private home or household who earns less than \$500 in cash in a three-month period from a single private home or household provided that a household worker who has earned \$500 or more from the household worker's present employer in a three-month period within the previous year is covered by this chapter regardless of whether or not the household worker has earned \$500 in the present quarter.

This chapter does not apply to those persons employed by a corporation if those persons are related by blood or marriage, within the third degree of kindred according to the rules of civil law, to the officers of the corporation, and if the corporation files a written election with the commissioner to have those persons excluded from this chapter except that a written election is not required for a person who is otherwise excluded from this chapter by this section.

This chapter does not apply to a nonprofit association which does not pay more than \$500 in salary or wages in a year.

This chapter does not apply to persons covered under the Domestic Volunteer Service Act of 1973, as amended, 42 U.S.C. sections 5011, et. seq.

~~This chapter does not apply to employees injured while participating in a ridesharing arrangement as defined in section 169.01, subdivision 63, between the employee's residence and place of employment or terminus near the place of employment. This chapter does apply if the employer elects to assume liability coverage under this chapter for persons injured while participating in ridesharing arrangements as outlined in section 176.051, subdivision 3.~~

Sec. 4. [REPEALER.]

Minnesota Statutes 1983 Supplement, section 176.051, subdivisions 2, 3, and 4 are repealed.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 3 are effective retroactively to June 10, 1983 except for the provision in section 3 regarding coverage of persons under 42 U.S.C., sections 5011, et seq., which is effective the day following final enactment.

ARTICLE 2

MISCELLANEOUS CHANGES

Section 1. Minnesota Statutes 1983 Supplement, section 176.101, subdivision 3a, is amended to read:

Subd. 3a. [ECONOMIC RECOVERY COMPENSATION.] If an employee is not eligible for an impairment award pursuant to subdivision 3b, then the employee shall receive economic recovery compensation for a permanent partial disability pursuant to this subdivision. The compensation shall be $66\frac{2}{3}$ percent of the weekly wage at the time of injury subject to a maximum equal to the statewide average weekly wage. For permanent par-

tial disability up to the percent of the whole body in the following schedule the compensation shall be paid for the proportion that the loss of function of the disabled part bears to the whole body multiplied by the number of weeks aligned with that percent.

Percent of disability	Weeks of compensation
0-25	600
26-30	640
31-35	680
36-40	720
41-45	760
46-50	800
51-55	880
56-60	960
61-65	1040
66-70	1120
71-100	1200

The percentage loss in all cases under this subdivision is determined according to the rules adopted by the commissioner pursuant to section 176.105, subdivision 4. This subdivision ~~shall apply~~ *applies to a permanent partial disability incurred an injury which occurs on or after the adoption of these rules January 1, 1984.*

Sec. 2. Minnesota Statutes 1983 Supplement, section 176.101, subdivision 3b, is amended to read:

Subd. 3b. [IMPAIRMENT COMPENSATION.] An employee who suffers a permanent partial disability due to a personal injury and receives impairment compensation under this section shall receive compensation in an amount as provided by this subdivision. For permanent partial disability up to the percent of the whole body shown in the following schedule the amount shall be equal to the proportion that the loss of function of the disabled part bears to the whole body multiplied by the amount aligned with that percent in the following schedule:

Percent of disability	Amount
0-25	\$ 75,000
26-30	80,000
31-35	85,000
36-40	90,000
41-45	95,000
46-50	100,000
51-55	120,000
56-60	140,000
61-65	160,000
66-70	180,000
71-75	200,000
76-80	240,000
81-85	280,000
86-90	320,000
91-95	360,000
96-100	400,000

For all cases under this subdivision the percentage loss of function of a part of the body is determined according to the rules adopted by the commissioner pursuant to section 176.105, subdivision 4. This subdivision ~~shall apply ap-~~

plies to a permanent partial disability incurred an injury which occurs on or after the adoption of these rules January 1, 1984.

Sec. 3. Minnesota Statutes 1983 Supplement, section 176.101, subdivision 3e, is amended to read:

Subd. 3e. [END OF TEMPORARY TOTAL COMPENSATION.] (a) 90 days after an employee has reached maximum medical improvement or 90 days after the end of an approved retraining program, whichever is later, the employee's temporary total compensation shall cease. This cessation shall occur at an earlier date if otherwise provided by this chapter.

(b) If ~~during~~ *at any time prior to the end of* the 90-day period described in clause (a) the employee retires or the employer furnishes work to the employee that is consistent with an approved plan of rehabilitation or, if no plan has been approved, that the employee can do in his or her physical condition and that job produces an economic status as close as possible to that the employee would have enjoyed without the disability, or the employer procures this employment with another employer or the employee accepts this job with another employer, temporary total compensation shall cease and the employee shall, if appropriate, receive impairment compensation pursuant to subdivision 3b. This impairment compensation is in lieu of economic recovery compensation under subdivision 3a, and the employee shall not receive both economic recovery compensation and impairment compensation. Temporary total compensation and impairment compensation shall not be paid concurrently. Once temporary total compensation ceases no further temporary total compensation is payable except as specifically provided by this section.

(c) Upon receipt of a written medical report indicating that the employee has reached maximum medical improvement, the employer or insurer shall serve a copy of the report upon the employee and shall file a copy with the division. The beginning of the 90-day period shall commence on the day this report is served on the employee for the purpose of determining whether a job offer consistent with the requirements of this subdivision is made. *A job offer may be made before the employee reaches maximum medical improvement.*

(e) (d) The job which is offered or procured by the employer or accepted by the employee under clause (b) does not necessarily have to commence immediately but shall commence within a reasonable period after the end of the 90-day period described in clause (a). Temporary total compensation shall not cease under this subdivision until the job commences.

(d) (e) If the job offered under clause (a) is not the job the employee had at the time of injury it shall be offered in writing and shall state the nature of the job, the rate of pay, the physical requirements of the job, and any other information necessary to fully and completely inform the employee of the job duties and responsibilities.

The employee has 14 calendar days to accept or reject the job offer. If the employee does not respond within this period it is deemed a refusal of the offer. *Where there is an administrative conference to determine suitability under section 176.242, the period begins to run on the date of the commissioner's decision.*

(e) (f) Self-employment may be an appropriate job under this subdivision.

The commissioner shall monitor application of this subdivision and may adopt rules to assure its proper application.

Sec. 4. Minnesota Statutes 1983 Supplement, section 176.101, subdivision 3g, is amended to read:

Subd. 3g. [ACCEPTANCE OF JOB OFFER.] If the employee accepts a job offer described in subdivision 3e and the employee begins work at that job, although not necessarily within the 90-day period specified in that subdivision, the impairment compensation shall be paid in a lump sum 30 calendar days after the employee actually commences work *if the employment has not been substantially interrupted by the injury for any part of the 30 days and the employee is still employed at that job at the end of the period.*

Sec. 5. Minnesota Statutes 1983 Supplement, section 176.101, subdivision 3i, is amended to read:

Subd. 3i. [LAY OFF BECAUSE OF LACK OF WORK OR RELEASED FOR OTHER THAN SEASONAL CONDITIONS.] (a) If an employee accepts a job under subdivision 3e and begins work at that job and is subsequently unemployed *at that job* because of economic conditions, other than seasonal conditions, the employee shall receive monitoring period compensation pursuant to clause (b). In addition, the employer who was the employer at the time of the injury shall provide rehabilitation consultation by a qualified rehabilitation consultant if the employee remains unemployed for 45 calendar days. The commissioner may waive this rehabilitation consultation if the commissioner deems it appropriate. Further rehabilitation, if deemed appropriate, is governed by section 176.102.

(b) Upon the employee's initial return to work the monitoring period begins to run. If the employee is unemployed for the reason in clause (a), prior to the end of the monitoring period the employee shall receive monitoring period compensation. This compensation shall be paid for the lesser of (1) the weeks remaining in the monitoring period, or (2) the weeks equal to the monitoring period minus the impairment compensation paid to the employee. For purposes of this clause the impairment compensation shall be converted to weeks by dividing the impairment compensation received by the employee by the employee's compensation rate for temporary total disability at the time of the injury. No monitoring period compensation is payable if the unemployment occurs after the expiration of the monitoring period. Monitoring period compensation is payable at the same intervals and in the same amount as when temporary total compensation ceased.

(c) *Compensation under this subdivision shall not be escalated pursuant to section 176.645.*

(e) (d) If the employee returns to work and is still receiving monitoring period compensation, this compensation shall cease. Any period remaining in the monitoring period upon this return to work shall be used to determine further benefits if the employee is again unemployed under clause (a).

(d) (e) Upon the employee's return to work pursuant to this section the insurer shall notify the employee of the length of the employee's monitoring period and shall notify the employee of the amount of impairment to be paid and the date of payment.

Sec. 6. Minnesota Statutes 1983 Supplement, section 176.101, subdivision

3j, is amended to read:

Subd. 3j. [MEDICALLY UNABLE TO CONTINUE WORK.] (a) If the employee has started the job offered under subdivision 3e and is medically unable to continue at that job because of the ~~permanent partial disability injury~~, that employee shall receive temporary total compensation pursuant to clause (b). In addition, the employer who was the employer at the time of the injury shall provide rehabilitation consultation by a qualified rehabilitation consultant. Further rehabilitation, if deemed appropriate, is governed by section 176.102.

(b) Temporary total compensation shall be paid for up to 90 days after the employee has reached maximum medical improvement or 90 days after the end of an approved retraining plan, whichever is later. The temporary total compensation shall cease at any time within the 90-day period that the employee begins work meeting the requirements of subdivision 3e or 3f. If no job is offered to the employee by the end of this 90-day period, the employee shall receive economic recovery compensation pursuant to this section but reduced by the impairment compensation previously received by the employee for the same disability.

Sec. 7. Minnesota Statutes 1983 Supplement, section 176.101, subdivision 3l, is amended to read:

Subd. 3l. [FAILURE TO ACCEPT JOB OFFER.] If the employee has been offered a job under subdivision 3e and has refused the offer, the impairment compensation shall not be paid in a lump sum but shall be paid in the same interval and amount that temporary total compensation was initially paid. *This compensation shall not be escalated pursuant to section 176.645.* Temporary total compensation shall cease upon the employee's refusal to accept the job offered and no further or additional temporary total compensation is payable for that injury. The payment of the periodic impairment compensation shall cease when the amount the employee is eligible to receive under subdivision 3b is reached, after which time the employee shall not receive additional impairment compensation or any other compensation under this chapter unless the employee has a greater permanent partial disability than already compensated for.

Sec. 8. Minnesota Statutes 1983 Supplement, section 176.101, subdivision 3m, is amended to read:

Subd. 3m. [RETURN TO WORK AFTER REFUSAL OF JOB OFFER.] If the employee has refused the job offer under subdivision 3e and is receiving periodic impairment compensation and returns to work at another job, the employee shall receive the remaining impairment compensation due, in a lump sum, 30 days after return to work *if the employment has not been substantially interrupted by the injury for any part of the 30 days and the employee is still employed at that job at the end of the period.*

Sec. 9. Minnesota Statutes 1983 Supplement, section 176.101, subdivision 3o, is amended to read:

Subd. 3o. [INABILITY TO RETURN TO WORK.] (a) An employee who is permanently totally disabled pursuant to subdivision 5 shall receive impairment compensation as determined pursuant to subdivision 3b. This compensation is payable in addition to permanent total compensation pursuant to

subdivision 4 and is payable concurrently. In this case the impairment compensation shall be paid in the same intervals and amount as the permanent total compensation *is was initially* paid, and the impairment compensation shall cease when the amount due under subdivision 3b is reached. If this employee returns to work at any job during the period the impairment compensation is being paid, the remaining impairment compensation due shall be paid in a lump sum 30 days after the employee has returned to work and no further temporary total compensation shall be paid.

(b) If an employee is receiving periodic economic recovery compensation and is determined to be permanently totally disabled no offset shall be taken against future permanent total compensation for the compensation paid *and no permanent total weekly compensation is payable for any period during which economic recovery compensation has already been paid*. No further economic recovery compensation is payable even if the amount due the employee pursuant to subdivision 3a has not yet been reached.

(c) An employee who has received periodic economic recovery compensation and who meets the criteria under clause (b) of this subdivision shall receive impairment compensation pursuant to clause (a) of this subdivision even if the employee has previously received economic recovery compensation for that disability.

(d) Rehabilitation consultation pursuant to section 176.102 shall be provided to an employee who is permanently totally disabled.

Sec. 10. Minnesota Statutes 1983 Supplement, section 176.101, subdivision 3q, is amended to read:

Subd. 3q. [METHOD OF PAYMENT OF ECONOMIC RECOVERY COMPENSATION.] (a) Economic recovery compensation is payable at the same intervals and in the same amount as temporary total compensation was *initially* paid. If the employee returns to work and the economic recovery compensation is still being paid, the remaining economic recovery compensation due shall be paid in a lump sum 30 days after the employee has returned to work *if the employment has not been substantially interrupted by the injury for any part of the 30 days and the employee is still employed at that job at the end of the period*.

(b) Periodic economic recovery compensation paid to the employee shall not be adjusted pursuant to section 176.645.

Sec. 11. Minnesota Statutes 1983 Supplement, section 176.101, subdivision 3r, is amended to read:

Subd. 3r. [PAYMENT OF COMPENSATION AT DEATH.] If an employee receiving economic recovery compensation or impairment compensation in periodic amounts dies during the period from causes unrelated to the injury, the compensation shall be paid in the following manner:

(a) If the deceased employee leaves a dependent surviving spouse and no dependent children, as defined by section 176.111, subdivision 1, the spouse shall receive the periodic economic recovery or impairment compensation that the deceased was receiving before the death. This compensation shall be paid for a period of up to ten years after the date of death at which time payments and future entitlement to it ceases.

(b) If the deceased employee leaves a dependent spouse and dependent children, as defined in section 176.111, subdivision 1, the periodic economic recovery or impairment compensation shall continue to be paid to the surviving spouse for up to ten years after the last child is no longer dependent after which time payments and future entitlement to the compensation ceases.

(c) If the deceased employee leaves a dependent child, as defined by section 176.111, and no dependent spouse, the periodic economic recovery or impairment compensation shall continue to be paid to the child until the child is no longer dependent or until the amount to which the employee was entitled to receive is exhausted, whichever is later.

(d) Payment of compensation under this subdivision shall cease prior to the end of the ten-year periods in this subdivision if the amount to which the employee is entitled to receive under subdivision 3, 3a, or 3b, is reached prior to the end of the ten-year period *except as provided in clause (c)*. If the deceased employee is not survived by dependent children or a dependent spouse as defined in section 176.111, no further economic recovery compensation or impairment compensation is payable to any person ~~under this subdivision~~.

~~(d)~~ (e) If the death results from the injury, the payment of economic recovery compensation or impairment compensation shall cease upon the death and *in lieu thereof* death benefits are payable pursuant to section 176.111.

Sec. 12. Minnesota Statutes 1983 Supplement, section 176.101, subdivision 3t, is amended to read:

Subd. 3t. [MINIMUM ECONOMIC RECOVERY COMPENSATION.]

(a) Economic recovery compensation pursuant to this section shall be at least 120 percent of the impairment compensation the employee would receive if that compensation were payable to the employee. The monitoring period shall be at least 120 percent of the weeks during which impairment compensation would be payable if paid weekly.

(b) *Where an employee who has suffered a personal injury for which temporary total compensation is payable but which produces no permanent partial disability and the employee is unable to return to his former employment for medical reasons attributable to the injury, the employee shall receive 26 weeks of economic recovery compensation if no job is offered within the time specified in and meeting the criteria of subdivision 3e. This paragraph shall not be used to determine monitoring period compensation under subdivision 3i and shall not be a minimum for determining the amount of compensation when an employee has suffered a permanent partial disability.*

Sec. 13. Minnesota Statutes 1983 Supplement, section 176.102, subdivision 3a, is amended to read:

Subd. 3a. [REVIEW PANEL APPEALS.] Appeals to the review panel shall be heard before a panel of five members designated by the review panel. Each five-member panel shall consist of ~~two~~ *at least one labor members, two member, at least one employer or insurer members member,* and *at least one member representing medicine, chiropractic, or rehabilitation. The number of labor members and employer or insurer members on the five-member panel shall be equal.* The determination of the five-member panel

shall be by a majority vote and shall represent the determination of the entire review panel and is not subject to review by the panel as a whole. When conducting a review of the commissioner's determination regarding any rehabilitation issue or plan the panel shall give the parties notice that the appeal will be heard. This notice shall be given at least ten working days prior to the hearing. The notice shall state that parties may be represented by counsel at the hearing. In conducting its review the panel shall permit an interested party to present relevant, competent, oral or written evidence and to cross-examine opposing evidence. Evidence presented is not limited to the evidence previously submitted to the commissioner. A record of the proceeding shall be made by the panel. Upon determination of the issue presented, the panel shall issue to the interested parties a written decision and order. The decision need not contain a recitation of the evidence presented at the hearing, but shall be limited to the panel's basis for the decision. *The panel may adopt rules of procedure which may be joint rules with the medical services review board.*

Sec. 14. Minnesota Statutes 1983 Supplement, section 176.102, subdivision 9, is amended to read:

Subd. 9. [PLAN, COSTS.] An employer is liable for the following rehabilitation expenses under this section:

- (a) Cost of rehabilitation evaluation and preparation of a plan;
- (b) Cost of all rehabilitation services and supplies necessary for implementation of the plan;
- (c) Reasonable cost of tuition, books ~~and~~, travel, *and custodial daycare*; and, in addition, reasonable costs of board; *and* lodging ~~and custodial daycare~~ when rehabilitation requires residence away from the employee's customary residence;
- (d) Reasonable costs of travel and custodial daycare during the job interview process;
- (e) Reasonable cost for moving expenses of the employee and family if a job is found in a geographic area beyond reasonable commuting distance after a diligent search within the present community. Relocation shall not be paid more than once during any rehabilitation program, and relocation shall not be required if the new job is located within the same standard metropolitan statistical area as the employee's job at the time of injury. An employee shall not be required to relocate and a refusal to relocate shall not result in a suspension or termination of compensation under this chapter; and
- (f) Any other expense agreed to be paid.

Sec. 15. Minnesota Statutes 1983 Supplement, section 176.103, subdivision 3, is amended to read:

Subd. 3. [MEDICAL SERVICES REVIEW BOARD; SELECTION; POWERS.] (a) There is created a medical services review board composed of the commissioner or the commissioner's designee as an ex officio member, two persons representing chiropractic, one person representing hospital administrators, and six ~~medical practitioners~~ *physicians* representing different specialties which the commissioner determines are the most frequently utilized by injured employees. The board shall also have one person

representing employees, one person representing employers or insurers, and one person representing the general public. The members shall be appointed by the commissioner and shall be governed by section 15.0575. Terms of the board's members may be renewed. The board shall appoint from among its clinical members a clinical advisory subcommittee on clinical quality and a clinical advisory subcommittee on clinical cost containment. Each subcommittee shall consist of at least three members one of whom shall be a member who is not a chiropractor or licensed physician.

The clinical quality subcommittee shall review clinical results for adequacy and recommend to the commissioner scales for disabilities and apportionment.

The clinical cost containment subcommittee shall review and recommend to the commissioner rates for individual clinical procedures and aggregate costs. The subcommittees shall make regular reports to the board and the commissioner which shall evaluate the reports for the purpose of determining whether or not a particular health care provider continues to qualify for payment under chapter 176 or is subject to any other sanctions or penalties authorized under this section and to determine whether an employee has been off work longer than necessary.

In evaluating the clinical consequences of the services provided to an employee by a clinical health care provider, the board shall consider the following factors in the priority listed:

- (1) the clinical effectiveness of the treatment;
- (2) the clinical cost of the treatment; and
- (3) the length of time of treatment.

In its consideration of these factors, the board shall utilize the information and recommendations developed by the subcommittees. In addition, the board shall utilize any other data developed by the subcommittees pursuant to the duties assigned to the subcommittees under this section.

After making a determination, the board shall submit its recommendation in writing to the commissioner. The board shall advise the commissioner on the adoption of rules regarding all aspects of medical care and services provided to injured employees.

(b) The board shall appoint three of its members to hear appeals from decisions of the commissioner regarding quality control and supervision of medical care; any other disputes regarding medical, surgical, and hospital care; decisions regarding the eligibility of medical providers to receive payments; or any other determinations of the commissioner pursuant to subdivision 2. The three-member panel shall be composed of one member who does not represent a health care specialty, one member who represents the same specialty as the specialty at issue or, if the same specialty is not available, one member whose specialty is as close as possible considering the board's composition, and one member representing a different specialty. The three-member panel shall conduct a hearing in the same manner, giving the same notice and following other procedures required of the rehabilitation review panel in section 176.102, subdivision 3a. A majority vote of the three-member panel constitutes the decision of the full board. This decision may be

appealed to the workers' compensation court of appeals.

(c) In any situation where a conflict of interest prevents the appointment of a full three-member panel or in any other situation where the commissioner deems it necessary to resolve a conflict of interest, the commissioner may appoint a temporary substitute board member to serve until the situation creating the conflict of interest has been resolved.

(d) *The board may adopt rules of procedure. The rules may be joint rules with the rehabilitation review panel.*

Sec. 16. Minnesota Statutes 1983 Supplement, section 176.103, is amended by adding a subdivision to read:

Subd. 4. [ADVISORY COUNCIL.] The commissioner shall appoint an advisory council to the medical services review board. The council shall consist of health professionals other than physicians or chiropractors who are involved in the clinical care of injured workers receiving compensation under this chapter, including but not limited to physical therapists, nurses, qualified rehabilitation consultants, psychologists, dentists, and vocational rehabilitation consultants. The terms, compensation, and removal of members, and the expiration date of the council is governed by section 15.059.

Sec. 17. Minnesota Statutes 1983 Supplement, section 176.104, subdivision 1, is amended to read:

Subdivision 1. [DISPUTE.] If there exists a dispute regarding whether an injury arose out of and in the course and scope of employment and an employee has been disabled for the requisite time under section 176.102, subdivision 4, prior to determination of liability, the employee shall be referred by the commissioner to the division of vocational rehabilitation which shall provide rehabilitation consultation *if appropriate*. The services provided by the division of vocational rehabilitation and the scope and term of the rehabilitation are governed by section 176.102 and rules adopted pursuant to that section. Rehabilitation costs and services under this subdivision shall be ~~approved, rejected, or modified~~ *monitored* by the commissioner.

Sec. 18. Minnesota Statutes 1983 Supplement, section 176.104, subdivision 2, is amended to read:

Subd. 2. [LIABILITY FOR PAST REHABILITATION.] If liability is determined after the employee has commenced rehabilitation under this section the liable party is responsible for the cost of rehabilitation provided ~~and approved by the commissioner~~. Future rehabilitation after liability is established is governed by section 176.102.

Sec. 19. [176.1041] [CERTIFICATION FOR FEDERAL TAX CREDIT.]

Subdivision 1. [CERTIFICATION PROGRAM.] The division of vocational rehabilitation shall establish a program authorizing qualified rehabilitation consultants and approved vendors to refer an employee to the division for the sole purpose of federal targeted jobs tax credit eligibility determination. The division shall set forth the specific requirements, procedures and eligibility criteria for purposes of this section. The division shall not be required to certify an injured employee who does not meet the eligibility requirements set forth in the federal Rehabilitation Act of 1973, as amended.

Subd. 2. [FEE.] The division is authorized to collect a fee from the quali-

fied rehabilitation consultant or approved vendor in the amount necessary to determine eligibility and to certify an employee for this program.

Sec. 20. Minnesota Statutes 1983 Supplement, section 176.129, subdivision 3, is amended to read:

Subd. 3. [PAYMENTS TO FUND, INJURY.] If an employee suffers a personal injury resulting in permanent partial disability, temporary total disability, temporary partial disability, permanent total disability, or death and the employee or the employee's dependents are entitled to compensation under sections 176.101 or 176.111 the employer shall pay to the commissioner a lump sum amount, without any interest deduction, equal to 20 percent of the total compensation payable. The rate under this subdivision shall ~~remain constant~~ *be adjusted as provided under subdivision 4a* and applies to injuries occurring after June 1, 1971, ~~and prior to January 1, 1984,~~ for payments made on or after January 1, 1984. This payment is to be credited to the special compensation fund and shall be in addition to any compensation payments made by the employer under this chapter. Payment shall be made as soon as the amount is determined and approved by the commissioner.

Sec. 21. Minnesota Statutes 1983 Supplement, section 176.129, subdivision 4, is amended to read:

Subd. 4. [TIME OF INJURY.] Subdivision 3 applies to all workers' compensation payments, *exclusive of medical costs*, paid under ~~sections section~~ 176.101, ~~176.102,~~ or 176.111, ~~or 176.135,~~ for an injury or death occurring on or after June 1, 1971, ~~but before January 1, 1984.~~

Payments made for personal injuries that occurred prior to June 1, 1971, shall be assessed at the rate in effect on the date of occurrence.

Sec. 22. Minnesota Statutes 1983 Supplement, section 176.129, is amended by adding a subdivision to read:

Subd. 4a. [CONTRIBUTION RATE ADJUSTMENT.] *In determining the rate of adjustment as provided by subdivision 3, the commissioner shall determine the revenues received less claims received for the preceding 12 months ending June 30, 1984, and each June 30 thereafter.*

<i>If the result is:</i>	<i>the range of adjustment is:</i>
<i>over \$15,000,000</i>	<i>-10% to 0%</i>
<i>less than \$15,000,000 but more than \$10,000,000</i>	<i>-7% to +3%</i>
<i>less than \$10,000,000 but more than \$5,000,000</i>	<i>-5% to +5%</i>
<i>less than \$5,000,000 but more than \$0</i>	<i>-3% to +7%</i>
<i>\$0 but less than a \$5,000,000 deficit</i>	<i>0% to +10%</i>
<i>more than a \$5,000,000 deficit</i>	<i>+5% to +12%</i>

The adjustment under this subdivision shall be used for assessments for calendar year 1984 and each year thereafter.

An amount assessed pursuant to this section is payable to the commissioner within 45 days of mailing notice of the amount due unless the commissioner

orders otherwise.

Sec. 23. Minnesota Statutes 1983 Supplement, section 176.135, subdivision 1, is amended to read:

Subdivision 1. [MEDICAL, CHIROPRACTIC, PODIATRIC, SURGICAL, HOSPITAL.] The employer shall furnish any medical, chiropractic, podiatric, surgical and hospital treatment, including nursing, medicines, medical, chiropractic, podiatric, and surgical supplies, crutches and apparatus, including artificial members, or, at the option of the employee, if the employer has not filed notice as hereinafter provided, Christian Science treatment in lieu of medical treatment, chiropractic medicine and medical supplies, as may reasonably be required at the time of the injury and any time thereafter to cure and relieve from the effects of the injury. This treatment shall include treatments necessary to physical rehabilitation. The employer shall furnish replacement or repair for artificial members, glasses, or spectacles, artificial eyes, podiatric orthotics, dental bridge work, dentures or artificial teeth, hearing aids, canes, crutches or wheel chairs damaged by reason of an injury arising out of and in the course of the employment. In case of ~~his~~ *the employer's* inability or refusal seasonably to do so the employer is liable for the reasonable expense incurred by or on behalf of the employee in providing the same. The employer shall pay for the reasonable value of nursing services by a member of the employee's family in cases of permanent total disability. Orders of the commissioner ~~or~~ *with respect to this subdivision may be reviewed by the medical services review board pursuant to section 176.103. Orders of the* medical services review board with respect to this subdivision may be reviewed by the workers' compensation court of appeals on petition of an aggrieved party ~~or pursuant to section 176.103. Orders of the court of appeals may be reviewed by writ of certiorari to the~~ supreme court.

Sec. 24. Minnesota Statutes 1982, section 176.135, is amended by adding a subdivision to read:

Subd. 5. [OCCUPATIONAL DISEASE MEDICAL ELIGIBILITY.] Notwithstanding section 176.66, an employee who has contracted an occupational disease is eligible to receive compensation under this section even if the employee is not disabled from earning full wages at the work at which the employee was last employed.

Sec. 25. Minnesota Statutes 1983 Supplement, section 176.138, is amended to read:

176.138 [MEDICAL DATA; ACCESS.]

Notwithstanding any other state laws related to the privacy of medical data or any private agreements to the contrary, the release of medical data related to a current claim for compensation under this chapter to the employee, employer, or insurer who are parties to the claim, or to the department of labor and industry, shall not require prior approval of any party to the claim. Requests for pertinent data shall be made in writing to the person or organization that collected or currently possesses the data. The data shall be provided by the collector or possessor within seven working days of receiving the request. In all cases of a request for the data, except when it is the employee who is making the request, the employee shall be sent written notification of

the request by the party requesting the data at the same time the request is made. This data shall be treated as private data by the party who requests or receives the data and the employee or the employee's attorney shall be provided with a copy of all data requested by the requester.

Medical data which is not directly related to a current injury or disability shall not be released without prior authorization of the employee.

The commissioner may impose a penalty of up to \$200 payable to the special compensation fund against a party who does not release the data in a timely manner. A party who does not treat this data as private pursuant to this section is guilty of a misdemeanor. *This section applies only to written medical data which exists at the time the request is made.*

Sec. 26. Minnesota Statutes 1983 Supplement, section 176.183, subdivision 1, is amended to read:

Subdivision 1. When any employee sustains an injury arising out of and in the course of employment while in the employ of an employer, other than the state or its political subdivisions, not insured or self-insured as provided for in this chapter, the employee or the employee's dependents shall nevertheless receive benefits as provided for in this chapter from the special compensation fund, and the commissioner has a cause of action against the employer for reimbursement for all moneys paid out or to be paid out, and, in the discretion of the court, as punitive damages an additional amount not exceeding 50 percent of all moneys paid out or to be paid out. *As used in this subdivision, "employer" includes officers of corporations who have legal control, either individually or jointly with another or others, of the payment of wages.* An action to recover the moneys shall be instituted unless the commissioner determines that no recovery is possible. All moneys recovered shall be deposited in the general fund. There shall be no payment from the special compensation fund if there is liability for the injury under the provisions of section 176.215, by an insurer or self-insurer.

Sec. 27. Minnesota Statutes 1983 Supplement, section 176.221, subdivision 1, is amended to read:

Subdivision 1. [COMMENCEMENT OF PAYMENT.] Within 14 days of notice to or knowledge by the employer of an injury compensable under this chapter the payment of temporary total compensation shall commence. *Within 14 days of notice to or knowledge by an employer of a new period of temporary total disability which is caused by an old injury compensable under this chapter, the payment of temporary total compensation shall commence; provided that the employer or insurer may file for an extension with the commissioner within this 14-day period, in which case the compensation need not commence within the 14-day period but shall commence no later than 30 days from the date of the notice to or knowledge by the employer of the new period of disability.* Commencement of payment by an employer or insurer does not waive any rights to any defense the employer ~~may have~~ has on any claim or incident either with respect to the compensability of the claim under chapter 176 or the amount of the compensation due. Where there are multiple employers, the first employer shall pay, unless it is shown that the injury has arisen out of employment with the second or subsequent employer. *Liability for compensation under this chapter may be denied by the employer or insurer by giving the employee written notice of the denial of liability. If*

liability is denied for an injury which is required to be reported to the commissioner under section 176.231, subdivision 1, the denial of liability must be filed with the commissioner within 14 days after notice to or knowledge by the employer of an injury which is alleged to be compensable under this chapter. If the employer or insurer has commenced payment of compensation under this subdivision but determines within 30 days of notice to or knowledge by the employer of the injury that the disability is not a result of a personal injury, payment of compensation may be terminated upon the filing of a notice of denial of liability within 30 days of notice or knowledge. After the 30-day period, payment may be terminated only by the filing of a notice as provided under section 176.242. Upon the termination, payments made may be recovered by the employer if the commissioner or compensation judge finds that the employee's claim of work related disability was not made in good faith. A notice of denial of liability must state in detail specific reasons explaining why the claimed injury or occupational disease was determined not to be within the scope and course of employment and shall include the name and telephone number of the person making this determination.

Sec. 28. Minnesota Statutes 1983 Supplement, section 176.221, subdivision 3, is amended to read:

Subd. 3. [PAYMENTS TO SPECIAL COMPENSATION FUND PENALTY.] ~~Where an~~ *If the employer or insurer fails to does not begin payment of compensation pursuant to subdivision 1, or to file a denial of liability within the 14 day period referred to in time limit prescribed under subdivision 1 or 8, it shall pay the commissioner may assess a penalty, payable to the special compensation fund an amount equal to the total, of up to 100 percent of the amount of compensation to which the employee is entitled because of the injury to receive up to the date compensation payment is made to the employee in addition to any other penalty otherwise provided by statute. This penalty may also be imposed on an employer or insurer who violates section 176.242 or 176.243 including, but not limited to, violating the commissioner's decision not to discontinue compensation.*

Sec. 29. Minnesota Statutes 1983 Supplement, section 176.221, is amended by adding a subdivision to read:

Subd. 3a. [PENALTY.] *In lieu of any other penalty under this section, the commissioner may assess a penalty of up to \$1,000 for each instance in which an employer or insurer does not pay benefits or file a notice of denial of liability within the time limits prescribed under this section.*

Sec. 30. Minnesota Statutes 1982, section 176.231, subdivision 1, is amended to read:

Subdivision 1. [TIME LIMITATION.] *Where death or serious injury occurs to an employee during the course of employment, the employer shall report the injury or death to the commissioner of labor and industry and insurer within 48 hours after its occurrence. Where any other injury occurs which wholly or partly incapacitates the employee from performing labor or service for more than three calendar days or longer, the employer shall report the injury to the commissioner of labor and industry and insurer on a form prescribed by the commissioner within 15 ten days from its occurrence. A self-insured employer shall report the injury to the commissioner no later*

than 14 days from its occurrence. Where an injury has once been reported but subsequently death ensues, the employer shall report the death to the commissioner of ~~labor and industry~~ and insurer within 48 hours after ~~he~~ *the employer* receives notice of this fact.

Sec. 31. Minnesota Statutes 1983 Supplement, section 176.231, subdivision 9, is amended to read:

Subd. 9. [USES WHICH MAY BE MADE OF REPORTS.] Reports filed with the commissioner under this section may be used in hearings held under this chapter, and for the purpose of state investigations and for statistics. These reports are available to the department of revenue for use in enforcing Minnesota income tax and property tax refund laws, and the information shall be protected as provided in section 290.61 or 290A.17.

The division or office of administrative hearings or workers' compensation court of appeals may permit ~~an attorney at law who represents an the examination of its file by the employer, insurer, or an employee, or a dependent to examine its file in a compensation case if the attorney of a deceased employee or any person who furnishes written authorization to do so from the attorney's client employer, insurer, employee, or dependent of a deceased employee.~~ Reports filed under this section and other information the commissioner has regarding injuries or deaths shall be made available to the workers' compensation reinsurance association for use by the association in carrying out its responsibilities under chapter 79.

Sec. 32. Minnesota Statutes 1982, section 176.241, subdivision 1, is amended to read:

Subdivision 1. [NECESSITY FOR NOTICE AND SHOWING; CONTENTS.] *Subject to sections 176.242 and 176.243,* where an employee claims that the right to compensation continues, the employer may not discontinue payment of compensation until ~~he~~ *the employer* provides the employee with notice in writing of his intention to do so, *on a form prescribed by the commissioner,* together with a statement of facts clearly indicating the reasons for the discontinuance. A copy of the notice shall be provided to the division by the employer.

The notice to the employee and the copy to the division shall state the date of intended discontinuance and the reason for the action. The notice to the employee and the copy to the division shall be accompanied by a statement of facts in support of the discontinuance of compensation payments and whatever medical reports are in the possession of the employer bearing on the physical condition of the employee at the time of the proposed discontinuance.

Sec. 33. Minnesota Statutes 1983 Supplement, section 176.241, subdivision 2, is amended to read:

Subd. 2. [CONTINUANCE OF EMPLOYER'S LIABILITY; SUSPENSION.] Except when the commissioner orders otherwise, until the copy of the notice and reports have been filed with the division, the liability of the employer to make payments of compensation continues.

When the division has received a copy of the notice of discontinuance, the statement of facts and available medical reports, the duty of the employer to

pay compensation is suspended ~~pending an investigation, hearing, and determination of the matter by the division or compensation judge, except as provided in the following subdivisions and in sections 176.242 and 176.243.~~

Sec. 34. Minnesota Statutes 1982, section 176.241, subdivision 3, is amended to read:

Subd. 3. ~~[COPY OF NOTICE TO EMPLOYEE; INVESTIGATION, HEARING.]~~ When the employer has reason to believe compensation may be terminated within the requirements of this chapter, notice shall be given to the employee informing the employee of ~~his the employee's~~ right to object to the discontinuance ~~pursuant to sections 176.242 and 176.243~~ and providing instructions as to how to contact the employer ~~or, insurer, and commissioner~~ regarding the discontinuance and the procedures related to initiation of a claim. ~~The commissioner shall make an investigation to determine whether the right to compensation has terminated. If it appears from the investigation that the right to compensation may not have terminated, the commissioner shall refer the matter to the chief hearing examiner in order that a hearing before a compensation judge may be scheduled, to determine the right of the employee, or his dependent, to further compensation.~~

~~The hearing shall be held within a reasonable time after the division has received the notice of discontinuance. The compensation judge shall give eight days notice of the hearing to interested parties.~~

Sec. 35. Minnesota Statutes 1982, section 176.241, is amended by adding a subdivision to read:

Subd. 3a. ~~[OBJECTION TO DISCONTINUANCE.]~~ *If the employee is aggrieved by the commissioner's decision under section 176.242 or 176.243 or the employee has not timely proceeded under either of those sections, the employee may file an objection to discontinuance with the commissioner. The commissioner shall refer the matter to the chief hearing examiner in order that a hearing before a compensation judge may be scheduled to determine the right of the employee, or the employee's dependent, to further compensation.*

The hearing shall be a de novo hearing and shall be held within a reasonable time after the chief hearing examiner has received the notice of the objection to discontinuance.

Sec. 36. Minnesota Statutes 1982, section 176.241, is amended by adding a subdivision to read:

Subd. 3b. ~~[PETITION TO DISCONTINUE.]~~ *Pursuant to section 176.242, subdivision 5, an employer or insurer may file a petition to discontinue benefits with the commissioner. The commissioner shall refer the matter to the chief hearing examiner in order that a hearing on the petition be held before a compensation judge. This hearing shall be a de novo hearing. The employer or insurer shall continue payment of compensation until the filing of the decision of the compensation judge and thereafter as the compensation judge, court of appeals, or supreme court directs.*

Sec. 37. Minnesota Statutes 1983 Supplement, section 176.242, subdivision 1, is amended to read:

Subdivision 1. ~~[NOTICE OF DISCONTINUANCE; GROUNDS.]~~ *If an*

employer or insurer files a notice of intention to discontinue *weekly payments of temporary total, temporary partial, or permanent total disability benefits*, the employer or insurer shall serve a copy upon the commissioner and the employee including detailed reasons for the intended discontinuance.

Sec. 38. Minnesota Statutes 1983 Supplement, section 176.242, subdivision 2, is amended to read:

Subd. 2. [CONFERENCE, REQUEST.] (a) The employee has ten calendar days from the date the notice was ~~served~~ *filed with the commissioner* to request that the commissioner schedule an administrative conference to determine the appropriateness of the proposed discontinuance. The employer or insurer may request an administrative conference under this section at any time whether or not a notice of intent to discontinue is filed. *If a notice of intent to discontinue has been filed, the commissioner shall schedule an administrative conference to be held within ten calendar days after the commissioner receives timely notice of the employee's or employer's request for an administrative conference. If no notice of intent to discontinue has been filed and the employer or insurer has requested a conference, the commissioner shall schedule an administrative conference to be held within 30 calendar days after the commissioner receives the employer's or insurer's request for a conference.*

(b) If the employee does not, in a timely manner, request that the commissioner schedule an administrative conference, or fails to appear, without good cause, at a scheduled conference, compensation may be discontinued, subject to the employee's right under section 176.241.

(c) An employee, ~~or employer, or insurer~~ may request a continuance of a scheduled administrative conference. If the commissioner determines that good cause exists for granting a continuance, the commissioner may grant the continuance which shall not exceed ten calendar days *unless the parties agree to a longer continuance. No more than one continuance shall be granted.* If the employee is granted a continuance, compensation need not be paid during the period of continuance but shall recommence upon the date of the conference unless the commissioner orders otherwise. *If the employer or insurer is granted a continuance, compensation shall continue to be paid during the continuance. There is no limit to the number of continuances the commissioner may grant to a party provided that the payment of compensation is subject to this clause during the continuance.*

(d) The purpose of an administrative conference is to determine whether reasonable grounds exist for a discontinuance.

Sec. 39. Minnesota Statutes 1983 Supplement, section 176.242, subdivision 6, is amended to read:

Subd. 6. [EFFECT OF DECISION, ~~APPEAL REVIEW~~, TOLLING.] (a) If an objection or a petition is filed under subdivision 5, the commissioner's administrative decision remains in effect and the parties obligations or rights to pay or receive compensation are governed by the commissioner's administrative decision, pending a determination by a compensation judge *pursuant to section 176.241.*

(b) *If a party seeks a review of the commissioner's determination involving issues of maximum medical improvement or whether a job offer meets the*

criteria under section 176.101, subdivisions 3(e), 3(f), or 3(p), the 90-day period referred to in those subdivisions are tolled and commence on the date of filing of a final determination on the issue. For purposes of this subdivision, a "final determination" means a decision from which no appeal has been or may be taken.

Sec. 40. Minnesota Statutes 1983 Supplement, section 176.242, subdivision 8, is amended to read:

Subd. 8. [WHEN DISCONTINUANCE ALLOWED.] Compensation shall not be discontinued prior to an administrative conference except as provided under subdivision 2, clause (b), or if the commissioner determines pursuant to subdivision 3 that no administrative conference is necessary. The employer may discontinue compensation immediately without having an administrative conference if the discontinuance is because the employee has returned to work. *If the commissioner has denied a requested discontinuance and a compensation judge later rules that the discontinuance was proper, payments made under the commissioner's order as provided under subdivision 4 shall be treated as an overpayment which the employer or insurer may recover from the employee subject to the provisions of section 176.179.*

Sec. 41. Minnesota Statutes 1983 Supplement, section 176.243, subdivision 3, is amended to read:

Subd. 3. [EMPLOYEE REQUEST FOR ADMINISTRATIVE CONFERENCE.] If the employee objects to the action of the insurer regarding payment of compensation upon the cessation of work by the employee or regarding the payment of temporary partial disability benefits, the employee may request an administrative conference with the commissioner to resolve disputed issues. A request for an administrative conference shall be made within ten calendar days after service of the notice on the employee. If the employee requests an administrative conference the commissioner shall schedule a conference to be held within 14 calendar days after the commissioner receives the request.

Sec. 42. Minnesota Statutes 1982, section 176.271, subdivision 2, is amended to read:

Subd. 2. Before a proceeding is initiated pursuant to subdivision 1 the party contemplating initiation of a proceeding shall notify the party against whom the proceeding will be directed including an employer who has an interest in the matter and shall state the relief that will be sought in the proceeding. If the party to whom the notice is directed does not respond to the satisfaction of the party supplying the notice within 15 days of the receipt of the notice a proceeding may be initiated pursuant to subdivision 1. This notification is not required in cases where compliance with this subdivision would result in the claim being barred by section 176.151 or other sections or a proceeding under section 176.242 or 176.243 or other proceeding for which the commissioner determines this notice is not necessary.

Sec. 43. Minnesota Statutes 1982, section 176.351, is amended by adding a subdivision to read:

Subd. 2a. [SUBPOENAS NOT PERMITTED.] *A member of the rehabilitation review panel or medical services board or an employee of the department who has conducted an administrative conference or hearing under sec-*

tion 176.102, 176.103, 176.135, 176.136, 176.242, or 176.243, shall not be subpoenaed to testify regarding the conference, hearing, or concerning a mediation session. A member of the rehabilitation review panel, medical services board, or an employee of the department may be required to answer written interrogatories limited to the following questions:

(a) Were all statutory and administrative procedural rules adhered to in reaching the decision?

(b) If the answer to question (a) is no, what deviations took place?

(c) Did the person making the decision consider all the information presented to him or her prior to rendering a decision?

(d) Did the person making the decision rely on information outside of the information presented at the conference or hearing in making the decision?

(e) If the answer to question (d) is yes, what other information was relied upon in making the decision?

In addition, for a hearing with a compensation judge and with the consent of the compensation judge, an employee of the department who conducted an administrative conference, hearing, or mediation session, may be requested to answer written interrogatories relating to statements made by a party at the prior proceeding. These interrogatories shall be limited to affirming or denying that specific statements were made by a party.

Sec. 44. Minnesota Statutes 1983 Supplement, section 176.361, is amended to read:

176.361 [INTERVENTION.]

Subdivision 1. [RIGHT TO INTERVENE.] A person who has an interest in any matter before the workers' compensation court of appeals, or commissioner, or compensation judge such that the person may either gain or lose by an order or decision may intervene in the proceeding by filing an application in writing stating the facts which show the interest. *The commissioner is considered to have an interest and shall be permitted to intervene at the appellate level when a party relies in its claim or defense upon any statute or rule administered by the commissioner, or upon any rule, order, requirement, or agreement issued or made under the statute or rule.*

The commissioner and may adopt rules, not inconsistent with this section to govern intervention. The workers' compensation court of appeals shall adopt rules to govern the procedure for intervention in matters before it.

If the department of public welfare or the department of economic security seeks to intervene in any matter before the division, a compensation judge or the workers' compensation court of appeals, a nonattorney employee of the department, acting at the direction of the staff of the attorney general, may prepare, sign, serve and file motions for intervention and related documents and appear at prehearing conferences. Any other interested party may intervene using a nonattorney. This activity shall not be considered to be the unauthorized practice of law.

Subd. 2. [WRITTEN APPLICATION.] A person desiring to intervene in a workers' compensation case as a party, including but not limited to a health care provider who has rendered services to an employee or an insurer who

has paid benefits under section 176.191, shall submit a timely written application to intervene to the compensation or settlement judge to whom the case has been assigned. If the case has not yet been assigned, the application shall be made to the calendar judge if the case has been certified to the office, or to the division if the case has not been certified to the office.

(a) The application must be served on all parties either personally, by first class mail, or registered mail, return receipt requested. An application to intervene must be served and filed within 60 days after a person has received notice that a petition has been filed as provided in this section. An untimely motion is subject to denial under subdivision 7.

(b) In any other situation, timeliness will be determined by the judge in each case based on circumstances at the time of filing. The application must show how the moving party's legal rights, duties, or privileges may be determined or affected by the case; state the grounds and purposes for which intervention is sought; and indicate the moving party's statutory right to intervene. The application must be accompanied by the following, if applicable:

(1) an itemization of disability payments showing the period during which the payments were or are being made; the weekly or monthly rate of the payments; and the amount of reimbursement claimed;

(2) a summary of the medical or treatment payments, or rehabilitation services provided by the division of vocational rehabilitation, broken down by creditor, showing the total bill submitted, the period of treatment or rehabilitation covered by that bill, the amount of payment on that bill, and to whom the payment was made;

(3) copies of all medical or treatment bills on which some payment was made;

(4) copies of the work sheets or other information stating how the payments on medical or treatment bills were calculated;

(5) a copy of the relevant policy or contract provisions upon which the claim for reimbursement is based;

(6) a proposed order allowing intervention with sufficient copies to serve on all parties;

(7) the name and telephone number of the person representing the intervenor who has authority to reach a settlement of the issues in dispute;

(8) proof of service or copy of the registered mail receipt;

(9) at the option of the intervenor, a proposed stipulation which states that all of the payments for which reimbursement is claimed are related to the injury or condition in dispute in the case and that, if the petitioner is successful in proving the compensability of the claim, it is agreed that the sum be reimbursed to the intervenor; and

(10) if represented by an attorney, the name, address, telephone number, and Minnesota Supreme Court license number of the attorney.

Subd. 3. [STIPULATION.] If the person submitting the application for intervention has included a proposed stipulation, all parties shall either exe-

cute and return the signed stipulation to the intervenor who must file it with the division or judge or serve upon the intervenor and all other parties and file with the division specific and detailed objections to any payments made by the intervenor which are not conceded to be correct and related to the injury or condition the petitioner has asserted is compensable. If a party has not returned the signed stipulation or filed objections within 30 days of service of the application, the intervenor's right to reimbursement for the amount sought is deemed established provided that the petitioner's claim is determined to be compensable.

Subd. 4. [ATTENDANCE BY INTERVENOR.] Unless a stipulation has been signed and filed or the intervenor's right to reimbursement has otherwise been established, the intervenor shall attend all settlement or pretrial conferences and shall attend the regular hearing if ordered to do so by the compensation judge.

Subd. 5. [ORDER.] If an objection to intervention remains following settlement or pretrial conferences, the calendar judge shall rule on the intervention and the order is binding on the compensation judge to whom the case is assigned for hearing.

Subd. 6. [PRESENTATION OF EVIDENCE BY INTERVENOR.] Unless a stipulation has been signed and filed or the intervenor's right to reimbursement has otherwise been established, the intervenor shall present evidence in support of the claim at the hearing unless otherwise ordered by the compensation judge.

Subd. 7. [EFFECTS OF NONCOMPLIANCE.] Failure to comply with this section shall not result in a denial of the claim for reimbursement unless the compensation judge, commissioner, or settlement judge determines that the noncompliance has materially prejudiced the interests of the other parties.

Sec. 45. Minnesota Statutes 1983 Supplement, section 176.421, subdivision 7, is amended to read:

Subd. 7. [RECORD OF PROCEEDINGS.] At the division's own expense, the commissioner shall make a complete record of all proceedings before the commissioner and shall provide a stenographer or an audio magnetic recording device to make the record of the proceedings.

The commissioner shall furnish a transcript of these proceedings to any person who requests it and who pays a reasonable charge which shall be set by the commissioner. Upon a showing of cause, the commissioner may direct that a transcript be prepared without expense to the person requesting the transcript, in which case the cost of the transcript shall be paid by the division. Transcript fees received under this subdivision shall be paid to the workers' compensation division account in the state treasury and shall be annually appropriated to the division for the sole purpose of providing a record and transcripts as provided in this subdivision. This subdivision does not apply to any administrative conference or other proceeding before the commissioner which may be heard de novo in another proceeding including but not limited to proceedings under section 176.102, 176.103, 176.242, or 176.243.

Sec. 46. Minnesota Statutes 1983 Supplement, section 176.442, is

amended to read:

176.442 [APPEALS FROM DECISIONS OF COMMISSIONER.]

Except for a commissioner's decision which may be heard de novo in another proceeding including a decision from an administrative conference under section 176.102, 176.103, 176.242, or 176.243, any decision or determination of the commissioner affecting a right, privilege, benefit, or duty which is imposed or conferred under this chapter is subject to review by the workers' compensation court of appeals. A person aggrieved by the determination may appeal to the workers' compensation court of appeals by filing a notice of appeal with the commissioner in the same manner and within the same time as if the appeal were from an order or decision of a compensation judge to the workers' compensation court of appeals.

Sec. 47. Minnesota Statutes 1983 Supplement, section 176.66, subdivision 10, is amended to read:

Subd. 10. [MULTIPLE EMPLOYERS OR INSURERS; LIABILITY.] The employer liable for the compensation for a personal injury under this chapter is the employer in whose employment the employee was last exposed in a significant way to the hazard of the occupational disease. In the event that the employer who is liable for the compensation had multiple insurers during the employee's term of employment, the insurer who was on the risk during the employee's last significant exposure to the hazard of the occupational disease is the liable party. *If this last employer had coverage for workers' compensation liability from more than one insurer during the employment, the insurer on the risk during the last period during which the employee was last exposed to the hazard of the occupational disease shall pay benefits as provided under section 176.191, subdivision 1, whether or not this insurer was on risk during the last significant exposure. The party making payments under this section shall be reimbursed by the party who is subsequently determined to be liable for the occupational disease, including interest at a rate of 12 percent a year. For purposes of this section, a self-insured employer shall be considered to be an insurer and an employer. Where there is a dispute as to which employer is liable under this section, the employer in whose employment the employee is last exposed to the hazard of the occupational disease shall pay benefits pursuant to section 176.191, subdivision 1.*

Sec. 48. Minnesota Statutes 1983 Supplement, section 176.66, subdivision 11, is amended to read:

Subd. 11. [AMOUNT OF COMPENSATION.] The compensation for an occupational disease is 66-2/3 percent of the employee's weekly wage on the date of injury subject to a maximum compensation equal to the maximum compensation in effect on the date of last exposure. The employee shall be ~~immediately~~ eligible for supplementary benefits *notwithstanding the provisions of section 176.132, after four years have elapsed since the date of last significant exposure to the hazard of the occupational disease if that employee's weekly compensation rate is less than 65 percent of the statewide average weekly wage the current supplementary benefit rate.*

Sec. 49. Minnesota Statutes 1983 Supplement, section 176.85, subdivision 1, is amended to read:

Subdivision 1. [APPEAL PROCEDURE.] If the commissioner has assessed a penalty against a party subject to this chapter and the party believes the penalty is not warranted, the party may request that a formal hearing be held on the matter. *The request must be filed within 30 days of the date that the penalty assessment is served on the party.* Upon receipt of a timely request for a hearing the commissioner shall refer the matter to the chief hearing examiner for assignment to a compensation judge or hearing examiner.

The chief hearing examiner shall keep a record of the proceeding and provide a record pursuant to section 176.421.

The decision of the compensation judge or hearing examiner shall be final and shall be binding and enforceable. The decision may be appealed to the workers' compensation court of appeals.

Sec. 50. [ADMINISTRATIVE CONFERENCE SCHEDULING.]

Notwithstanding anything to the contrary in section 176.242, subdivision 2, clause (a), an administrative conference pursuant to section 176.242 shall be scheduled within ten business days after the commissioner receives timely notice of the employee's request for a conference. This section applies to a conference which is requested on or after the effective date of this section and before October 1, 1984, after which time the provisions of section 176.242, subdivision 2, clause (a), apply.

Sec. 51. [STUDY.]

The requirement of Laws 1983, chapter 301, section 32, that the commissioner shall study the need for establishing criteria which would determine whether a workers' compensation claim is handled by the division's attorneys, referred for private action, or referred for arbitration or mediation and report to the legislature is removed.

Sec. 52. [REPEALER.]

Minnesota Statutes 1982, sections 79.22, subdivision 2; and Minnesota Statutes 1983 Supplement, sections 147.02, subdivision 4; 176.129, subdivision 5; are repealed.

Sec. 53. [EFFECTIVE DATE.]

The amendments in sections 1 to 12, 14, and 48 are not substantive in nature and are clarifications of legislative intent of Laws 1983, chapter 290, and apply to an injury occurring after December 31, 1983. Failure to cite a specific section in this act as nonsubstantive in nature shall not be construed to mean that the section is substantive. Section 24 applies to claims filed after the effective date of this act. This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to workers' compensation; clarifying the law concerning ridesharing; providing for miscellaneous changes in the workers' compensation process; amending Minnesota Statutes 1982, sections 176.135, by adding a subdivision; 176.231, subdivision 1; 176.241, subdivisions 1 and 3, and by adding subdivisions; 176.271, subdivision 2; 176.351, by adding a subdivision; Minnesota Statutes 1983 Supplement, sections 79.34, subdivision 1; 176.041, subdivision 1; 176.101, subdivisions

3a, 3b, 3e, 3g, 3i, 3j, 3l, 3m, 3o, 3q, 3r, and 3t; 176.102, subdivisions 3a and 9; 176.103, subdivision 3, and by adding a subdivision; 176.104, subdivisions 1 and 2; 176.129, subdivisions 3, 4, and by adding a subdivision; 176.135, subdivision 1; 176.138; 176.183, subdivision 1; 176.221, subdivisions 1, 3, and by adding a subdivision; 176.231, subdivision 9; 176.241, subdivision 2; 176.242, subdivisions 1, 2, 6, and 8; 176.243, subdivision 3; 176.361; 176.421, subdivision 7; 176.442; 176.66, subdivisions 10 and 11; 176.85, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 176; repealing Minnesota Statutes 1982, sections 79.22, subdivision 2; and Minnesota Statutes 1983 Supplement, sections 147.02, subdivision 4; 176.129, subdivision 5; and 176.051, subdivisions 2, 3, and 4."

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

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

S.F. No. 2023: A bill for an act relating to the higher education coordinating board; granting temporary rulemaking authority for the supplemental student loan program.

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

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

S.F. No. 1970: A bill for an act relating to education; allowing the higher education coordinating board to prorate the obligation to repay loans for doctors who serve part time in an area of need; amending Minnesota Statutes 1982, section 147.30.

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

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

S.F. No. 1905: A bill for an act relating to crimes; providing a penalty for falsely reporting a medical emergency; imposing a penalty; amending Minnesota Statutes 1983 Supplement, section 609.78.

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

Page 1, line 10, after "CALLS" insert "AND COMMUNICATIONS"

Page 1, lines 17 and 18, strike "in fact"

Page 1, line 24, delete "or"

Page 2, line 1, delete "in fact" and delete the period and insert " ; or "

Page 2, after line 1, insert:

"(5) Interrupts, disrupts, impedes, or otherwise interferes with the transmission of a citizen's band radio channel communication the purpose of which is to inform or inquire about a medical emergency or an emergency in which property is or is reasonably believed to be in imminent danger of damage or destruction."

Amend the title as follows:

Page 1, line 2, delete "a penalty" and insert "penalties"

Page 1, line 3, before the first semicolon, insert "and for interfering with emergency communications over a citizen's band radio channel"

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

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

S.F. No. 1285: A bill for an act relating to courts; providing procedures for collection of conciliation court judgments; requiring conciliation court clerks to explain procedures of conciliation court to litigants and to assist them in filling out forms; amending Minnesota Statutes 1982, sections 418A.13, subdivision 2; 418A.16, subdivision 8; 487.30, by adding subdivisions; 488A.30, subdivision 2; and 488A.33, subdivision 7.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 487.30, is amended by adding a subdivision to read:

Subd. 5. [SATISFACTION OF JUDGMENT.] If (1) a conciliation court judgment has been docketed in county court for a period of at least 30 days, (2) the judgment is not satisfied, and (3) the parties have not otherwise agreed, the county court shall, upon the request of the judgment creditor, order the judgment debtor to mail to the judgment creditor information as to the nature, amount, identity, and location of all his assets, liabilities, and personal earnings. The information shall be provided on a form prescribed by the supreme court and shall be sufficiently detailed to enable the judgment creditor to obtain satisfaction of the judgment by way of execution on non-exempt assets and earnings of the judgment debtor. The form shall be written in a clear and coherent manner using words with common and everyday meanings, shall summarize the execution and garnishment exemptions and limitations applicable to assets and earnings, and shall permit the judgment debtor to identify on the form those assets and earnings that he considers to be exempt from execution or garnishment. The order shall contain a notice that failure to complete the form and mail it to the judgment creditor within ten days after service of the order may result in a citation for contempt of court unless the judgment is satisfied prior to the expiration of that period. A judgment debtor who intentionally fails to comply with the order of the court may be cited for civil contempt of court.

Sec. 2. Minnesota Statutes 1982, section 487.30, is amended by adding a subdivision to read:

Subd. 6. [CLERK'S DUTIES.] Under the supervision of the conciliation court judges, the clerk shall explain to litigants the procedures and functions of the conciliation court and shall assist them in filling out all forms and pleadings necessary for the presentation of their claims or counterclaims to the court. The clerk shall assist judgment creditors and judgment debtors in

the preparation of the forms necessary to obtain satisfaction of a final judgment. The performance of duties described in this subdivision shall not constitute the practice of law.

Sec. 3. Minnesota Statutes 1982, section 487.30, is amended by adding a subdivision to read:

Subd. 7. [NOTICE OF COSTS ON REMOVAL.] A notice of order for judgment shall contain a statement that if the cause is removed to county court, the court may, in its discretion, allow the prevailing party to recover from the aggrieved party an amount not to exceed \$50 as costs if the prevailing party on appeal is not the aggrieved party in the original action.

Sec. 4. Minnesota Statutes 1982, section 487.30, is amended by adding a subdivision to read:

Subd. 8. [COSTS AND DISBURSEMENTS FOR PREVAILING PARTY ON REMOVAL.] (a) The prevailing party in a removed cause may tax and recover from the other party costs as provided by rules of the supreme court; except that if the prevailing party, on appeal, is not the aggrieved party in the original action, the court may, in its discretion, allow such prevailing party to tax and recover from the aggrieved party an amount not to exceed \$50 as costs.

(b) For the purpose of this subdivision, an "aggrieved party" means the party who demands removal to county court and means the first party who serves, or files in lieu of serving, a demand for removal if another party also demands removal, and an "opposing party" means any party as to whom the aggrieved party seeks a reversal in whole or in part by removal of the cause to county court.

(c) The aggrieved party is the prevailing party in county court:

(1) If the aggrieved party recovers any amount or any property in county court when the aggrieved party had been denied recovery of any amount or any property by the conciliation judge,

(2) If the opposing party does not recover any amount or any property from the aggrieved party in county court when the opposing party had recovered some amount or some property by the order of the conciliation judge,

(3) If the aggrieved party recovers an amount or value of property in county court which is at least \$25 in excess of the amount or value of property which the aggrieved party recovered by the order of the conciliation judge, or

(4) If the opposing party recovers from the aggrieved party an amount or value of property in county court which is at least \$25 less than the amount or value of property which the opposing party recovered by the order of the conciliation judge.

(d) In all other situations the opposing party shall be deemed to be the prevailing party in county court.

(e) Costs or disbursements in the conciliation or county court shall not be considered in determining whether there was a recovery by either party in either court or in determining the difference in recovery under this subdivision.

Sec. 5. Minnesota Statutes 1982, section 488A.13, subdivision 2, is

amended to read:

Subd. 2. [CLERK OF MUNICIPAL COURT; DUTIES; RECORDS.] (a) The clerk of the municipal court shall serve as the clerk of the conciliation court. He shall delegate deputy clerks of the municipal court to assist him in performing his duties under ~~this act~~ *sections 488A.12 to 488A.17*. The clerk shall keep ~~such~~ the records and accounts and perform ~~such~~ other duties ~~as may be~~ prescribed by the judges. He shall account for and pay over to the county of Hennepin all fees received by him in the same fashion as required in his capacity as clerk of municipal court.

Under the supervision of the conciliation court judges, the clerk shall explain to litigants the procedures and functions of the conciliation court and shall assist them in filling out all forms and pleadings necessary for the presentation of their claims or counterclaims to the court. The clerk shall assist judgment creditors and judgment debtors in the preparation of the forms necessary to obtain satisfaction of a final judgment. The performance of duties described in this subdivision shall not constitute the practice of law.

(b) The clerk may, upon the consent of all the judges of municipal court of the county of Hennepin, destroy or dispose of all the following files and records of ~~said~~ the court, which have been on file for more than 20 years:

- (1) Complaint files;
- (2) Transcript receipts;
- (3) Cash receipt books;
- (4) Cancelled checks.

Sec. 6. Minnesota Statutes 1982, section 488A.16, subdivision 1, is amended to read:

Subdivision 1. [NOTICE OF ORDER.] The clerk shall promptly mail to each party a notice of the order for judgment which the judge enters. The notice shall state the number of days allowed for obtaining an order to vacate where there has been a default or for removing the cause to municipal court. *The notice shall contain a statement that if the cause is removed to municipal court, the court may, in its discretion, allow the prevailing party to recover from the aggrieved party an amount not to exceed \$50 as costs if the prevailing party on appeal is not the aggrieved party in the original action.*

Sec. 7. Minnesota Statutes 1982, section 488A.16, subdivision 8, is amended to read:

Subd. 8. [DOCKETING AND ENFORCEMENT IN MUNICIPAL COURT.] When a judgment has become finally effective under subdivision 2, the judgment creditor may obtain a transcript of the judgment from the clerk of conciliation court on payment of a fee of fifty cents ~~therefor~~ and file it with the clerk of the municipal court of the county of Hennepin. After filing of the transcript, the judgment becomes, and is enforceable as, a judgment of the municipal court. No writ of execution or garnishment summons may be issued out of conciliation court. *If (1) a conciliation court judgment has been docketed as a municipal court judgment for a period of at least 30 days, (2) the judgment is not satisfied, and (3) the parties have not otherwise agreed, the municipal court shall, upon the request of the judgment creditor, order the*

judgment debtor to mail to the judgment creditor information as to the nature, amount, identity, and location of all his assets, liabilities, and personal earnings. The information shall be provided on a form prescribed by the supreme court and shall be sufficiently detailed to enable the judgment creditor to obtain satisfaction of the judgment by way of execution on nonexempt assets and earnings of the judgment debtor. The form shall be written in a clear and coherent manner using words with common and everyday meanings, shall summarize the execution and garnishment exemptions and limitations applicable to assets and earnings, and shall permit the judgment debtor to identify on the form those assets and earnings that he considers to be exempt from execution or garnishment. The order shall contain a notice that failure to complete the form and mail it to the judgment creditor within ten days after service of the order may result in a citation for contempt of court unless the judgment is satisfied prior to the expiration of that period. A judgment debtor who intentionally fails to comply with the order of the court may be cited for civil contempt of court.

Sec. 8. Minnesota Statutes 1982, section 488A.30, subdivision 2, is amended to read:

Subd. 2. [ADMINISTRATOR, DUTIES.] The administrator of the municipal court shall serve as the administrator of the conciliation court. He shall delegate necessary employees of the municipal court to assist him in performing his duties under ~~this act~~ sections 488A.29 to 488A.34. The administrator shall keep ~~such~~ the records and accounts and perform ~~such other~~ duties ~~as may be~~ prescribed by the judges. He shall account for and pay over to the county of Ramsey all fees received by him in the same fashion as required in his capacity as administrator of municipal court.

Under the supervision of the conciliation court judges, the administrator of the conciliation court shall explain to litigants the procedures and functions of the conciliation court and shall assist them in filling out all forms and pleadings necessary for the presentation of their claims or counterclaims to the court. The administrator shall assist judgment creditors and judgment debtors in the preparation of the forms necessary to obtain satisfaction of a final judgment. The performance of duties described in this subdivision shall not constitute the practice of law.

Sec. 9. Minnesota Statutes 1982, section 488A.33, subdivision 1, is amended to read:

Subdivision 1. [NOTICE OF ORDER.] The administrator shall promptly mail to each party a notice of the order for judgment which the judge enters. The notice shall state the number of days allowed for obtaining an order to vacate where there has been a default or for removing the cause to municipal court. *The notice shall also contain a statement that if the cause is removed to municipal court, the court may, in its discretion, allow the prevailing party to recover from the aggrieved party an amount not to exceed \$50 as costs if the prevailing party on appeal is not the aggrieved party in the original action.*

Sec. 10. Minnesota Statutes 1982, section 488A.33, subdivision 7, is amended to read:

Subd. 7. [DOCKETING AND ENFORCEMENT IN MUNICIPAL COURT.] When a judgment has become final under subdivision 2, the judg-

ment creditor may obtain a transcript of the judgment from the administrator of conciliation court and file it with the administrator of the municipal court upon payment of the filing fees as prescribed for the municipal court. After filing of the transcript, the judgment becomes, and is enforceable as, a judgment of the municipal court. A transcript of a judgment payable in installments may not be so obtained and filed until 20 days after default in the payment of an installment. No writ of execution nor garnishment summons may be issued out of conciliation court. *If (1) a transcript of a judgment has been filed for a period of at least 30 days, (2) the judgment is not satisfied or an installment of it remains overdue, and (3) the parties have not otherwise agreed, the municipal court shall, upon the request of the judgment creditor, order the judgment debtor to mail to the judgment creditor information as to the nature, amount, identity, and location of all his assets, liabilities, and personal earnings. The information shall be provided on a form prescribed by the supreme court and shall be sufficiently detailed to enable the judgment creditor to obtain satisfaction of the judgment by way of execution on non-exempt assets and earnings of the judgment debtor. The form shall be written in a clear and coherent manner using words with common and everyday meanings, shall summarize the execution and garnishment exemptions and limitations applicable to assets and earnings, and shall permit the judgment debtor to identify on the form those assets and earnings that he considers to be exempt from execution or garnishment. The order shall contain a notice that failure to complete the form and mail it to the judgment creditor within ten days after service of the order may result in a citation for contempt of court unless the judgment is satisfied prior to the expiration of that period. A judgment debtor who intentionally fails to comply with the order of the court may be cited for civil contempt of court.*

Sec. 11. Minnesota Statutes 1982, section 488A.34, subdivision 9, is amended to read:

Subd. 9. [COSTS AND DISBURSEMENTS FOR PREVAILING PARTY.] (a) The prevailing party in a removed cause may tax and recover from the other party costs and disbursements as though the action was originally commenced in the municipal court; *except that if the prevailing party, on appeal, is not the aggrieved party in the original action, the court may, in its discretion, allow such prevailing party to tax and recover from the aggrieved party an amount not to exceed \$50 as costs.*

(b) For the purpose of this subdivision, an "aggrieved party" means the party who demands removal to municipal court and means the first party who serves, or files in lieu of serving, a demand for removal if another party also demands removal, and an "opposing party" means any party as to whom the aggrieved party seeks a reversal in whole or in part by removal of the cause to municipal court.

(c) The aggrieved party is the prevailing party in municipal court:

(1) If the aggrieved party recovers any amount or any property in municipal court when the aggrieved party had been denied recovery of any amount or any property by the conciliation judge,

(2) If the opposing party does not recover any amount or any property from the aggrieved party in municipal court when the opposing party had recovered some amount or some property by the order of the conciliation judge,

(3) *If the aggrieved party recovers an amount or value of property in municipal court which is at least \$25 in excess of the amount or value of property which the aggrieved party recovered by the order of the conciliation judge, or*

(4) *If the opposing party recovers from the aggrieved party an amount or value of property in municipal court which is at least \$25 less than the amount or value of property which the opposing party recovered by the order of the conciliation judge.*

(d) *In all other situations the opposing party shall be deemed to be the prevailing party in municipal court.*

(e) *Costs or disbursements in the conciliation or municipal court shall not be considered in determining whether there was a recovery by either party in either court or in determining the difference in recovery under this subdivision."*

Amend the title as follows:

Page 1, delete lines 7 and 8 and insert "sections 487.30, by adding subdivisions; 488A.13, subdivision 2; 488A.16, subdivisions 1 and 8; 488A.30,"

Page 1, line 9, delete "and" and after "488A.33," delete "subdivision" and insert "subdivisions 1 and"

Page 1, line 9, before the period, insert "; and 488A.34, subdivision 9"

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

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 1739: A resolution memorializing Congress and the President to continue their efforts to halt the persecution of the Baha'i minority in Iran.

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

Page 1, line 7, delete "harrassment" and insert "harassment"

Page 1, line 13, delete "harrassment" and insert "harassment"

And when so amended the resolution do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

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

H.F. No. 1486 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1486	1471				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secre-

tary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

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

S.F. No. 1457: A bill for an act relating to agriculture; authorizing the energy and economic development authority to purchase, make, or participate in farm loans and to issue bonds or notes for this purpose; amending Minnesota Statutes 1983 Supplement, section 116J.88, subdivisions 7 and 7a; 116J.90, subdivisions 1 and 3; and proposing new law coded in Minnesota Statutes, chapter 116J.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 116J.88, subdivision 7, is amended to read:

Subd. 7. [BUSINESS LOAN.] "Business loan" means a loan, other than a pollution control loan, *energy loan, or farm loan*, to ~~the owner of an eligible small~~ a business for the financing of (a) capital expenditures, on an interim or long-term basis, for the acquisition or improvement of land, acquisition, construction, *rehabilitation*, removal, or improvement of buildings, or acquisition and installation of fixtures and equipment useful for the conduct of the business, *including all facilities of a capital nature useful or suitable for any business engaged in any enterprise promoting employment (or any of the other purposes listed below), including, without limitation, such facilities included within the meaning of the term "project" as defined in section 474.02, subdivision 1;* or

(b) short-term costs of conducting ~~an eligible small~~ a business; and with respect to financing such capital expenditure or facility or short-term costs, the authority determines that such expenditure, facility, or costs will accomplish one or more of the following purposes: (1)(a) tend to maintain or provide gainful employment opportunities within or for the people of Minnesota, or (b) aid, assist, and encourage the economic development or redevelopment of any political subdivision of Minnesota, or (c) maintain or diversify and expand employment promoting enterprise within Minnesota; (2) provide electricity, heat, steam, gas, and other forms of energy for general residential or commercial use within all or part of Minnesota; or (3) tend to promote the development and maintenance of the public health within Minnesota.

Sec. 2. Minnesota Statutes 1982 section 116J.88, subdivision 7a, is amended to read:

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

Sec. 3. Minnesota Statutes 1983 Supplement, section 116J.90, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] The authority may make or purchase or participate with financial institutions in making or purchasing business loans, *small business loans, energy loans, pollution control loans, and farm loans* upon the conditions described in this section, and may enter into commitments therefor. *In addition, the authority may engage in loans-to-lenders programs with respect to loans to the extent set forth in this section.*

Sec. 4. Minnesota Statutes 1983 Supplement, section 116J.90, subdivision 3, is amended to read:

Subd. 3. [~~DIRECT BUSINESS AND FARM LOANS; LIMITATIONS.~~] The authority may make ~~business loans or~~ farm loans not exceeding \$100,000 in principal amount, at interest rates and subject to terms determined by the authority, provided that each loan shall be made only from the proceeds of a bond or note payable in whole or part from the repayments of principal and interest on the loan. The loans may also be guaranteed or insured by money on deposit in the economic development fund or any special account of it, and may be secured by reserve funds and other collateral and available money as determined by the authority. The authority may enter into all necessary contracts and security instruments in connection with them. The limitation on loan amounts in this subdivision does not apply to ~~energy loans and loans insured under sections 93 and 94~~ *any loans other than farm loans.*

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

Subd. 3a. [LEGISLATIVE DECLARATIONS.] (a) *There exists in this state an inadequate supply of, and a pressing need for, farm loans at interest rates that are affordable by farm businesses. The lack of availability and high cost of farm loans result in decreases in crop, livestock, and business productivity and inability on the part of farmers to acquire and maintain agricultural equipment and machinery, livestock, and real estate; jeopardize the continued existence of family-owned farm businesses; and lessen the supply of agricultural commodities available to meet the needs of the people of this state. The reduction in family-owned farm businesses results in an insufficiency of gainful employment in rural areas and adds additional pressure on the welfare, public health, and crime prevention programs of the state and increases the cost of unemployment compensation to the existing enterprises of the state.*

(b) *These conditions and problems cannot be remedied through the operation of private enterprise alone, but can be alleviated through governmental action designed to encourage the investment of private capital in the agricultural sector through the use of financing as provided in this chapter for the purpose of providing farm loans at interest rates lower than those available in the conventional farm credit markets. Alleviating these conditions and problems, by the encouragement of private investment through financing as provided in this chapter, is a public purpose and use for which public money may be expended and loaned, and is necessary to protect the health, safety, and general welfare of the people of this state.*

Sec. 6. Minnesota Statutes 1982, section 116J.90, is amended by adding a subdivision to read:

Subd. 3b. [LOAN AUTHORITY.] *The authority may make or purchase or*

participate with financial institutions in making or purchasing farm loans upon the conditions described in this section, and may enter into commitments for farm loans, on the terms and conditions and with the security determined by the authority. The loans may be made or purchased only from the proceeds of bonds or notes issued pursuant to this section. For this purpose, the authority may exercise all powers conferred on it by sections 116J.88 to 116J.91 with respect to business loans. Loans and loan commitments must be originated and serviced by one or more financial institutions authorized to transact that business in this state. The authority shall make or participate in farm loans only when the authority determines that financing is not otherwise available, in whole or in part, from private lenders on equivalent terms and conditions.

Sec. 7. Minnesota Statutes 1982, section 116J.90, is amended by adding a subdivision to read:

Subd. 3c. [BONDS AND NOTES.] The authority may issue its bonds or notes to provide money for the purposes specified in subdivision 2, which are payable in whole or in part from repayments of principal and interest on farm loans. For this purpose, the authority may exercise all powers conferred upon it by sections 116J.88 to 116J.91 with respect to bonds or notes to be issued to provide money for business loans. The principal amount of bonds and notes issued and outstanding pursuant to this section at any time, computed as specified in section 116J.91, subdivision 11, may not exceed \$30,000,000, and bonds or notes issued pursuant to this section may not be taken into account for the purpose of determining the amount of bonds or notes outstanding under section 116J.91, subdivision 11. Sections 116J.88 to 116J.91 are applicable to bonds and notes covered by this subdivision and the application of the proceeds from the bonds and notes.

Sec. 8. Minnesota Statutes 1982, section 116J.90, is amended by adding a subdivision to read:

Subd. 3d. [FARM BUSINESS.] "Farm business" means any person, partnership, corporation, or other entity which is engaged or will engage in farming, livestock or agricultural production or processing, or storage of agricultural products, which otherwise qualifies as a small business.

Sec. 9. [EFFECTIVE DATE.]

This act is effective the day after final enactment."

Delete the title and insert:

"A bill for an act relating to agriculture; authorizing the energy and economic development authority to purchase, make, or participate in farm loans and to issue bonds or notes for this purpose; amending Minnesota Statutes 1982, sections 116J.88, subdivision 7a; 116J.90, by adding subdivisions; Minnesota Statutes 1983 Supplement, sections 116J.88, subdivision 7; and 116J.90, subdivisions 1 and 3."

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1479: A bill for an act relating to public welfare; clarifying the commissioner's rulemaking authority; amending Minnesota Statutes 1983 Supplement, section 256.01, subdivision 2.

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

Page 4, delete lines 27 to 29 and insert:

“(15) The commissioner may adopt permanent and temporary rules under chapter 14 that are necessary to carry out the duties of the department of public welfare. The commissioner shall notify the legislature of his intent to promulgate a rule under this section. The notice shall state the subject matter of the rules and the duties of the department of public welfare to be carried out by promulgation of the rule. The appropriate standing committees of each house of the legislature may conduct public hearings for the purpose of examining the need for the rule and providing advice with respect to the policies to be promoted by the rule. If the appropriate standing committee of either house determines that the subject matter of the rule is such that a specific grant of rulemaking authority by the legislature is required, the commissioner shall not promulgate the rule under this section.”

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1557, 1793, 1815, 1504, 1588, 1377, 992, 1000, 1551, 1660, 1702, 1627, 1794, 1790, 1671, 1789, 1669, 1934, 1402, 1858, 1336, 1825, 1831, 1477, 1905 and 1285 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1456 and 1486 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Bertram moved that the name of Mrs. McQuaid be added as a co-author to S.F. No. 1398. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Hughes be added as a co-author to S.F. No. 1546. The motion prevailed.

Mr. Peterson, R.W. moved that the name of Mr. Davis be added as a co-author to S.F. No. 1671. The motion prevailed.

Ms. Olson moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 1719. The motion prevailed.

Mr. Johnson, D.J. moved that the name of Mr. DeCramer be added as a co-author to S.F. No. 2015. The motion prevailed.

Mr. Johnson, D.J. moved that the names of Messrs. Dicklich, Lessard and Peterson, C.C. be added as co-authors to S.F. No. 2037. The motion prevailed.

Mr. Pehler moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 2042. The motion prevailed.

Mr. Moe, D.M. moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 2043. The motion prevailed.

Mr. Merriam moved that the names of Mr. Purfeerst and Ms. Berglin be added as co-authors to S.F. No. 2047. The motion prevailed.

Mr. Solon moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 2054. The motion prevailed.

Mr. Johnson, D.J. moved that the names of Messrs. Lessard and Peterson, C.C. be added as co-authors to S.F. No. 2061. The motion prevailed.

Mr. Bertram moved that the name of Mr. DeCramer be added as a co-author to S.F. No. 2079. The motion prevailed.

Mr. Pehler moved that S.F. No. 1529, No. 48 on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Wegscheid introduced—

Senate Resolution No. 91: A Senate resolution congratulating Mike Hammerstad as a lifesaver.

Referred to the Committee on Rules and Administration.

CALENDAR

S.F. No. 1127: A bill for an act relating to Anoka County; authorizing the issuance of bonds for the construction of library buildings and an annual levy for debt retirement.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1139: A bill for an act relating to local government; requiring notice of and hearings on increases in certain license fees; proposing new law coded in Minnesota Statutes, chapter 471.

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 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Dieterich, Merriam and Moe, D.M. voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1433: A bill for an act relating to natural resources; extension of state timber permits; amending Laws 1981, chapter 305, section 11, as amended; proposing new law coded in Minnesota Statutes, chapter 90.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1757: A bill for an act relating to water well contractors; licensing and regulating use of vertical heat exchangers; amending Minnesota Statutes 1982, section 156A.02, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 156A.

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

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S.F. No. 1331: A bill for an act relating to transportation; designating a bridge as the "Veterans Memorial Bridge"; amending Minnesota Statutes 1982, section 161.14, by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Frank moved that name of Mr. Novak be added as a co-author to S.F. No. 1127. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Davis introduced—

S.F. No. 2081: A bill for an act relating to agriculture; allowing milk to be

standardized; providing an effective date; amending Minnesota Statutes 1982, section 32.391, by adding subdivisions.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Isackson introduced—

S.F. No. 2082: A bill for an act relating to claims; transportation; requiring the commissioner of transportation to pay claims for damages arising from an inadequate drainage culvert under trunk highway number 30; appropriating money.

Referred to the Committee on Finance.

Mr. Wegscheid introduced—

S.F. No. 2083: A resolution memorializing the Administrator of General Services of the United States of the development of a permanent operation plan for the distribution of federal surplus property.

Referred to the Committee on Governmental Operations.

Mr. Jude introduced—

S.F. No. 2084: A bill for an act relating to government operations; regulating public employee leave of absences; providing for task force member's compensation; providing for civil service exams for handicapped persons; authorizing the commissioner of employee relations to negotiate insurance premium rates; providing for appeals of disciplinary actions; providing for unclassified positions; amending Minnesota Statutes 1982, sections 15.014, subdivision 2; 15.0593; 43A.08, subdivision 1; 43A.33, subdivisions 1 and 3; Minnesota Statutes 1983 Supplement, sections 43A.08, subdivision 1a; 43A.10, subdivision 8; 43A.23, subdivision 1; and 116L.03, subdivision 6; repealing Minnesota Statutes 1982, section 15.62.

Referred to the Committee on Governmental Operations.

Ms. Reichgott, Mrs. Lantry, Messrs. Schmitz, Dahl and Lessard introduced—

S.F. No. 2085: A bill for an act relating to crimes; appropriating money to the commissioner of public safety for the purpose of making grants to local officials for the investigation of cross-jurisdictional criminal activity.

Referred to the Committee on Judiciary.

Messrs. Bertram; Peterson, C.C.; Johnson, D.J.; Jude and Anderson introduced—

S.F. No. 2086: A bill for an act relating to taxation; providing an exemption from sales tax for the gross receipts from sales of tangible personal property, admission charges, and sales of food, meals, or drinks at events sponsored by certain nonprofit organizations when the profits are used solely and exclusively for charitable, religious, or educational purposes; amending Minnesota Statutes 1983 Supplement, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Kamrath, Jude, Bernhagen and Waldorf introduced—

S.F. No. 2087: A bill for an act relating to education; requiring the state university board, the state board for community colleges, the state board of vocational technical education, and the board of regents to grant refunds of activity fees used for student publications; amending Minnesota Statutes 1982, sections 136.11, by adding a subdivision; 136.67, by adding a subdivision; and 137.02, by adding a subdivision; Minnesota Statutes 1983 Supplement, section 136C.04, by adding a subdivision.

Referred to the Committee on Education.

Mr. Kamrath introduced—

S.F. No. 2088: A bill for an act relating to insurance; township mutual companies; removing the restriction preventing members from acting as examining accountants, auditors, or certified financial examiners; amending Minnesota Statutes 1982, section 67A.241, subdivision 2.

Referred to the Committee on Economic Development and Commerce.

Mr. Frank introduced—

S.F. No. 2089: A bill for an act relating to workers' compensation; providing for determination of disability in cases of occupational disability; amending Minnesota Statutes 1982, section 176.66, subdivision 1.

Referred to the Committee on Employment.

Messrs. Laidig and Taylor introduced—

S.F. No. 2090: A bill for an act relating to education; authorizing a levy for community recreation programs; amending Minnesota Statutes 1982, section 275.125, by adding a subdivision.

Referred to the Committee on Education.

Mr. Taylor introduced—

S.F. No. 2091: A bill for an act relating to cities; regulating the residence of city employees; proposing new law coded in Minnesota Statutes, chapter 418.

Referred to the Committee on Local and Urban Government.

Mr. Dieterich introduced—

S.F. No. 2092: A bill for an act relating to education; modifying various aids and levies; amending Minnesota Statutes 1982, sections 124.2121, subdivision 4; 124.2122, subdivision 3; Minnesota Statutes 1983 Supplement, sections 124.2122, subdivision 1; 275.125, subdivision 7d; repealing Minnesota Statutes 1983 Supplement, section 124A.06, subdivisions 2 and 3.

Referred to the Committee on Education.

Mr. Dieterich introduced—

S.F. No. 2093: A bill for an act relating to taxation; making permanent the withholding of tax refunds of child support debtors; amending Laws 1982, chapter 523, article IV, section 2.

Referred to the Committee on Taxes and Tax Laws.

Mr. Dieterich introduced—

S.F. No. 2094: A bill for an act relating to taxation; sales; exempting certain sales of manufactured homes; amending Minnesota Statutes 1983 Supplement, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Ms. Peterson, D.C. introduced—

S.F. No. 2095: A bill for an act relating to economic development; establishing the Minnesota Business Assistance Advisory Task Force; proposing new law coded in Minnesota Statutes, chapter 116J.

Referred to the Committee on Economic Development and Commerce.

Mr. Schmitz introduced—

S.F. No. 2096: A bill for an act relating to public welfare; establishing a board of social work examiners; licensing and regulating social workers; providing penalties; appropriating money; amending Minnesota Statutes 1982, sections 214.01, subdivision 2; and 595.02; proposing new law coded as Minnesota Statutes, chapter 148A.

Referred to the Committee on Health and Human Services.

Mr. Samuelson introduced—

S.F. No. 2097: A bill for an act relating to education; providing additional funding for a certain technology demonstration site proposal; appropriating money.

Referred to the Committee on Education.

Mr. Pogemiller introduced—

S.F. No. 2098: A bill for an act relating to commerce; regulating pipefitters and pipefitting; regulating pressure vessels; amending Minnesota Statutes 1982, sections 183.56; 326.46; 326.47; 326.48; 326.49; and 326.50.

Referred to the Committee on Employment.

Mr. Wegscheid introduced—

S.F. No. 2099: A bill for an act relating to judges; providing for the election of incumbent judges by submitting to the voters whether they should succeed themselves; amending Minnesota Statutes 1982, sections 204B.06, subdivision 6, and by adding a subdivision; 204B.34, subdivision 3; 204B.36, subdivisions 4 and 5; 204D.08, subdivision 6; proposing new law coded in Minnesota Statutes, chapter 204C.

Referred to the Committee on Elections and Ethics.

Mr. Pogemiller introduced—

S.F. No. 2100: A bill for an act relating to public finance; providing for allocation of federal authority to issue certain state and local obligations; amending Minnesota Statutes 1982, sections 116J.42, by adding a subdivision; 273.77; 429.091, by adding a subdivision; 430.12; and 472.09, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 458; 459; 462; 474; and 475.

Referred to the Committee on Local and Urban Government.

Mr. Samuelson introduced—

S.F. No. 2101: A bill for an act relating to labor; requiring state residents to be given hiring preference on public works projects; providing for enforcement; proposing new law coded in Minnesota Statutes, chapter 181.

Referred to the Committee on Employment.

Mmes. McQuaid, Lantry, Messrs. Chmielewski and Isackson introduced—

S.F. No. 2102: A bill for an act relating to health; providing counseling and educational services for sudden infant death syndrome families; requiring autopsies on victims of sudden infant death syndrome; requiring the report of sudden infant death to the registrar of vital statistics; amending Minnesota Statutes 1982, sections 144.06; 144.07; 144.222; and 390.11.

Referred to the Committee on Health and Human Services.

Mr. Dicklich introduced—

S.F. No. 2103: A resolution memorializing the President and Secretary of Transportation of the United States, the National Transportation Safety Board, and the Minnesota Congressional delegation to implement a program for the reflectorization of railroad rolling stock.

Referred to the Committee on Transportation.

Ms. Reichgott, Messrs. Pogemiller; Peterson, C.C.; Novak and Ulland introduced—

S.F. No. 2104: A bill for an act relating to taxation; income; allowing individuals who do not itemize deductions a deduction for charitable contributions; amending Minnesota Statutes 1983 Supplement, section 290.089, subdivision 1, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Anderson, Storm, Knaak, Kamrath and Ms. Olson introduced—

S.F. No. 2105: A bill for an act relating to financial institutions; requiring disclosure of the state and federal income tax treatment of individual retirement accounts; proposing new law coded in Minnesota Statutes, chapter 47.

Referred to the Committee on Economic Development and Commerce.

Messrs. Storm and Laidig introduced—

S.F. No. 2106: A bill for an act relating to historical properties; authorizing restrictions in conveyances to preserve historical resources; amending Minnesota Statutes 1982, sections 84.64 and 84.65.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Dieterich introduced—

S.F. No. 2107: A bill for an act relating to the University of Minnesota; appropriating money for road improvements in the City of Falcon Heights.

Referred to the Committee on Finance.

Mr. Spear introduced—

S.F. No. 2108: A bill for an act relating to civil commitment; providing for status review of persons residing in state facilities pursuant to an order of guardianship; amending Laws 1982, chapter 581, section 26, as amended.

Referred to the Committee on Judiciary.

Messrs. Stumpf; Johnson, D.J.; Lessard and Willet introduced—

S.F. No. 2109: A resolution memorializing the International Joint Commission, the President and Congress to effectuate an agreement between Minnesota and Ontario on joint management of their border waters.

Referred to the Committee on Agriculture and Natural Resources.

Mr. DeCramer introduced—

S.F. No. 2110: A bill for an act relating to taxation; increasing the maximum state school agricultural credit; amending Minnesota Statutes 1983 Supplement, section 124.2137, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Anderson introduced—

S.F. No. 2111: A bill for an act relating to retirement; authorizing recalculation of certain annuities and benefits.

Referred to the Committee on Governmental Operations.

Mr. Moe, D.M. introduced—

S.F. No. 2112: A bill for an act relating to the city of St. Paul; authorizing the issuance of a license for the sale of intoxicating liquor at the Ordway Music Theatre; requiring local approval.

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

Mr. Spear introduced—

S.F. No. 2113: A bill for an act relating to civil commitment; clarifying the conditions under which a guardian may place a minor ward in certain treatment facilities; amending Minnesota Statutes 1983 Supplement, section 525.619.

Referred to the Committee on Judiciary.

Messrs. Moe, R.D.; Stumpf; Isackson; Bernhagen and Davis introduced—

S.F. No. 2114: A bill for an act relating to taxation; property; changing computation of the school agricultural credit beginning with taxes payable in 1984; appropriating money; amending Minnesota Statutes 1983 Supplement, section 124.2137, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Spear introduced—

S.F. No. 2115: A bill for an act relating to public welfare; establishing procedures for the involuntary administration of antipsychotic medications; amending Minnesota Statutes 1983 Supplement, section 253B.03, subdivision 6; proposing new law coded in Minnesota Statutes, chapter 253B.

Referred to the Committee on Health and Human Services.

Mr. Merriam introduced—

S.F. No. 2116: A bill for an act relating to probate; clarifying factors to be considered in determining the compensation of a personal representative; providing for review; amending Minnesota Statutes 1982, section 524.3-719.

Referred to the Committee on Judiciary.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Thursday, March 29, 1984. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate