

SEVENTY-THIRD DAY

St. Paul, Minnesota, Monday, April 9, 1984

The Senate met at 11:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. John G. Krueger.

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

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

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. Johnson, D.J. and Langseth were excused from the Session of today. Mr. Berg was excused from the Session of today at 12:00 noon. Mr. Peterson, R.W. was excused from the Session of today from 11:00 a.m. to 12:25 p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committee indicated.

March 31, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointments to the Cable Communications Board are hereby respectfully submitted to the Senate for confirmation as required by

law:

Janna R. King, Route 1, Box 216C, Browerville, Todd County, has been appointed by me, effective December 19, 1983, for a term expiring the first Monday in January, 1985.

Jack W. Carlson, 10219 Scarborough Rd., Bloomington, Hennepin County, has been appointed by me, effective March 31, 1984, for a term expiring the first Monday in January, 1988.

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

Sincerely,
Rudy Perpich, Governor

April 6, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 1476.

Sincerely,
Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1127 and 1350.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 5, 1984

Mr. President:

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

S.F. No. 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.

Senate File No. 1757 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 5, 1984

Mr. Moe, R.D. moved that S.F. No. 1757 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. 1562, 1633, 1778, 1911, 1655, 1761, 1856, 1786 and 1801.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 5, 1984

FIRST READING OF HOUSE BILLS

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

H.F. No. 1562: A bill for an act relating to labor; providing for the prompt payment of commissions to commission salespersons who leave or lose their job; providing civil penalties for nonprompt payment; providing that wages can be promptly paid through the mail at the request of the employee or salesperson; amending Minnesota Statutes 1982, sections 181.13; and 181.14; proposing new law coded in Minnesota Statutes, chapter 181.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1519, now on General Orders.

H.F. No. 1633: A bill for an act relating to metropolitan government; allowing the mosquito control district to take certain actions; amending Minnesota Statutes 1982, section 473.704, subdivision 17.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1835, now on General Orders.

H.F. No. 1778: 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1627, now on General Orders.

H.F. No. 1911: A bill for an act relating to state lands; authorizing the sale of a certain lakeshore property in Kandiyohi County.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2128.

H.F. No. 1655: A bill for an act relating to financial institutions; providing an expedited procedure for certain bank applications; providing a uniform examination cycle for all supervised institutions; extending the temporary removal of mortgage usury limits; providing a time period within which notices of the filing of applications for detached facilities must be published; providing prior notice to the commissioner of a change in the ownership of a state bank; bringing state law into conformity with federal law regarding limitations on loans to bank directors, officers, or employees; providing prior notification to the commissioner of the termination or cancellation of a fidelity bond to a bank; authorizing the commissioner, after notification, to order the bank to take action; clarifying the exclusion of bankers' acceptances from the restrictions upon total liabilities to a bank; extending the time period imposed on a bank for the filing of proof of publication of its quarterly report; modifying the definition of "demand deposits" in light of federal deregula-

tion of interest rates; removing the photo identification requirement from the provisions regulating the opening of checking accounts; clarifying service charges on dishonored checks; making various technical changes; amending Minnesota Statutes 1982, sections 45.071, by adding a subdivision; 46.04, subdivision 1; 47.204, subdivision 1; 48.03, subdivision 4; 48.08; 48.13; 48.14; 48.24, subdivision 6; 48.48, subdivisions 1 and 2; 48.51; 51A.50; 52.06, subdivision 1; 53.03, subdivision 4; 53.09, subdivision 1; and 56.12; Minnesota Statutes 1983 Supplement, sections 45.04; 47.54, subdivision 1; 48.512, subdivision 2; 52.203; 53.01; 53.03, subdivisions 1 and 5; 53.04, subdivision 3a; 168.67; and 332.50, subdivision 2; repealing Minnesota Statutes 1982, sections 47.75, subdivision 2; and 51A.44, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1758, now on General Orders.

H.F. No. 1761: A bill for an act relating to taxation; releasing certain counties from the requirement to impose an aggregate removal tax; amending Minnesota Statutes 1983 Supplement, section 298.75, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 1856: A bill for an act relating to charities; requiring disclosure from professional fund raisers; amending Minnesota Statutes 1982, section 309.556.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1801, now on General Orders.

H.F. No. 1786: A bill for an act relating to the military; modifying the qualifications of the adjutant general; changing the appointment of assistant adjutants general; mandating termination of an officer's commission when federal recognition is withdrawn; expanding the power of the adjutant general to sell an armory; and expanding the use of the proceeds from the sale of an armory; amending Minnesota Statutes 1982, sections 190.07; 190.08, subdivisions 1, 3, and 4; 190.09; 192.18, subdivision 1; and 193.36, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1431, now on General Orders.

H.F. No. 1801: A bill for an act relating to transportation; defining terms; regulating carriers; providing for the classification of explosives; amending Minnesota Statutes 1982, sections 221.011, subdivision 13; 221.296, subdivision 6; 299F.19, subdivisions 1 and 2; Minnesota Statutes 1983 Supplement, sections 221.011, subdivisions 3 and 21; 221.021; 221.025; 221.031, subdivisions 1, 2, 3, and 6; 221.121, subdivision 5; 221.131, subdivision 1; 221.185, subdivisions 1, 2, 3, 4, 5, and by adding subdivisions; 221.221, subdivision 4; 221.81, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1982, section 169.76; Minnesota Statutes 1983 Supplement, sections 221.031, subdivision 4; and 221.185, subdivisions 6, 7, and 8.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1699, now on General Orders.

REPORTS OF COMMITTEES

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

adopted, with the exception of reports pertaining to appointments. The motion prevailed.

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

S.F. No. 1622: A bill for an act relating to peace officers; increasing the compensation for dependents of peace officers killed in the line of duty; amending Minnesota Statutes 1982, section 352E.04.

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

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

S.F. No. 1469: A bill for an act relating to workers' compensation; providing coverage for certain employees of the University of Minnesota; amending Minnesota Statutes 1983 Supplement, section 176.011, subdivision 9.

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

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

S.F. No. 433: A bill for an act relating to labor; regulating the minimum wage; eliminating the tip credit; amending Minnesota Statutes 1982, section 177.24, subdivision 2; repealing Minnesota Statutes 1982, section 177.28, subdivision 4.

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 177.27, subdivision 4, is amended to read:

Subd. 4. The commissioner may investigate, ~~mediate, and settle~~ a wage ~~claims~~ claim by an employee against an employer if the failure to pay any wage may violate Minnesota laws or any order or rule of the department thereunder. *If upon investigation the commissioner determines that a violation has occurred, the commissioner shall require the employer to pay to the department within 30 days the appropriate amount of the wage claim, as determined by the commissioner, plus simple interest at a rate of 8 percent per annum calculated from the time the wages constituting the wage claim were due and payable. The commissioner shall then pay the amount of the wage claim plus interest to the employee.*

Sec. 2. Minnesota Statutes 1982, section 177.27, subdivision 5, is amended to read:

Subd. 5. The commissioner may commence a civil action in any court of competent jurisdiction for the benefit of any employee for appropriate relief with respect to any wage claim which the commissioner ~~deems~~ considers to

be valid; upon:

(1) *the employer's failure to pay a wage claim plus interest as provided under subdivision 4; or*

(2) *a written request being filed with the commissioner by the employee, provided: (1) the failure to pay the wage would constitute a violation of Minnesota laws or any order or rule of the department thereunder; and (2) the wage claim does not exceed \$300.*

The employer shall pay all costs and disbursements as may be allowed by the court, and shall further pay an assessment of ten percent of the amount of any awarded wage claim to the treasurer of the state of Minnesota. In any action herein no security for payment of costs shall be required.

Nothing herein shall be construed to prevent an employee from prosecuting his own claim for wages.

Sec. 3. Minnesota Statutes 1983 Supplement, section 177.32, subdivision 1, is amended to read:

Subdivision 1. An employer who does any of the following is guilty of a misdemeanor and *subject to a fine of \$500 for each violation*: (a) hinders or delays the commissioner or an authorized representative in the performance of duties required under sections 177.21 to 177.35; (b) refuses to admit the commissioner or an authorized representative to the place of business or employment of the employer, as required by section 177.27, subdivision 1; (c) consistently and repeatedly fails to make, keep, and preserve records as required by section 177.30; (d) falsifies any record; (e) refuses to make any record available, or to furnish a sworn statement of the record or any other information as required by section 177.27; (f) consistently and repeatedly fails to post a summary of sections 177.21 to 177.35 or a copy or summary of the applicable rules as required by section 177.31; (g) pays or agrees to pay wages at a rate less than the rate required under sections 177.21 to 177.35; or (h) otherwise violates any provision of sections 177.21 to 177.35 or any rule adopted pursuant to those sections.

Sec. 4. [REPORT TO LEGISLATURE.]

The commissioner of labor and industry shall report to the legislature by January 1, 1985 concerning recommendations for improving enforcement of the Minnesota Fair Labor Standards Act.

Sec. 5. [APPROPRIATION.]

The sum of \$..... is appropriated from the general fund to the commissioner of labor and industry for the purpose of eliminating the backlog of minimum wage violation complaints and to ensure that future complaints under the Minnesota Fair Labor Standards Act are promptly processed. The appropriation is available until June 30, 1985. The approved complement of the department of labor and industry is increased by six positions."

Delete the title and insert:

"A bill for an act relating to labor; requiring an employer to pay certain wage claims to the department of labor and industry; providing for a fine of \$500 for certain violations of the minimum wage law; removing a certain limitation on commencing civil actions for minimum wage law violations;

requiring the commissioner of labor and industry to report to the legislature on recommendations to improve enforcement of the minimum wage law; appropriating money; amending Minnesota Statutes 1982, section 177.27, subdivisions 4 and 5; and Minnesota Statutes 1983 Supplement, section 177.32, subdivision 1."

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. 1943: A bill for an act relating to the city of Oakdale; providing a permanent increase in the levy limit base.

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

Page 1, line 9, delete "and thereafter" and insert ", 1985, and 1986"

Page 1, delete line 10

Page 1, line 11, delete "pursuant to section 275.51, and"

Page 1, line 12, after the period, insert "In computing the levy limit base for taxes levied in 1987, \$100,000 shall be subtracted from the adjusted levy limit base for taxes levied in 1986."

Page 1, after line 12, insert:

"Sec. 2. [REVERSE REFERENDUM.]

If the Oakdale city council proposes to increase the levy limit base of the city pursuant to section 1, it shall pass a resolution stating the amount by which the levy limit base is proposed to be increased. Thereafter, the resolution shall be published for two successive weeks in the official newspaper of the city or if there is no official newspaper, in a newspaper of general circulation in the city, together with a notice fixing a date for a public hearing on the proposed increase. The hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the city may determine to take no further action or, in the alternative, adopt a resolution authorizing the increase as originally proposed or approving an increase in the lesser amount it determines. The resolution authorizing an increase shall be published in the official newspaper of the city or if there is no official newspaper, in a newspaper of general circulation in the city. If within 30 days thereafter a petition signed by voters equal in number to ten percent of the votes cast in the city in the last general election requesting a referendum on the proposed resolution is filed with the clerk the resolution shall not be effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the referendum. The referendum must be held at a special or general election prior to October 1, 1984."

Page 1, line 14, delete "section 1 applies" and insert "sections 1 and 2 apply"

Page 1, line 18, delete "section 1 is" and insert "sections 1 and 2 are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "permanent" and insert "temporary"

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

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 2043: A bill for an act relating to the legislative auditor; authorizing the audit of metropolitan agencies, boards, and commissions; amending Minnesota Statutes 1982, section 3.971, subdivision 1.

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

Page 2, after line 3, insert:

"Sec. 2. Minnesota Statutes 1983 Supplement, section 3.972, subdivision 2, is amended to read:

Subd. 2. [AUDITS OF STATE AND SEMI-STATE AGENCIES.] The legislative auditor shall make a constant audit of all financial affairs of all departments and agencies of the state *and all metropolitan agencies, boards, and commissions*, and of the financial records and transactions of public boards, associations, and societies supported, wholly or in part, by state funds. Once in each year, if funds and personnel permit, without previous notice, he shall visit each of such state departments and agencies, *metropolitan agencies, boards, and commissions*, associations or societies and, so far as practicable, inspect such agencies, thoroughly examine the books and accounts thereof, verifying the funds, securities and other assets, check the items of receipts and disbursements with the voucher records thereof, ascertain the character of the official bonds for the officers thereof and the financial ability of the bondsmen, inspect the sources of revenue thereof, the use and disposition of state appropriations and property, investigate the methods of purchase and sale, the character of contracts on public account, ascertain proper custody and depository for the funds and securities thereof, verify the inventory of public property and other assets held in trust, and ascertain that all financial transactions and operations involving the public funds and property of the state comply with the spirit and purpose of the law, are sound by modern standards of financial management and are for the best protection of the public interest.

Sec. 3. Minnesota Statutes 1982, section 473.08, subdivision 4, is amended to read:

Subd. 4. The commission shall keep an accurate account of its receipts and disbursements. Disbursements of funds of the commission shall be made by check signed by the chairman or vice chairman or secretary of the commission and countersigned by the director or assistant director or administrative assistant thereof after such auditing and approval of the expenditure as may be provided by rules of the commission. The ~~state~~ legislative auditor shall

audit the books and accounts of the commission once each year, or as often as funds and personnel of the ~~state~~ legislative auditor permit. The commission shall pay to the ~~state~~ general fund the total cost and expenses of such examination, including the salaries paid to the auditors while actually engaged in making such examination. ~~The revolving fund of the state auditor shall be credited with all collections made for any such examination.~~

Sec. 4. Minnesota Statutes 1982, section 473.141, is amended by adding a subdivision to read:

Subd. 15. [AUDIT.] The legislative auditor shall conduct a financial and compliance audit of the books and accounts of each commission once each year or as often as the funds and personnel of the legislative auditor permit. The cost of the audit shall be paid by the commission to the general fund.

Sec. 5. Minnesota Statutes 1982, section 473.413, subdivision 11, is amended to read:

Subd. 11. [COMMISSION; AUDITOR OF FINANCES.] The ~~commission shall employ a certified public accountant or firm thereof to~~ legislative auditor shall make an annual audit of the commission's financial accounts and affairs for the last fiscal year on or before November 30 of each year; ~~and~~. Copies of the report thereof shall be filed and kept open to public inspection in the offices of the secretary of the commission and the secretary of state. The information in the audit shall be contained in the annual report and distributed in accordance with section 473.445.

Sec. 6. Minnesota Statutes 1982, section 473.543, subdivision 5, is amended to read:

Subd. 5. The ~~state~~ legislative auditor shall audit the books and accounts of the commission at least once each year or as often as the legislative auditor's funds and personnel permit. The commission shall pay to the ~~state~~ general fund the total cost and expenses of such examination, including the salaries paid to the examiners while actually engaged in making such examination. ~~The revolving fund of the state auditor shall be credited with all collections made for any such examination.~~ The council may also require the commission to have an independent audit made by a certified public accountant to be paid for by the commission, and may examine the commission's books and accounts at any time.

Sec. 7. Minnesota Statutes 1982, section 473.595, subdivision 5, is amended to read:

Subd. 5. [AUDIT.] The ~~commission once each year~~ legislative auditor shall ~~have make~~ an independent audit ~~made of its the commission's books and accounts by a certified public accountant once each year or as often as the legislative auditor's funds and personnel permit.~~ The costs of the audits shall be paid by the commission to the general fund. ~~Once each year the commission shall prepare and file a written report with the legislative auditor in such form and containing such information as the legislative auditor may prescribe.~~ The council ~~or the legislative auditor~~ may examine the commission's books and accounts at any time.

Sec. 8. Minnesota Statutes 1982, section 473.604, is amended by adding a subdivision to read:

Subd. 6. [AUDIT.] The legislative auditor shall audit the books and accounts of the commission once each year or as often as the legislative auditor's funds and personnel permit. The commission shall pay to the general fund the total cost of the audit.

Sec. 9. Minnesota Statutes 1982, section 473.703, is amended by adding a subdivision to read:

Subd. 10. [AUDIT.] The legislative auditor shall audit the books and accounts of the commission once each year or as often as the legislative auditor's funds and personnel permit. The commission shall pay to the general fund the total cost of the audit.

Sec. 10. [TRANSITION.]

Authority of the legislative auditor to audit the metropolitan council and metropolitan waste control commission does not commence until June 30, 1986."

Page 2, line 4, delete "2" and insert "11"

Page 2, line 5, delete "Section 1 is" and insert "Sections 1 and 2, 4 and 5, and 7 to 9 are"

Page 2, line 5, after the period, insert "Sections 3 and 6 are effective June 30, 1986."

Amend the title as follows:

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

Page 1, line 5, before the period, insert "473.08, subdivision 4; 473.141, by adding a subdivision; 473.413, subdivision 11; 473.543, subdivision 5; 473.595, subdivision 5; 473.604, by adding a subdivision; 473.703, by adding a subdivision; and Minnesota Statutes 1983 Supplement, section 3.972, subdivision 2"

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

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

S.F. No. 2128: A bill for an act relating to state lands; authorizing the sale of a certain lakeshore property in Kandiyohi County.

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

Page 1, line 11, delete "and convey" and insert "by private sale"

Page 1, line 13, delete "thereof" and insert "including improvements,"

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

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

H.F. No. 1760: A bill for an act relating to natural resources; authorizing a

private sale of certain state fisheries land.

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

Page 1, line 10, delete "*thereof*" and insert "*, excluding improvements*"

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. 1865: A bill for an act relating to public welfare; limiting medical assistance and general assistance reimbursements for chemical dependency treatment; extending temporary rulemaking authority for prospective payments for inpatient hospital services; expanding medical assistance eligibility for certain persons; eliminating the requirement that the commissioner seek a co-payment waiver for HMO enrollees under medical assistance; clarifying existing language; amending Minnesota Statutes 1982, sections 256B.17, as amended; 256B.19, subdivision 1; Minnesota Statutes 1983 Supplement, sections 256.968; 256.969, subdivision 6; and 256B.06, subdivision 1.

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 256.045, subdivision 2, is amended to read:

Subd. 2. [LOCAL WELFARE HEARINGS.] In counties in which the commissioner of public welfare has appointed a local welfare referee, any person applying for ~~or~~, receiving, *or having received* public assistance granted by a local agency pursuant to Minnesota Statutes, Sections 256.72 to 256.87, Chapters 256B, 256D, 261, the Federal Food Stamp Act or a program of social services whose application for assistance is denied, or not acted upon with reasonable promptness, or whose assistance is suspended, reduced, ~~or terminated by a local agency~~, *or claimed to have been incorrectly paid*, or any patient or relative aggrieved by an order of the commissioner under section 252.27, may contest that action or decision before the local welfare referee by submitting a written request for a hearing to the local agency within 30 days after receiving written notice of the action or decision, or within 90 days of such written notice if the applicant or recipient shows good cause why the request was not submitted within the 30 day time limit. The local welfare referee shall conduct a hearing on the matter and shall issue a ruling affirming, reversing, or modifying the action or decision of the local agency. The ruling of the local welfare referee shall be binding upon the local agency and the aggrieved party unless appeal is taken in the manner provided by subdivision 3.

Sec. 2. Minnesota Statutes 1983 Supplement, section 256.045, subdivision 3, is amended to read:

Subd. 3. [STATE AGENCY HEARINGS.] In counties in which the com-

missioner of welfare has not appointed a local welfare referee, any person applying for ~~or~~, receiving or having received any of the forms of public assistance described in subdivision 2 whose application for assistance is denied, not acted upon with reasonable promptness, or whose assistance is suspended, reduced, ~~or terminated by a local agency~~, or claimed to have been incorrectly paid, or any patient or relative aggrieved by an order of the commissioner under section 252.27, may contest that action or decision before the state agency by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action or decision, or within 90 days of such written notice if the applicant, recipient, patient or relative shows good cause why the request was not submitted within the 30 day time limit. A local agency, ~~applicant, recipient, patient or relative or party~~ aggrieved by a ruling of a local welfare referee may appeal the ruling to the state agency by filing a notice of appeal with the state agency within 30 days after receiving the ruling of the local welfare referee. A state welfare referee shall conduct a hearing on the matter and shall recommend an order to the commissioner of public welfare. In appeals from rulings of local welfare referees, the hearing may be limited, upon stipulation of the parties, to a review of the record of the local welfare referee.

Sec. 3. Minnesota Statutes 1982, section 256.045, subdivision 4, is amended to read:

Subd. 4. [CONDUCT OF HEARINGS.] All hearings held pursuant to subdivisions 2 or 3 shall be conducted according to the provisions of the federal Social Security Act and the regulations implemented in accordance with that act to enable this state to qualify for federal grants-in-aid, and according to the rules and written policies of the commissioner of public welfare. The hearing shall not be held earlier than five days after filing of the required notice with the local or state agency. The local welfare referee or state welfare referee shall notify all interested persons of the time, date and location of the hearing at least five days before the date of the hearing. Interested persons may be represented by legal counsel or other spokesman of their choice at the hearing and may appear personally, testify and offer evidence, and examine and cross-examine witnesses. The applicant ~~or~~, recipient, or former recipient shall have the opportunity to examine the contents of his case file and all documents and records to be used by the local agency at the hearing at a reasonable time before the date of the hearing and during the hearing. All evidence, except that privileged by law, commonly accepted by reasonable men in the conduct of their affairs as having probative value with respect to the issues shall be submitted at the hearing and such hearing shall not be "a contested case" within the meaning of section 14.02, subdivision 3.

Sec. 4. Minnesota Statutes 1982, section 256.045, subdivision 5, is amended to read:

Subd. 5. [ORDERS OF THE COMMISSIONER OF WELFARE.] The commissioner of public welfare may accept the recommended order of a state welfare referee and issue the order to the local agency and the applicant ~~or~~, recipient, or former recipient. If the commissioner refuses to accept the recommended order of the state welfare referee, he shall notify the local agency and the applicant ~~or~~, recipient, or former recipient of that fact and shall state his reasons therefor and shall allow each party ten days' time to submit addi-

tional written argument on the matter. After the expiration of the ten day period, the commissioner shall issue an order on the matter to the local agency and the applicant ~~or~~ recipient, *or former recipient*. Any order of the commissioner issued in accordance with this subdivision shall be conclusive upon the parties unless appeal is taken in the manner provided by subdivision 7.

Sec. 5. Minnesota Statutes 1982, section 256.045, subdivision 7, is amended to read:

Subd. 7. [JUDICIAL REVIEW.] ~~An applicant or recipient or local agency~~ *Any party who is aggrieved by an order of the commissioner of welfare may appeal the order to the district court of the county responsible for furnishing assistance by serving a written copy of a notice of appeal upon the commissioner and any adverse party of record within 30 days after the date the commissioner issued the order, and by filing the original notice and proof of service with the clerk of the district court. Service may be made personally or by mail; service by mail is complete upon mailing; no filing fee shall be required by the clerk of court in appeals taken pursuant to this subdivision. The commissioner may elect to become a party to the proceedings in the district court. Any party may demand that the commissioner furnish all parties to the proceedings with a copy of his decision, and a transcript of any testimony, evidence, or other supporting papers from the hearing held before the state welfare referee, by serving a written demand upon the commissioner within 30 days after service of the notice of appeal.*

Sec. 6. Minnesota Statutes 1983 Supplement, section 256.968, is amended to read:

[LIMITATION ON INPATIENT CHEMICAL DEPENDENCY TREATMENT.]

The commissioner of public welfare shall limit medical assistance and general assistance medical care reimbursement for treatment of alcoholism, chemical dependency or drug addiction which is rendered in a licensed *inpatient hospital to one treatment episode per calendar year per recipient if the hospital is being reimbursed on a per episode basis or to 30 days per calendar year in a licensed hospital or certified nursing home to 30 days reimbursed under other methodologies* unless need for extended care is certified by the attending physician and has received prior approval from the commissioner.

Sec. 7. Minnesota Statutes 1983 Supplement, section 256.969, subdivision 2, is amended to read:

Subd. 2. [RATES FOR INPATIENT HOSPITALS.] Rates paid to inpatient hospitals shall be based on a rate per admission *until the commissioner can begin to reimburse hospitals for services under the medical assistance and general assistance medical care programs based upon a diagnostic classification system appropriate to the service populations. On July 1, 1984, the commissioner shall begin to utilize to the extent possible existing classification systems, including Medicare.*

Sec. 8. Minnesota Statutes 1983 Supplement, section 256.969, subdivision 6, is amended to read:

Subd. 6. [RULES.] The commissioner of public welfare shall promulgate

temporary and permanent rules to implement a system of prospective payment for inpatient hospital services pursuant to chapter 14, the Administrative Procedure Act. *Notwithstanding section 14.53, temporary rule authority authorized by Laws 1983, chapter 216, article 1, section 39, shall extend to August 1, 1985.*

Sec. 9. Minnesota Statutes 1983 Supplement, section 256B.06, subdivision 1, is amended to read:

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

(1) Who is a child eligible for or receiving adoption assistance payments under Title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 676 *under Minnesota Statutes, section 259.40; or*

(2) Who is a child eligible for or receiving foster care maintenance payments under Title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 676; *or*

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

(4) Who meets the categorical eligibility requirements of the supplemental security income program and the other eligibility requirements of this section; *or*

(5) Who, except for the amount of income or resources, would qualify for supplemental security income for the aged, blind and disabled, or aid to families with dependent children, and ~~is in need of medical assistance who meets the other eligibility requirements of this section; or~~

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

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

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

(9) Who alone, or together with his spouse, does not own real property other than the homestead. For the purposes of this section, "homestead" means the house owned and occupied by the applicant *or recipient* as his ~~dwelling place~~ *primary place of residence*, together with the contiguous land upon which it is situated ~~and an area no greater than two contiguous lots in a platted or laid out city or town or 80 contiguous acres in unplatted land. Occupancy or exemption shall be determined as provided in chapter 510 and applicable law, including continuing exemption by filing notice under section 510.07. The homestead shall continue to be excluded for persons residing in a long-term care facility if it is used as a primary residence by the spouse, minor child, or disabled child of any age; or the applicant/recipient is expected to return to the home as a principal residence within six calendar~~

months of entry to the long-term care facility. Certification of expected return to the homestead shall be documented in writing by the attending physician. Real estate not used as a home may not be retained unless it produces net income applicable to the family's needs or the family is making a continuing effort to sell it at a fair and reasonable price or unless sale of the real estate would net an insignificant amount of income applicable to the family's needs, or unless the commissioner determines that sale of the real estate would cause undue hardship; and

(10) Who individually does not own more than \$3,000 in cash or liquid assets, or if a member of a household with two family members (husband and wife, or parent and child), does not own more than \$6,000 in cash or liquid assets, plus \$200 for each additional legal dependent. Cash and liquid assets may include a prepaid funeral contract and insurance policies with cash surrender value. The value of the following shall not be included:

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

(11) Who has or anticipates receiving an annual income not in excess of ~~\$2,600 for a single person, or \$3,250 for two family members (husband and wife, parent and child, or two siblings), plus \$625 for each additional legal dependent~~ *the income standards by family size used in the aid to families with dependent children program*, or who has income in excess of these maxima and in the month of application, or during the three months prior to the month of application, incurs expenses for medical care that total more than one-half of the annual excess income in accordance with the regulations of the state agency. In computing income to determine eligibility of persons who are not residents of long term care facilities, the commissioner shall disregard increases in income due solely to increases in federal retiree, survivor's, and disability insurance benefits, veterans administration benefits, and railroad retirement benefits in the percentage amount established in the biennial appropriations law unless prohibited by federal law or regulation. If prohibited, the commissioner shall first seek a waiver. In excess income cases, eligibility shall be limited to a period of six months beginning with the first of the month in which these medical obligations are first incurred; and

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

(13) Who has applied or agrees to apply all proceeds received or receivable

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

(14) Who is a pregnant woman, as certified in writing by a physician or nurse midwife, and who (a) meets the other eligibility criteria of this section, and (b) would be categorically eligible for assistance under the aid to families with dependent children program if the child had been born and was living with the woman.

Sec. 10. Minnesota Statutes 1982, section 256B.17, subdivision 1, is amended to read:

Subdivision 1. [TRANSFERS FOR LESS THAN MARKET VALUE.] In determining the resources of an individual and an eligible spouse, there shall be included any resource or interest therein which was given away ~~or~~, sold, or disposed of for less than fair market value within the 24 months preceding application for medical assistance or during the period of eligibility.

Sec. 11. Minnesota Statutes 1982, section 256B.17, subdivision 3, is amended to read:

Subd. 3. [RESOURCE VALUE.] For purposes of subdivision 1, the value of the resource or interest shall be the fair market value at the time it was given away, sold, or ~~given away~~ disposed of, less the amount of compensation received.

Sec. 12. Minnesota Statutes 1983 Supplement, section 256B.17, subdivision 4, is amended to read:

Subd. 4. [PERIOD OF INELIGIBILITY.] For any uncompensated transfer, the period of ineligibility shall be calculated by dividing the ~~un-~~compensated transferred amount by the statewide average monthly skilled nursing facility per diem for the previous calendar year to determine the number of months of ineligibility. The individual shall remain ineligible until this fixed ineligibility period has expired; ~~subject to the exclusions contained in section 256B.06, subdivision 1.~~ *The period of ineligibility may exceed 24 months, and a reapplication for benefits after 24 months from the date of the transfer shall not result in eligibility unless and until the period of ineligibility has expired.*

Sec. 13. Minnesota Statutes 1983 Supplement, section 256B.17, subdivision 5, is amended to read:

Subd. 5. ~~[EXCLUSIONS FOR HOMESTEAD TRANSFERS.]~~ *Notwithstanding subdivision 4, an individual shall not be ineligible if the transferred property is a homestead as defined by section 256B.06, subdivision 1, and one of the following conditions applies: (a) [EXCLUDED RESOURCES.] Except for the limitations contained in subdivision 6, a resource which is transferred while otherwise excluded under sections 256B.06 and 256B.07 shall*

not be considered an available resource for purposes of medical assistance eligibility. This exception shall not apply to applicants for or recipients of general assistance medical care benefits under chapter 256D.

(b) [PROHIBITED TRANSFERS OF EXCLUDED RESOURCES.] Any individual who is an inpatient in a skilled nursing facility or an intermediate care facility who, at any time during or after the 24-month period immediately prior to application for medical assistance, disposed of a homestead for less than fair market value shall be ineligible for medical assistance in accordance with subdivisions 1 to 4. An individual shall not be ineligible for medical assistance if one of the following conditions applies to the homestead transfer:

(1) a satisfactory showing is made that the individual can reasonably be expected to return to the homestead as a permanent residence;

(2) title to the ~~home~~ homestead was transferred to the individual's spouse, child who is under age 21, or blind or permanently and totally disabled child as defined in the supplemental security income program;

(3) a satisfactory showing is made that the individual intended to dispose of the ~~home~~ homestead at fair market value or for other valuable consideration; or

(4) the local agency determines that denial of eligibility would cause undue hardship for the individual, based on imminent threat to the individual's health and well-being.

Sec. 14. Minnesota Statutes 1982, section 256B.19, subdivision 1, is amended to read:

Subdivision 1. [DIVISION OF COST.] The cost of medical assistance paid by each county of financial responsibility shall be borne as follows: Payments shall be made by the state to the county for that portion of medical assistance paid by the federal government and the state on or before the 20th day of each month for the succeeding month upon requisition from the county showing the amount required for the succeeding month. Ninety percent of the expense of assistance not paid by federal funds available for that purpose shall be paid by the state and ten percent shall be paid by the county of financial responsibility.

For counties where health maintenance organizations are under contract to the state to provide services to medical assistance recipients, the division of the nonfederal share of medical assistance expenses for payments made to health maintenance organizations in the form of prepaid capitation payments, this division of medical assistance expenses shall be 95 percent by the state and five percent by the county of financial responsibility.

State contracts with health maintenance organizations shall assure medical assistance recipients of at least the comprehensive health maintenance services defined in section 62D.02, subdivision 7. The contracts shall require health maintenance organizations to provide information to the commissioner concerning the number of people receiving services, the number of encounters, the type of services received, evidence of an operational quality assurance program pursuant to section 62D.04 and information about utilization. ~~Persons who become eligible for medical assistance after July 1, 1982~~

and who choose to receive services from a health maintenance organization under contract to the state pursuant to this section shall be guaranteed six months medical assistance eligibility.

The commissioner of public welfare shall seek a waiver to charge a coinsurance fee to recipients of medical assistance who become eligible for medical assistance benefits and who choose not to receive the benefits of a health maintenance organization contracted for by the state pursuant to this section. The coinsurance fee shall be limited to the maximum monthly charge allowed by 42 CFR, sections 447.50 to 447.59, as amended through December 31, 1981. The local welfare agency may waive the coinsurance fee when it determines that the medical needs of the recipient would not be best served by enrollment in a health maintenance organization. The coinsurance fee shall be charged only to recipients who become eligible for medical assistance after the commissioner has reported to the legislature regarding the proposed method of implementing this paragraph. Persons who become eligible for medical assistance after July 1, 1984, who are not participating in any Medicaid demonstration project as defined under sections 256B.70 and 256B.71, and who choose at the time of application for assistance to receive services from a health maintenance organization, shall be guaranteed six months of coverage by a state contracted health maintenance organization if the recipient remains in the health maintenance organization from the time of initial enrollment. The continued eligibility guarantee shall not be granted when ineligibility for medical assistance is due to death, loss of state or county residency, failure to respond to the county's efforts to contact the recipient, failure to locate the recipient, or when the recipient is eligible for continued eligibility as defined in section 256B.062.

Sec. 15. [CONTRIBUTION OF NON-INSTITUTIONALIZED SPOUSE.]

In determining the contribution required from the non-institutionalized spouse of a resident or patient of a hospital or nursing home, the commissioner of public welfare shall use the standard set forth in Minnesota Rules, part 9515.2600, until the existing rules have been revised to reflect, among other things, increases in the cost of living of the non-institutionalized spouse.

Sec. 16. [REPEALER.]

Minnesota Statutes 1983 Supplement, section 256B.17, subdivision 8, is repealed.

Sec. 17. [EFFECTIVE DATE.]

Sections 1 to 9, 14, and 15 are effective July 1, 1984. Sections 10 to 13 are effective for all transfers which occur on or after the effective date of this act, or which took place within 24 months preceding the effective date of this act."

Delete the title and insert:

"A bill for an act relating to public welfare; limiting medical assistance and providing appeal rights for former recipients of public assistance; limiting medical assistance and general assistance reimbursements for chemical dependency treatment; extending temporary rulemaking authority for prospec-

tive payments for inpatient hospital services; expanding medical assistance eligibility for certain persons; eliminating the requirement that the commissioner seek a co-payment waiver for HMO enrollees under medical assistance; clarifying existing language; changing standards for the contribution of a non-institutionalized spouse; amending Minnesota Statutes 1982, sections 256.045, subdivisions 2, 4, 5, and 7; 256B.17, subdivisions 1 and 3; 256B.19, subdivision 1; Minnesota Statutes 1983 Supplement, sections 256.045, subdivision 3; 256.968; 256.969, subdivisions 2 and 6; 256B.06, subdivision 1; and 256B.17, subdivisions 4 and 5; repealing Minnesota Statutes 1983 Supplement, section 256B.17, subdivision 8."

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

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

S.F. No. 1821: A bill for an act relating to powers of attorney; providing procedures for granting powers of attorney; construing various specific powers; amending Minnesota Statutes 1982, sections 508.72; 508A.72; proposing new law coded as Minnesota Statutes, chapter 523; repealing Minnesota Statutes 1982, sections 51A.25; 354.10; 507.291; 507.292; 507.293; 507.39; 524.5-502; 524.5-505; and 528.16.

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 508.72, is amended to read:

508.72 [AGENCY; POWER TO BE REGISTERED.]

Any act which may legally be done or performed by any person under this chapter may be done and performed by his agent ~~thereto~~ when duly authorized in writing. ~~Such~~ The instrument or power of attorney shall be filed with the registrar and registered by him if it is executed and acknowledged as now required by law in the case of a deed, ~~filed with the registrar, and registered by him.~~ Any instrument revoking ~~such~~ the power of attorney ~~shall may be filed and registered if it is executed, and acknowledged, and registered in like manner the same way.~~ A written instrument of revocation of an unregistered power of attorney, executed and acknowledged by a person having a registered interest in land, may be filed for registration as a memorial upon the certificate of title.

Sec. 2. Minnesota Statutes 1982, section 508A.72, is amended to read:

508A.72 [AGENCY; POWER TO BE REGISTERED.]

Any act which may legally be done or performed by any person under sections 508A.01 to 508A.85 may be done and performed by his agent when duly authorized in writing. The instrument or power of attorney shall be filed with the registrar and registered by him if it is executed and acknowledged as required by law in the case of a deed, ~~filed with the registrar, and registered by him.~~ Any instrument revoking the power of attorney ~~shall may be filed and registered if it is executed, and acknowledged, and registered in like manner the same way.~~ A written instrument of revocation of an unregistered power

of attorney, executed and acknowledged by a person having a registered interest in land, may be filed for registration as a memorial upon the certificate of title.

Sec. 3. [523.01] [AUTHORIZATION.]

A person who is a competent adult may, as principal, designate another person or an authorized corporation as the person's attorney-in-fact by a written power of attorney. The power of attorney is validly executed when it is dated and signed by the principal and, in the case of a signature on behalf of the principal, by another, or by a mark, acknowledged by a notary public. Only powers of attorney validly created pursuant to section 3 or 4 are validly executed powers of attorney for the purposes of sections 3 to 27.

Sec. 4. [523.02] [COMMON LAW, PRE-EXISTING AND FOREIGN POWERS OF ATTORNEY.]

A written power of attorney is a validly executed power of attorney for the purposes of sections 3 to 27, and is subject to the provisions of sections 3 to 27, if it is validly created pursuant to: (1) the law of Minnesota as it existed prior to the enactment of sections 3 to 27 if it was executed prior to the effective date of sections 3 to 27; (2) the common law; or (3) the law of another state or country.

Sec. 5. [523.03] [INTERPRETATION.]

Unless the context requires otherwise, all references in sections 3 to 27 to the "principal" include any guardian or conservator of the estate appointed for the principal at any time and all references to a "power of attorney" mean a validly executed power of attorney.

Sec. 6. [523.04] [POWER OF ATTORNEY PRESUMED TO BE VALIDLY EXECUTED.]

A written power of attorney that is dated and purports to be signed by the principal named in it is presumed to be valid. All parties may rely on this presumption except those who have actual knowledge that the power was not validly executed.

Sec. 7. [523.05] [RECORDING OF POWER OF ATTORNEY.]

If the exercise of the power of attorney requires execution and delivery of any instrument which is recordable, the power of attorney and any affidavit authorized under sections 3 to 27 when authenticated for record in conformity with section 507.24, are also recordable.

Sec. 8. [523.06] [CERTIFICATION OF POWER OF ATTORNEY.]

A certified copy of a power of attorney has the same force and effect as a power of attorney bearing the signature of the principal. A copy of a power of attorney may be certified by an official of a state or of a political subdivision of a state who is authorized to make certifications. The certification shall state that the certifying official has examined an original power of attorney and the copy and that the copy is a true and correct copy of the original power of attorney.

Sec. 9. [523.07] [DURABLE POWER OF ATTORNEY.]

A power of attorney is durable if it contains language such as "This power

of attorney shall not be affected by disability of the principal" or "This power of attorney shall become effective upon the disability of the principal," or similar words showing the intent of the principal that the authority conferred is exercisable notwithstanding his later disability or incapacity.

Sec. 10. [523.08] [TERMINATION OF A DURABLE POWER.]

A durable power of attorney terminates on the death of the principal or upon the expiration of a period of time specified in the power of attorney if the period ends prior to the death of the principal.

Sec. 11. [523.09] [TERMINATION OF A NONDURABLE POWER OF ATTORNEY.]

A nondurable power of attorney terminates on the death of the principal, on the incompetency of the principal, or upon the expiration of a period of time specified in the power of attorney if the period ends prior to the death or incompetency of the principal.

Sec. 12. [523.10] [MISSING PERSONS PRESUMED LIVING.]

A missing person is presumed to be living until actual proof of death or legal adjudication of death occurs.

Sec. 13. [523.11] [REVOCATION OF A POWER.]

Subdivision 1. [MANNER.] An executed power of attorney may be revoked only by a written instrument of revocation signed by the principal and, in the case of a signature on behalf of the principal by another or a signature by a mark, acknowledged by a notary public. The conservator or guardian of the principal has the same power the principal would have if the principal were not disabled or incompetent to revoke, suspend, or terminate all or any part of the power of attorney.

Subd. 2. [EFFECT.] Revocation of an executed power of attorney is not effective as to any party unless that party has actual notice of the revocation. As used in this chapter, "actual notice of revocation" means that a written instrument of revocation has been received by the party or, in a real property transaction, that a written instrument of revocation containing the legal description of the real property has been recorded in the office of the county recorder or filed in the office of the registrar of titles. Recorded or filed revocation is actual notice of revocation of a power of attorney only as to any interest in real property described in the revocation and located in the county where it is recorded.

Subd. 3. [PRESUMPTIONS.] A written instrument of revocation that purports to be signed by the principal named in the power of attorney is presumed to be valid. Any party receiving the written instrument of revocation may rely on this presumption and is not liable for later refusing to accept the authority of the attorney-in-fact.

Subd. 4. [TRANSFEREE AFFIDAVIT OF NONREVOCATION.] In the case of a conveyance of an interest in property, an affidavit signed by an initial transferee of the interest of the principal stating that the initial transferee had not received, at the time of the conveyance, a written instrument of revocation of the power of attorney, constitutes conclusive proof as to all subsequent transferees that no written instrument of revocation was received

by the initial transferee, except as to a subsequent transferee who commits an intentional fraud.

Sec. 14. [523.12] [POWER OF ATTORNEY-IN-FACT TO BIND PRINCIPAL.]

Any action taken by the attorney-in-fact pursuant to the power of attorney binds the principal, the principal's heirs and assigns, and the representative of the estate of the principal in the same manner as though the action was taken by the principal, and, during any time while a guardian or conservator has been appointed for the principal and only the guardian or conservator has the power to take relevant action, as though the action was taken by the guardian or conservator.

Sec. 15. [523.13] [MULTIPLE ATTORNEYS-IN-FACT.]

Unless it is provided to the contrary in a power of attorney which authorizes two or more attorneys-in-fact to act on behalf of a principal, any action taken by any one of the several attorneys-in-fact pursuant to the power of attorney, whether the other attorneys-in-fact consent or object to the action, binds the principal, the principal's heirs and assigns, and the representative of the estate of the principal in the same manner as though the action was taken by the principal, and, during any time while a guardian or conservator has been appointed for the principal and only the guardian or conservator has the power to take the relevant action, as though the action was taken by the guardian or conservator.

Sec. 16. [523.14] [SUCCESSOR ATTORNEY-IN-FACT NOT LIABLE FOR ACTS OF PREDECESSOR.]

An attorney-in-fact who is named in a power of attorney to succeed an attorney-in-fact who dies, resigns, or otherwise is unable to serve, is not liable for any action taken by the predecessor attorney-in-fact.

Sec. 17. [523.15] [CO-ATTORNEYS-IN-FACT NOT LIABLE FOR ACTS OF EACH OTHER.]

When two or more attorneys-in-fact are authorized to act on behalf of a principal, an attorney-in-fact who did not join in or consent to the action of one or more co-attorneys-in-fact is not liable for that action. Failure to object to an action is not consent.

Sec. 18. [523.16] [AFFIDAVIT AS PROOF OF AUTHORITY OF ATTORNEY-IN-FACT.]

If the attorney-in-fact exercising a power pursuant to a power of attorney has authority to act as a result of the death, incompetency, or resignation of one or more attorneys-in-fact named in the power of attorney, an affidavit executed by the attorney-in-fact setting forth the conditions precedent to the attorney-in-fact's authority to act under the power of attorney and stating that those conditions have occurred is conclusive proof as to any party relying on the affidavit of the occurrence of those conditions.

Sec. 19. [523.17] [AFFIDAVIT OF ATTORNEY-IN-FACT AS CONCLUSIVE PROOF OF NONTERMINATION AND NONREVOCATION IN REAL PROPERTY TRANSACTIONS.]

If the exercise of a power granted by a power of attorney relating to real

property requires execution or delivery of any instrument which is recordable, an affidavit, signed by the attorney-in-fact, stating that the attorney-in-fact did not have, at the time of exercising a power pursuant to the power of attorney, actual knowledge of the termination of the power of attorney by the death of the principal, or, if the power of attorney is one which terminates upon the incompetence of the principal, actual knowledge of the principal's incompetence, or actual notice of the revocation of the power of attorney, is conclusive proof that the power of attorney had not terminated or been revoked at the time of the exercise of the power as to any party relying on the affidavit except any party dealing directly with the attorney-in-fact who has actual knowledge that the power of attorney had terminated prior to the exercise of the power or actual notice of the revocation of the power of attorney.

Sec. 20. [523.18] [ATTORNEY-IN-FACT'S SIGNATURE AS CONCLUSIVE PROOF OF NONTERMINATION.]

In the exercise of a power granted by a power of attorney, other than in a transaction relating to real property described in section 19, a signature by a person as "attorney-in-fact for [Name of the Principal]" or "[Name of the Principal] by [Name of the attorney-in-fact] his/her attorney-in-fact" or any similar written disclosure of the principal and attorney-in-fact relationship constitutes an attestation by the attorney-in-fact that the attorney-in-fact did not have, at the time of signing, actual knowledge of the termination of the power of attorney by the death of the principal or, if the power is one which terminates upon incompetence of the principal, actual knowledge of the principal's incompetence, or actual notice of the revocation of the power of attorney, and is conclusive proof as to any party relying on the attestation that the power of attorney had not terminated or been revoked at the time of the signature by the attorney-in-fact on behalf of the principal except as to any party who has actual knowledge that the power of attorney had terminated prior to the signature or actual notice of the revocation of the power of attorney.

Sec. 21. [523.19] [THIRD PARTIES HELD HARMLESS.]

Any party accepting the authority of an attorney-in-fact to exercise a power granted by a power of attorney is not liable to the principal, to the heirs and assigns of the principal, or to any representative of the estate of the principal if: (1) the applicable provisions of sections 19 and 20 have been satisfied; (2) the provisions of section 18 have been satisfied, if applicable; (3) the party has no actual notice of the revocation of the power of attorney prior to the transaction; (4) the party has no actual knowledge of the death of the principal and, if the power of attorney is not a durable power of attorney, has not received actual notice of a judicial determination that the principal is legally incompetent; and (5) the duration of the power of attorney specified in the power of attorney itself, if any, has not expired. A good faith purchaser from any party who has obtained an interest in property from an attorney-in-fact is not liable to the principal, the heirs or assigns of the principal, or the representative of the estate of the principal.

Sec. 22. [523.20] [LIABILITY OF PARTIES REFUSING AUTHORITY OF ATTORNEY-IN-FACT TO ACT ON PRINCIPAL'S BEHALF.]

Any party refusing to accept the authority of an attorney-in-fact to exercise a power granted by a power of attorney which (1) is executed in conformity

with section 25; (2) contains a specimen signature of the attorney-in-fact authorized to act; (3) with regard to the execution or delivery of any recordable instrument relating to real property, is accompanied by affidavits that satisfy the provisions of section 19; (4) with regard to any other transaction, is signed by the attorney-in-fact in a manner conforming to section 20; and (5) when applicable, is accompanied by an affidavit and any other document required by section 18, is liable to the principal and to the principal's heirs, assigns, and representative of the estate of the principal in the same manner as the party would be liable had the party refused to accept the authority of the principal to act on his own behalf unless: (1) the party has actual notice of the revocation of the power of attorney prior to the exercise of the power; (2) the duration of the power of attorney specified in the power of attorney itself has expired; or (3) the party has actual knowledge of the death of the principal or, if the power of attorney is not a durable power of attorney, actual notice of a judicial determination that the principal is legally incompetent. This provision does not negate any liability which a party would have to the principal or to the attorney-in-fact under any other form of power of attorney under the common law or otherwise.

Sec. 23. [523.21] [DUTIES OF AN ATTORNEY-IN-FACT.]

The attorney-in-fact shall keep complete records of all transactions entered into by the attorney-in-fact on behalf of the principal. The attorney-in-fact has no duty to render an accounting of those transactions unless: (1) requested to do so at any time by the principal; or (2) the instrument conferring the power of attorney requires that the attorney-in-fact render accountings and specifies to whom the accounting must be delivered. The persons entitled to examine and copy the records of the attorney-in-fact are the principal and the guardian or conservator of the estate of the principal while the principal is living and the personal representative of the estate of the principal after the death of the principal. The attorney-in-fact has no affirmative duty to exercise any power conferred upon the attorney-in-fact under the power of attorney. In exercising any power conferred by the power of attorney, the attorney-in-fact shall exercise the power in the same manner as an ordinarily prudent person of discretion and intelligence would exercise in the management of the person's own affairs and shall have the interests of the principal utmost in mind. The attorney-in-fact is personally liable to any person, including the principal, who is injured by an action taken by the attorney-in-fact in bad faith under the power of attorney.

Sec. 24. [523.22] [LIABILITY OF ATTORNEY-IN-FACT FOR IMPROPER EXECUTION OF AFFIDAVITS AND SIGNATURE.]

Nothing in sections 3 to 27 limits any rights the principal may have against the attorney-in-fact for any fraudulent or negligent actions in executing affidavits or signing or acting on behalf of the principal as an attorney-in-fact. An attorney-in-fact who knowingly executes a false affidavit or, knowing that the conditions of section 20 are not satisfied, signs on behalf of the principal is liable for treble the amount of damages suffered by the principal.

Sec. 25. [523.23] [STATUTORY SHORT FORM OF GENERAL POWER OF ATTORNEY; FORMAL REQUIREMENTS; JOINT AGENTS.]

Subdivision 1. [FORM.] The use of the following form in the creation of a

power of attorney is lawful, and, when used, it shall be construed in accordance with the provisions of sections 25 and 26:

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE DEFINED IN SECTION 26. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT ADVICE. THE USE OF ANY OTHER OR DIFFERENT FORM OF POWER OF ATTORNEY DESIRED BY THE PARTIES IS ALSO PERMITTED. THIS POWER OF ATTORNEY MAY BE REVOKED BY YOU IF YOU LATER WISH TO DO SO. THIS POWER OF ATTORNEY AUTHORIZES THE ATTORNEY-IN-FACT TO ACT FOR YOU BUT DOES NOT REQUIRE THAT HE OR SHE DO SO.

Know All Men by These Presents, which are intended to constitute a **STATUTORY SHORT FORM POWER OF ATTORNEY** pursuant to Chapter, Section, of Minnesota Law:

That I (insert name and address of the principal) do hereby appoint (insert name and address of the attorney-in-fact, or each attorney-in-fact, if more than one is designated) my attorney(s)-in-fact to act (jointly):

(NOTE: If more than one attorney-in-fact is designated and the principal wishes each attorney-in-fact alone to be able to exercise the power conferred, delete the word "jointly." Failure to delete the word "jointly" will require the attorneys-in-fact to act unanimously.)

First: in my name, place and stead in any way which I myself could do, if I were personally present, with respect to the following matters as each of them is defined in section 26:

[TO GRANT TO THE ATTORNEY-IN-FACT ANY OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF EACH POWER BEING GRANTED. TO DELETE ANY OF THE FOLLOWING POWERS, DO NOT INITIAL THE LINE IN FRONT OF THE POWER. YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER BEING DELETED WITH A LINE DRAWN THROUGH IT (OR IN SIMILAR FASHION). FAILURE TO INITIAL THE LINE IN FRONT OF THE POWER WILL HAVE THE EFFECT OF DELETING THE POWER.]

Initial

- (A) real property transactions;
- (B) tangible personal property transactions;
- (C) bond, share, and commodity transactions;
- (D) banking transactions;
- (E) business operating transactions;
- (F) insurance transactions;
- (G) beneficiary transactions;
- (H) gift transactions;
- (I) fiduciary transactions;
- (J) claims and litigation;
- (K) family maintenance;
- (L) benefits from military service;
- (M) records, reports, and statements;
- (N) all other matters.

Second: [YOU MUST INDICATE BELOW WHETHER OR NOT THIS POWER OF ATTORNEY WILL BE EFFECTIVE IF YOU BECOME INCOMPETENT. INITIAL THE LINE IN FRONT OF THE STATEMENT THAT EXPRESSES YOUR INTENT.]

..... This power of attorney shall continue to be effective if I become incompetent. It shall not be affected by my later disability or incompetency.

..... This power of attorney shall not be effective if I become incompetent.

Third: [YOU MUST INDICATE BELOW WHETHER OR NOT THIS POWER OF ATTORNEY AUTHORIZES THE ATTORNEY-IN-FACT TO TRANSFER YOUR PROPERTY DIRECTLY TO HIMSELF OR HERSELF. INITIAL THE LINE IN FRONT OF THE STATEMENT THAT EXPRESSES YOUR INTENT.]

..... This power of attorney authorizes the attorney-in-fact to transfer property directly to himself or herself.

..... This power of attorney does not authorize the attorney-in-fact to transfer property directly to himself or herself.

In Witness Whereof I have hereunto signed my name this day of, 19...

.....
(Signature of Principal)

[Acknowledgment]

Specimen Signature of Attorney(s)-in-Fact

.....

.....

Subd. 2. [FAILURE TO INITIAL A POWER.] Any of the powers of the form in subdivision 1 which is not initialed is withheld by the principal from the attorney-in-fact. The withholding by the principal from the attorney-in-fact of any of the powers of (A) to (M) of the form in subdivision 1 automatically constitute withholding of the powers of (N).

Subd. 3. [REQUIREMENTS.] To constitute a "statutory short form power of attorney," as this phrase is used in this chapter the wording and content of the form in subdivision 1 must be duplicated exactly, the NOTICES must appear in a conspicuous place and manner, parts Second and Third must be properly completed, and the signature of the principal must be acknowledged.

Subd. 4. [POWERS OF ATTORNEY-IN-FACT.] All powers enumerated in section 26 may be legally performed by an attorney-in-fact acting on behalf of a principal.

Sec. 26. [523.24] [CONSTRUCTION.]

Subdivision 1. [REAL PROPERTY TRANSACTIONS.] In a statutory short form power of attorney, the language conferring general authority with respect to real estate transactions, means that the principal authorizes the attorney-in-fact:

(1) to accept as a gift, or as security for a loan, to reject, to demand, to buy, to lease, to receive, or otherwise to acquire either ownership or possession of any estate or interest in real property;

(2) to sell, exchange, convey either with or without covenants, quitclaim, release, surrender, mortgage, encumber, partition or consent the partitioning, plat or consent platting, grant options concerning, lease or sublet, or otherwise to dispose of, any estate or interest in real property;

(3) to release in whole or in part, assign the whole or a part of, satisfy in whole or in part, and enforce by action, proceeding or otherwise, any mortgage, encumbrance, lien, or other claim to real property which exists, or is claimed to exist, in favor of the principal;

(4) to do any act of management or of conservation with respect to any estate or interest in real property owned, or claimed to be owned, by the principal, including by way of illustration, but not of restriction, power to insure against any casualty, liability, or loss, to obtain or regain possession or protect such estate or interest by action, proceeding or otherwise, to pay, compromise or contest taxes or assessments, to apply for and receive refunds in connection therewith, to purchase supplies, hire assistance or labor, and make repairs or alterations in the structures or lands;

(5) to use in any way, develop, modify, alter, replace, remove, erect, or install structures or other improvements upon any real property in which the principal has, or claims to have, any estate or interest;

(6) to demand, receive, obtain by action, proceeding, or otherwise, any money, or other thing of value to which the principal is, or may become, or may claim to be entitled as the proceeds of an interest in real property or of one or more of the transactions enumerated in this subdivision, to conserve, invest, disburse, or utilize anything so received for purposes enumerated in this subdivision, and to reimburse the attorney-in-fact for any expenditures properly made by the attorney-in-fact in the execution of the powers conferred on the attorney-in-fact by the statutory short form power of attorney;

(7) to participate in any reorganization with respect to real property and receive and hold any shares of stock or instrument of similar character received in accordance with a plan of reorganization, and to act with respect to the shares, including, by way of illustration but not of restriction, power to sell or otherwise to dispose of the shares, or any of them, to exercise or sell any option, conversion or similar right with respect to the shares, and to vote on the shares in person or by the granting of a proxy;

(8) to agree and contract, in any manner, and with any person and on any terms, which the attorney-in-fact may select, for the accomplishment of any of the purposes enumerated in this subdivision, and to perform, rescind, reform, release, or modify such an agreement or contract or any other similar agreement or contract made by or on behalf of the principal;

(9) to execute, acknowledge, seal, and deliver any deed, revocation,

mortgage, lease, notice, check, or other instrument which the attorney-in-fact deems useful for the accomplishment of any of the purposes enumerated in this subdivision;

(10) to prosecute, defend, submit to arbitration, settle, and propose or accept a compromise with respect to, any claim existing in favor of, or against, the principal based on or involving any real estate transaction or to intervene in any action or proceeding relating to the claim;

(11) to hire, discharge, and compensate any attorney, accountant, expert witness, or other assistant or assistants when the attorney-in-fact deems that action to be desirable for the proper execution of any of the powers described in this subdivision, and for the keeping of needed records; and

(12) in general, and in addition to all the specific acts in this subdivision, to do any other act with respect to any estate or interest in real property.

All powers described in this subdivision are exercisable equally with respect to any estate or interest in real property owned by the principal at the giving of the power of attorney or acquired after that time, and whether located in the state of Minnesota or elsewhere.

Subd. 2. [TANGIBLE PERSONAL PROPERTY TRANSACTIONS.] *In a statutory short form power of attorney, the language conferring general authority with respect to tangible personal property transactions, means that the principal authorizes the attorney-in-fact:*

(1) to accept as a gift, or as security for a loan, reject, demand, buy, receive, or otherwise to acquire either ownership or possession of any tangible personal property or any interest in tangible personal property;

(2) to sell, exchange, convey either with or without covenants, release, surrender, mortgage, encumber, pledge, hypothecate, pawn, grant options concerning, lease or sublet to others, or otherwise to dispose of any tangible personal property or any interest in any tangible personal property;

(3) to release in whole or in part, assign the whole or a part of, satisfy in whole or in part, and enforce by action, proceeding or otherwise, any mortgage, encumbrance, lien, or other claim, which exists, or is claimed to exist, in favor of the principal, with respect to any tangible personal property or any interest in tangible personal property;

(4) to do any act of management or of conservation, with respect to any tangible personal property or to any interest in any tangible personal property owned, or claimed to be owned, by the principal, including by way of illustration, but not of restriction, power to insure against any casualty, liability, or loss, to obtain or regain possession, or protect the tangible personal property or interest in any tangible personal property, by action, proceeding, or otherwise, to pay, compromise, or contest taxes or assessments, to apply for and receive refunds in connection with taxes or assessments, move from place to place, store for hire or on a gratuitous bailment, use, alter, and make repairs or alterations of any tangible personal property, or interest in any tangible personal property;

(5) to demand, receive, or obtain by action, proceeding, or otherwise any money or other thing of value to which the principal is, or may become, or may claim to be entitled as the proceeds of any tangible personal property or

of any interest in any tangible personal property, or of one or more of the transactions enumerated in this subdivision, to conserve, invest, disburse or utilize anything so received for purposes enumerated in this subdivision, and to reimburse the attorney-in-fact for any expenditures properly made by the attorney-in-fact in the execution of the powers conferred on the attorney-in-fact by the statutory short form power of attorney;

(6) to agree and contract in any manner and with any person and on any terms which the attorney-in-fact may select, for the accomplishment of any of the purposes enumerated in this subdivision, and to perform, rescind, reform, release, or modify any agreement or contract or any other similar agreement or contract made by or on behalf of the principal;

(7) to execute, acknowledge, seal, and deliver any conveyance, mortgage, lease, notice, check, or other instrument which the attorney-in-fact deems useful for the accomplishment of any of the purposes enumerated in this subdivision;

(8) to prosecute, defend, submit to arbitration, settle, and propose or accept a compromise with respect to any claim existing in favor of or against the principal based on or involving any tangible personal property transaction or to intervene in any action or proceeding relating to such a claim;

(9) to hire, discharge, and compensate any attorney, accountant, expert witness, or other assistant when the attorney-in-fact deems that action to be desirable for the proper execution by the attorney-in-fact of any of the powers described in this subdivision, and for the keeping of needed records; and

(10) in general, and in addition to all the specific acts listed in this subdivision, to do any other acts with respect to any tangible personal property or interest in any tangible personal property.

All powers described in this subdivision are exercisable equally with respect to any tangible personal property or interest in any tangible personal property owned by the principal at the giving of the power of attorney or acquired after that time, and whether located in the state of Minnesota or elsewhere.

Subd. 3. [BOND, SHARE, AND COMMODITY TRANSACTIONS.] *In a statutory short form power of attorney, the language conferring general authority with respect to bond, share, and commodity transactions means that the principal authorizes the attorney-in-fact:*

(1) to accept as a gift or as security for a loan, reject, demand, buy, receive, or otherwise to acquire either ownership or possession of any bond, share, instrument of similar character, commodity interest, or any instrument with respect to the bond, share, or interest, together with the interest, dividends, proceeds, or other distributions connected with any of those instruments;

(2) to sell or sell short and to exchange, transfer either with or without a guaranty, release, surrender, hypothecate, pledge, grant options concerning, loan, trade in, or otherwise to dispose of any bond, share, instrument of similar character, commodity interest, or any instrument with respect to the bond, share, or interest;

(3) to release in whole or in part, assign the whole or a part of, satisfy in whole or in part, and enforce by action, proceeding or otherwise, any pledge,

encumbrance, lien, or other claim as to any bond, share, instrument of similar character, commodity interest or any interest with respect to the bond, share, or interest, when the pledge, encumbrance, lien, or other claim is owned, or claimed to be owned, by the principal;

(4) to do any act of management or of conservation with respect to any bond, share, instrument of similar character, commodity interest or any instrument with respect thereto, owned or claimed to be owned by the principal or in which the principal has or claims to have an interest, including by way of illustration but not of restriction, power to insure against any casualty, liability, or loss, to obtain or regain possession or protect the principal's interest therein by action, proceeding or otherwise, to pay, compromise or contest taxes or assessments, to apply for and receive refunds in connection with taxes or assessments, to consent to and participate in any reorganization, recapitalization, liquidation, merger, consolidation, sale or lease, or other change in or revival of a corporation or other association, or in the financial structure of any corporation or other association, or in the priorities, voting rights, or other special rights with respect to the corporation or association, to become a depositor with any protective, reorganization, or similar committee of the bond, share, other instrument of similar character, commodity interest, or any instrument with respect to the bond, share, or interest, belonging to the principal, to make any payments reasonably incident to the foregoing, to exercise or sell any option, conversion, or similar right, to vote in person or by the granting of a proxy with or without the power of substitution, either discretionary, general or otherwise, for the accomplishment of any of the purposes enumerated in this subdivision;

(5) to carry in the name of a nominee selected by the attorney-in-fact any evidence of the ownership of any bond, share, other instrument of similar character, commodity interest, or instrument with respect to the bond, share, or interest, belonging to the principal;

(6) to employ, in any way believed to be desirable by the attorney-in-fact, any bond, share, other instrument of similar character, commodity interest, or any instrument with respect to the bond, share, or interest, in which the principal has or claims to have any interest, for the protection or continued operation of any speculative or margin transaction personally begun or personally guaranteed, in whole or in part, by the principal;

(7) to demand, receive, or obtain by action, proceeding or otherwise, any money or other thing of value to which the principal is, or may become, or may claim to be entitled as the proceeds of any interest in a bond, share, other instrument of similar character, commodity interest, or any instrument with respect to the bond, share, or interest, or of one or more of the transactions enumerated in this subdivision, to conserve, invest, disburse, or utilize anything so received for purposes enumerated in this subdivision, and to reimburse the attorney-in-fact for any expenditures properly made by the attorney-in-fact in the execution of the powers conferred on the attorney-in-fact by the statutory short form power of attorney;

(8) to agree and contract, in any manner, with any broker or other person, and on any terms which the attorney-in-fact selects, for the accomplishment of any of the purposes enumerated in this subdivision, and to perform, rescind, reform, release, or modify the agreement or contract or any other

similar agreement made by or on behalf of the principal;

(9) to execute, acknowledge, seal, and deliver any consent, agreement, authorization, assignment, revocation, notice, waiver of notice, check, or other instrument which the attorney-in-fact deems useful for the accomplishment of any of the purposes enumerated in this subdivision;

(10) to execute, acknowledge, and file any report or certificate required by law or governmental regulation;

(11) to prosecute, defend, submit to arbitration, settle, and propose or accept a compromise with respect to, any claim existing in favor of or against the principal based on or involving any bond, share, or commodity transaction or to intervene in any related action or proceeding;

(12) to hire, discharge, and compensate any attorney, accountant, expert witness or other assistant or assistants when the attorney-in-fact deems that action to be desirable for the proper execution of any of the powers described in this subdivision, and for the keeping of needed records; and

(13) in general, and in addition to all the specific acts listed in this subdivision, to do any other acts with respect to any interest in any bond, share, other instrument of similar character, commodity, or instrument with respect to a commodity.

All powers described in this subdivision are exercisable equally with respect to any interest in any bond, share or other instrument of similar character, commodity, or instrument with respect to a commodity owned by the principal at the giving of the power of attorney or acquired after that time, whether located in the state of Minnesota or elsewhere.

Subd. 4. [BANKING TRANSACTIONS.] *In a statutory short form power of attorney, the language conferring general authority with respect to banking transactions, means that the principal authorizes the attorney-in-fact:*

(1) to continue, modify, and terminate any deposit account or other banking arrangement made by or on behalf of the principal prior to the execution of the power of attorney;

(2) to open in the name of the principal alone, or in a way that clearly evidences the principal and attorney-in-fact relationship, a deposit account of any type with any bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other institution which serves as a depository for funds selected by the attorney-in-fact, to hire safe deposit box or vault space and to make other contracts for the procuring of other services made available by the banking institution as the attorney-in-fact deems desirable;

(3) to make, sign, and deliver checks or drafts for any purpose, to withdraw by check, order, or otherwise any funds or property of the principal deposited with or left in the custody of any banking institution, wherever located, either before or after the execution of the power of attorney;

(4) to prepare any necessary financial statements of the assets and liabilities or income and expenses of the principal for submission to any banking institution;

(5) to receive statements, vouchers, notices, or other documents from any

banking institution and to act with respect to them;

(6) to enter at any time any safe deposit box or vault which the principal could enter if personally present;

(7) to borrow money at any interest rate the attorney-in-fact selects, to pledge as security any assets of the principal the attorney-in-fact deems desirable or necessary for borrowing, to pay, renew, or extend the time of payment of any debt of the principal;

(8) to make, assign, draw, endorse, discount, guarantee, and negotiate, all promissory notes, bills of exchange, checks, drafts, or other negotiable or nonnegotiable paper of the principal, or payable to the principal or his order, to receive the cash or other proceeds of any of those transactions, to accept any bill of exchange or draft drawn by any person upon the principal, and to pay it when due;

(9) to receive for the principal and to deal in and to deal with any sight draft, warehouse receipt, or other negotiable or nonnegotiable instrument in which the principal has or claims to have an interest;

(10) to apply for and to receive letters of credit from any banking institution selected by the attorney-in-fact, giving indemnity or other agreement in connection with the letters of credit which the attorney-in-fact deems desirable or necessary;

(11) to consent to an extension in the time of payment with respect to any commercial paper or any banking transaction in which the principal has an interest or by which the principal is, or might be, affected in any way;

(12) to demand, receive, obtain by action, proceeding, or otherwise any money or other thing of value to which the principal is, or may become, or may claim to be entitled as the proceeds of any banking transaction, and to reimburse the attorney-in-fact for any expenditures properly made in the execution of the powers conferred upon the attorney-in-fact by the statutory short form power of attorney;

(13) to execute, acknowledge, and deliver any instrument of any kind, in the name of the principal or otherwise, which the attorney-in-fact deems useful for the accomplishment of any of the purposes enumerated in this subdivision;

(14) to prosecute, defend, submit to arbitration, settle, and propose or accept a compromise with respect to any claim existing in favor of or against the principal based on or involving any banking transaction or to intervene in any related action or proceeding;

(15) to hire, discharge, and compensate any attorney, accountant, expert witness, or other assistant when the attorney-in-fact deems that action to be desirable for the proper execution of any of the powers described in this subdivision, and for the keeping of needed records; and

(16) in general, and in addition to all the specific acts listed in this subdivision, to do any other acts in connection with any banking transaction which does or might in any way affect the financial or other interests of the principal.

All powers described in this subdivision are exercisable equally with re-

spect to any banking transaction engaged in by the principal at the giving of the power of attorney or engaged in after that time, and whether conducted in the state of Minnesota or elsewhere.

Subd. 5. [BUSINESS OPERATING TRANSACTIONS.] *In a statutory short form power of attorney, the language conferring general authority with respect to business operating transactions, means that the principal authorizes the attorney-in-fact:*

(1) to discharge and perform any duty or liability and also to exercise any right, power, privilege, or option which the principal has, or claims to have, under any partnership agreement whether the principal is a general or limited partner, to enforce the terms of a partnership agreement for the protection of the principal, by action, proceeding, or otherwise, as the attorney-in-fact deems desirable or necessary, and to defend, submit to arbitration, settle, or compromise any action or other legal proceeding to which the principal is a party because of his membership in the partnership;

(2) to exercise in person or by proxy or to enforce by action, proceeding, or otherwise, any right, power, privilege, or option which the principal has as the holder of any bond, share, or other instrument of similar character and to defend, submit to arbitration, settle or compromise any action or other legal proceeding to which the principal is a party because of a bond, share, or other instrument of similar character;

(3) with respect to any business enterprise which is owned solely by the principal:

(a) to continue, modify, renegotiate, extend, and terminate any contractual arrangements made with any person or entity, firm, association, or corporation by or on behalf of the principal with respect to the business enterprise prior to the granting of the power of attorney;

(b) to determine the policy of the business enterprise as to the location of the site or sites to be used for its operation, the nature and extent of the business to be undertaken by it, the methods of manufacturing, selling, merchandising, financing, accounting, and advertising to be employed in its operation, the amount and types of insurance to be carried, the mode of securing, compensating, and dealing with accountants, attorneys, servants, and other agents and employees required for its operation, and to agree and to contract in any manner, with any person, and on any terms which the attorney-in-fact deems desirable or necessary for effectuating any or all of the decisions of the attorney-in-fact as to policy, and to perform, rescind, reform, release, or modify the agreement or contract or any other similar agreement or contract made by or on behalf of the principal;

(c) to change the name or form of organization under which the business enterprise is operated and to enter into a partnership agreement with other persons or to organize a corporation to take over the operation of the business or any part of the business, as the attorney-in-fact deems desirable or necessary;

(d) to demand and receive all money which is or may become due to the principal or which may be claimed by the principal or on his behalf in the operation of the business enterprise, and to control and disburse the funds in the operation of the enterprise in any way which the attorney-in-fact deems

desirable or necessary, and to engage in any banking transactions which the attorney-in-fact deems desirable or necessary for effectuating the execution of any of the powers of the attorney-in-fact described in clauses (a) to (d);

(4) to prepare, sign, file, and deliver all reports, compilations of information, returns, or other papers with respect to any business operating transaction of the principal, which are required by any governmental agency, department, or instrumentality or which the attorney-in-fact deems desirable or necessary for any purpose, and to make any related payments;

(5) to pay, compromise, or contest taxes or assessments and to do any act or acts which the attorney-in-fact deems desirable or necessary to protect the principal from illegal or unnecessary taxation, fines, penalties, or assessments in connection with his business operations, including power to attempt to recover, in any manner permitted by law, sums paid before or after the execution of the power of attorney as taxes, fines, penalties, or assessments;

(6) to demand, receive, obtain by action, proceeding, or otherwise, any money or other thing of value to which the principal is, may become, or may claim to be entitled as the proceeds of any business operation of the principal, to conserve, to invest, to disburse, or to use anything so received for purposes enumerated in this subdivision, and to reimburse the attorney-in-fact for any expenditures properly made by the attorney-in-fact in the execution of the powers conferred upon the attorney-in-fact by the statutory short form power of attorney;

(7) to execute, acknowledge, seal, and deliver any deed, assignment, mortgage, lease, notice, consent, agreement, authorization, check, or other instrument which the attorney-in-fact deems useful for the accomplishment of any of the purposes enumerated in this subdivision;

(8) to prosecute, defend, submit to arbitration, settle, and propose or accept a compromise with respect to, any claim existing in favor of, or against, the principal based on or involving any business operating transaction or to intervene in any related action or proceeding;

(9) to hire, discharge, and compensate any attorney, accountant, expert witness, or other assistant when the attorney-in-fact deems that action to be desirable for the proper execution by the attorney-in-fact of any of the powers described in this subdivision, and for the keeping of needed records; and

(10) in general, and in addition to all the specific acts listed in this subdivision, to do any other act which the attorney-in-fact deems desirable or necessary for the furtherance or protection of the interests of the principal in any business.

All powers described in this subdivision are exercisable equally with respect to any business in which the principal is interested at the time of giving of the power of attorney or in which the principal becomes interested after that time, and whether operated in the state of Minnesota or elsewhere.

Subd. 6. [INSURANCE TRANSACTIONS.] In a statutory short form power of attorney, the language conferring general authority with respect to insurance transactions, means that the principal authorizes the attorney-in-fact:

(1) to continue, pay the premium or assessment on, modify, rescind, re-

lease, or terminate any contract of life, accident, health, or disability insurance or for the provision of health care services, or any combination of these contracts procured by or on behalf of the principal prior to the granting of the power of attorney which insures either the principal or any other person, without regard to whether the principal is or is not a beneficiary under the contract;

(2) to procure new, different, or additional contracts of life, accident, health, or disability insurance for the principal or for provision of health care services for the principal, to select the amount, the type of insurance and the mode of payment under each contract, to pay the premium or assessment on, modify, rescind, release or terminate, any contract so procured by the attorney-in-fact, and to designate the beneficiary of the contract, provided, however, that the attorney-in-fact cannot be named a beneficiary except, if permitted under subdivision 8, the attorney-in-fact can be named the beneficiary of death benefit proceeds under an insurance contract, or, if the attorney-in-fact was named as a beneficiary under the contract which was procured by the principal prior to the granting of the power of attorney, then the attorney-in-fact can continue to be named as the beneficiary under the contract or under any extension or renewal of or substitute for the contract;

(3) to apply for and receive any available loan on the security of the contract of insurance, whether for the payment of a premium or for the procuring of cash, to surrender and then to receive the cash surrender value, to exercise any election as to beneficiary or mode of payment, to change the manner of paying premiums, to change or convert the type of insurance contract, with respect to any contract of life, accident, health, disability, or liability insurance as to which the principal has, or claims to have, any one or more of the powers described in this subdivision and to change the beneficiary of the contract of insurance, provided, however, that the attorney-in-fact cannot be a new beneficiary except, if permitted under subdivision 8, the attorney-in-fact can be the beneficiary of death benefit proceeds under an insurance contract, or, if the attorney-in-fact was named as a beneficiary under the contract which was procured by the principal prior to the granting of the power of attorney, then the attorney-in-fact can continue to be named as the beneficiary under the contract or under any extension or renewal of or substitute for the contract;

(4) to demand, receive, obtain by action, proceeding, or otherwise, any money, dividend, or other thing of value to which the principal is, or may become, or may claim to be entitled as the proceeds of any contract of insurance or of one or more of the transactions enumerated in this subdivision, to conserve, invest, disburse, or utilize anything so received for purposes enumerated in this subdivision, and to reimburse the attorney-in-fact for any expenditures properly made by the attorney-in-fact in the execution of the powers conferred on the attorney-in-fact by the statutory short form power of attorney;

(5) to apply for and procure any available governmental aid in the guaranteeing or paying of premiums of any contract of insurance on the life of the principal;

(6) to sell, assign, hypothecate, borrow upon, or pledge the interest of the principal in any contract of insurance;

(7) to pay from any proceeds or otherwise, compromise, or contest, and to apply for refunds in connection with, any tax or assessment levied by a taxing authority with respect to any contract of insurance or the proceeds of the refunds or liability accruing by reason of the tax or assessment;

(8) to agree and contract in any manner, with any person, and on any terms which the attorney-in-fact selects for the accomplishment of any of the purposes enumerated in this subdivision, and to perform, rescind, reform, re-lease, or modify the agreement or contract;

(9) to execute, acknowledge, seal, and deliver any consent, demand, request, application, agreement, indemnity, authorization, assignment, pledge, notice, check, receipt, waiver, or other instrument which the attorney-in-fact deems useful for the accomplishment of any of the purposes enumerated in this subdivision;

(10) to continue, procure, pay the premium or assessment on, modify, rescind, release, terminate, or otherwise deal with any contract of insurance, other than those enumerated in clause (1) or (2), whether fire, marine, burglary, compensation, liability, hurricane, casualty, or other type, or any combination of insurance, to do any act or acts with respect to the contract or with respect to its proceeds or enforcement which the attorney-in-fact deems desirable or necessary for the promotion or protection of the interests of the principal;

(11) to prosecute, defend, submit to arbitration, settle, and propose or accept a compromise with respect to any claim existing in favor of or against the principal based on or involving any insurance transaction or to intervene in any related action or proceeding;

(12) to hire, discharge, and compensate any attorney, accountant, expert witness, or other assistants when the attorney-in-fact deems the action to be desirable for the proper execution by the attorney-in-fact of any of the powers described in this subdivision and for the keeping of needed records; and

(13) in general, and in addition to all the specific acts listed in this subdivision, to do any other acts in connection with procuring, supervising, managing, modifying, enforcing, and terminating contracts of insurance or for the provisions of health care services in which the principal is the insured or is otherwise in any way interested.

All powers described in this subdivision are exercisable with respect to any contract of insurance or for the provision of health care service in which the principal is in any way interested, whether made in the state of Minnesota or elsewhere.

Subd. 7. [BENEFICIARY TRANSACTIONS.] In the statutory short form power of attorney, the language conferring general authority with respect to beneficiary transactions, means that the principal authorizes the attorney-in-fact:

(1) to represent and act for the principal in all ways and in all matters affecting any trust, probate estate, guardianship, conservatorship, escrow, custodianship, or other fund out of which the principal is entitled, or claims to be entitled, as a beneficiary, to some share or payment, including, but not limited to the following:

(a) to accept, reject, disclaim, receive, receipt for, sell, assign, release, pledge, exchange, or consent to a reduction in or modification of any share in or payment from the fund;

(b) to demand or obtain by action, proceeding, or otherwise any money or other thing of value to which the principal is, may become, or may claim to be entitled by reason of the fund, to initiate, to participate in, and to oppose any proceeding, judicial, or otherwise, for the ascertainment of the meaning, validity, or effect of any deed, declaration of trust, or other transaction affecting in any way the interest of the principal, to initiate, participate in, and oppose any proceeding, judicial or otherwise, for the removal, substitution, or surcharge of a fiduciary, to conserve, invest, disburse, or use anything so received for purposes listed in this subdivision, and to reimburse the attorney-in-fact for any expenditures properly made by the attorney-in-fact in the execution of the powers conferred on the attorney-in-fact by the statutory short form power of attorney;

(c) to prepare, sign, file, and deliver all reports, compilations of information, returns, or papers with respect to any interest had or claimed by or on behalf of the principal in the fund, to pay, compromise, or contest, and apply for and receive refunds in connection with, any tax or assessment, with respect to any interest had or claimed by or on behalf of the principal in the fund or with respect to any property in which an interest is had or claimed;

(d) to agree and contract in any manner, with any person, and on any terms the attorney-in-fact selects, for the accomplishment of the purposes listed in this subdivision, and to perform, rescind, reform, release, or modify the agreement or contract or any other similar agreement or contract made by or on behalf of the principal;

(e) to execute, acknowledge, verify, seal, file, and deliver any deed, assignment, mortgage, lease, consent, designation, pleading, notice, demand, election, conveyance, release, assignment, check, pledge, waiver, admission of service, notice of appearance, or other instrument which the attorney-in-fact deems useful for the accomplishment of any of the purposes enumerated in this subdivision;

(f) to submit to arbitration or settle and propose or accept a compromise with respect to any controversy or claim which affects the administration of the fund, in any one of which the principal has, or claims to have, an interest, and to do any and all acts which the attorney-in-fact deems to be desirable or necessary in effectuating the compromise;

(g) to hire, discharge, and compensate any attorney, accountant, expert witness, or other assistant, when the attorney-in-fact deems that action to be desirable for the proper execution by the attorney-in-fact of any of the powers described in this subdivision, and for the keeping of needed records;

(h) to transfer any part or all of any interest which the principal may have in any interests in real estate, stocks, bonds, bank accounts, insurance, and any other assets of any kind and nature, to the trustee of any revocable trust created by the principal as grantor.

For the purposes of clauses (a) to (h), "the fund" means any trust, probate estate, guardianship, conservatorship, escrow, custodianship, or any other fund in which the principal has or claims to have an interest.

(2) in general, and in addition to all the specific acts listed in this subdivision, to do any other acts with respect to the administration of a trust, probate estate, guardianship, conservatorship, escrow, custodianship, or other fund, in which the principal has, or claims to have, an interest as a beneficiary.

All powers described in this subdivision are exercisable equally with respect to the administration or disposition of any trust, probate estate, guardianship, conservatorship, escrow, custodianship, or other fund in which the principal is interested at the giving of the power of attorney or becomes interested after that time, as a beneficiary, and whether located in the state of Minnesota or elsewhere.

Subd. 8. [GIFT TRANSACTIONS.] In the statutory short form power of attorney, the language conferring general authority with respect to gift transactions, means that the principal authorizes the attorney-in-fact:

(1) to make gifts to organizations, whether charitable or otherwise, to which the principal has made gifts, and to satisfy pledges made to organizations by the principal;

(2) to make gifts on behalf of the principal to the principal's spouse, children, and other descendants or the spouse of any child or other descendant, either outright or in trust, for purposes which the attorney-in-fact deems to be in the best interest of the principal, specifically including minimization of income, estate, inheritance, or gift taxes, provided that no attorney-in-fact nor anyone the attorney-in-fact has a legal obligation to support may be the recipient of any gifts in any one calendar year which, in the aggregate, exceed \$10,000 in value to each recipient;

(3) to prepare, execute, consent to on behalf of the principal, and file any return, report, declaration, or other document required by the laws of the United States, any state or subdivision of a state, or any foreign government, which the attorney-in-fact deems to be desirable or necessary with respect to any gift made under the authority of this subdivision;

(4) to execute, acknowledge, seal, and deliver any deed, assignment, agreement, authorization, check, or other instrument which the attorney-in-fact deems useful for the accomplishment of any of the purposes enumerated in this subdivision;

(5) to prosecute, defend, submit to arbitration, settle, and propose or accept a compromise with respect to any claim existing in favor of or against the principal based on or involving any gift transaction or to intervene in any related action or proceeding;

(6) to hire, discharge, and compensate any attorney, accountant, expert witness, or other assistant when the attorney-in-fact deems that action to be desirable for the proper execution by the attorney-in-fact of any of the powers described in this subdivision, and for the keeping of needed records; and

(7) in general, and in addition to but not in contravention of all the specific acts listed in this subdivision, to do any other acts which the attorney-in-fact deems desirable or necessary to complete any gift on behalf of the principal.

All powers described in this subdivision are exercisable equally with respect to a gift of any property in which the principal is interested at the giving of the power of attorney or becomes interested after that time, and whether

located in the state of Minnesota or elsewhere.

Subd. 9. [FIDUCIARY TRANSACTIONS.] In a statutory short form power of attorney, the language conferring general authority with respect to fiduciary transactions, means that the principal authorizes the agent:

(1) to apply for and procure, in the name of the principal, letters of administration, letters testamentary, letters of guardianship or conservatorship, or any other type of authority, either judicial or administrative, to act as a fiduciary of any sort;

(2) to represent and act for the principal in all ways and in all matters affecting any fund with respect to which the principal is a fiduciary;

(3) to initiate, participate in, and oppose any proceeding, judicial or otherwise, for the removal, substitution, or surcharge of a fiduciary, to conserve, to invest or to disburse anything received for the purposes of the fund for which it is received, and to reimburse the attorney-in-fact for any expenditures properly made by the attorney-in-fact in the execution of the powers conferred on the attorney-in-fact by the statutory short form power of attorney;

(4) to agree and contract, in any manner, with any person, and on any terms which the attorney-in-fact selects for the accomplishment of the purposes enumerated in this subdivision, and to perform, rescind, reform, release, or modify the agreement or contract or any other similar agreement or contract made by or on behalf of the principal;

(5) to execute, acknowledge, verify, seal, file, and deliver any consent, designation, pleading, notice, demand, election, conveyance, release, assignment, check, pledge, waiver, admission of service, notice of appearance, or other instrument which the attorney-in-fact deems useful for the accomplishment of any of the purposes enumerated in this subdivision;

(6) to hire, discharge, and compensate any attorney, accountant, expert witness, or other assistants, when the attorney-in-fact deems that action to be desirable for the proper execution by the attorney-in-fact of any of the powers described in this subdivision, and for the keeping of needed records; and

(7) in general, and in addition to all the specific acts listed in this subdivision, to do any other acts with respect to a fund of which the principal is a fiduciary.

For the purposes of clauses (1) to (7), "fund" means any trust, probate estate, guardianship, conservatorship, escrow, custodianship, or any other fund in which the principal has, or claims to have, an interest as a fiduciary.

All powers described in this subdivision are exercisable equally with respect to any fund of which the principal is a fiduciary to the giving of the power of attorney or becomes a fiduciary after that time, and whether located in the state of Minnesota or elsewhere.

Subd. 10. [CLAIMS AND LITIGATION.] In a statutory short form power of attorney, the language conferring general authority with respect to claims and litigation, means that the principal authorizes the attorney-in-fact:

(1) to assert and prosecute before any court, administrative board, department, commissioner, or other tribunal, any cause of action, claim, counter-

claim, offset, or defense, which the principal has, or claims to have, against any individual, partnership, association, corporation, government, or other person or instrumentality, including, by way of illustration and not of restriction, power to sue for the recovery of land or of any other thing of value, for the recovery of damages sustained by the principal in any manner, for the elimination or modification of tax liability, for an injunction, for specific performance, or for any other relief;

(2) to bring an action of interpleader or other action to determine adverse claims, to intervene or interplead in any action or proceeding, and to act in any litigation as amicus curiae;

(3) in connection with any action or proceeding or controversy at law or otherwise, to apply for and, if possible, procure a libel, an attachment, a garnishment, an order of arrest, or other preliminary, provisional, or intermediate relief and to resort to and to utilize in all ways permitted by law any available procedure for the effectuation or satisfaction of the judgment, order, or decree obtained;

(4) in connection with any action or proceeding, at law or otherwise, to perform any act which the principal might perform, including by way of illustration and not of restriction, acceptance of tender, offer of judgment, admission of any facts, submission of any controversy on an agreed statement of facts, consent to examination before trial, and generally to bind the principal in the conduct of any litigation or controversy as seems desirable to the attorney-in-fact;

(5) to submit to arbitration, settle, and propose or accept a compromise with respect to any claim existing in favor of or against the principal or any litigation to which the principal is, may become, or may be designated a party;

(6) to waive the issuance and service of a summons, citation, or other process upon the principal, accept service of process, appear for the principal, designate persons upon whom process directed to the principal may be served, execute and file or deliver stipulations on the principal's behalf, verify pleadings, appeal to appellate tribunals, procure and give surety and indemnity bonds at the times and to the extent the attorney-in-fact deems desirable or necessary, contract and pay for the preparation and printing of records and briefs, receive and execute and file or deliver any consent, waiver, release, confession of judgment, satisfaction of judgment, notice, agreement, or other instrument which the attorney-in-fact deems desirable or necessary in connection with the prosecution, settlement, or defense of any claim by or against the principal or of any litigation to which the principal is or may become or be designated a party;

(7) to appear for, represent, and act for the principal with respect to bankruptcy or insolvency proceedings, whether voluntary or involuntary, whether of the principal or of some other person, with respect to any reorganization proceeding, or with respect to any receivership or application for the appointment of a receiver or trustee which, in any way, affects any interest of the principal in any real property, bond, share, commodity interest, tangible personal property, or other thing of value;

(8) to hire, discharge, and compensate any attorney, accountant, expert

witness or other assistant when the attorney-in fact deems that action to be desirable for the proper execution of any of the powers described in this subdivision;

(9) to pay, from funds in the control of the attorney-in-fact or for the account of the principal, any judgment against the principal or any settlement which may be made in connection with any transaction enumerated in this subdivision, and to receive and conserve any money or other things of value paid in settlement of or as proceeds of one or more of the transactions enumerated in this subdivision, and to receive, endorse, and deposit checks; and

(10) in general, and in addition to all the specific acts listed in this subdivision, to do any other acts in connection with any claim by or against the principal or with litigation to which the principal is or may become or be designated a party.

All powers described in this subdivision are exercisable equally with respect to any claim or litigation existing at the giving of the power of attorney or arising after that time, and whether arising in the state of Minnesota or elsewhere.

Subd. 11. [FAMILY MAINTENANCE.] In a statutory short form power of attorney, the language conferring general authority with respect to family maintenance, means that the principal authorizes the attorney-in-fact:

(1) to do all acts necessary for maintaining the customary standard of living of the spouse and children, and other persons customarily supported by the principal, including by way of illustration and not by way of restriction, power to provide living quarters by purchase, lease, or other contract, or by payment of the operating costs, including interest, amortization payments, repairs, and taxes of premises owned by the principal and occupied by his family or dependents, to provide normal domestic help for the operation of the household, to provide usual vacations and usual travel expenses, to provide usual educational facilities, and to provide funds for all the current living costs of the spouse, children, and other dependents, including, among other things, shelter, clothing, food, and incidentals;

(2) to pay for necessary medical, dental, and surgical care, hospitalization, and custodial care for the spouse, children, and other dependents of the principal;

(3) to continue whatever provision has been made by the principal, either prior to or after the execution of the power of attorney, for his spouse and other persons customarily supported by the principal, with respect to automobiles, or other means of transportation, including by way of illustration but not by way of restriction, power to license, insure, and replace any automobiles owned by the principal and customarily used by the spouse, children, or other persons customarily supported by the principal;

(4) to continue whatever charge accounts have been operated by the principal prior to the execution of the power of attorney or thereafter for the convenience of his spouse, children, or other persons customarily supported by the principal, to open new accounts the attorney-in-fact deems to be desirable for the accomplishment of any of the purposes enumerated in this subdivision, and to pay the items charged on those accounts by any person authorized or permitted by the principal to make charges prior to the execu-

tion of the power of attorney;

(5) to continue payments incidental to the membership or affiliation of the principal in any church, club, society, order, or other organization or to continue contributions to those organizations;

(6) to demand, receive, obtain by action, proceeding, or otherwise any money or other thing of value to which the principal is or may become or may claim to be entitled as salary, wages, commission, or other remuneration for services performed, or as a dividend or distribution upon any stock, or as interest or principal upon any indebtedness, or any periodic distribution of profits from any partnership or business in which the principal has or claims an interest, and to endorse, collect, or otherwise realize upon any instrument for the payment received;

(7) to use any asset of the principal for the performance of the powers enumerated in this subdivision, including by way of illustration and not by way of restriction, power to draw money by check or otherwise from any bank deposit of the principal, to sell any interest in real property, bond, share, commodity interest, tangible personal property, or other asset of the principal, to borrow money and pledge as security for a loan, any asset, including insurance, which belongs to the principal;

(8) to execute, acknowledge, verify, seal, file, and deliver any application, consent, petition, notice, release, waiver, agreement, or other instrument which the attorney-in-fact deems useful for the accomplishment of any of the purposes enumerated in this subdivision;

(9) to hire, discharge, and compensate any attorney, accountant, or other assistant when the attorney-in-fact deems that action to be desirable for the proper execution by any of the powers described in this subdivision, and for the keeping of needed records; and

(10) in general, and in addition to all the specific acts listed in this subdivision, to do any other acts for the welfare of the spouse, children, or other persons customarily supported by the principal or for the preservation and maintenance of the other personal relationships of the principal to parents, relatives, friends, and organizations as are appropriate.

All powers described in this subdivision are exercisable equally whether the acts required for their execution relate to real or personal property owned by the principal at the giving of the power of attorney or acquired after that time and whether those acts are performable in the state of Minnesota or elsewhere.

Subd. 12. [BENEFITS FROM MILITARY SERVICE.] In a statutory short form power of attorney, the language conferring general authority with respect to benefits from military service, means that the principal authorizes the attorney-in-fact:

(1) to execute vouchers in the name of the principal for any and all allowances and reimbursements payable by the United States or by any state or subdivision of a state to the principal, including, by way of illustration and not of restriction, all allowances and reimbursements for transportation of the principal and of his dependents, and for shipment of household effects, to receive, endorse, and collect the proceeds of any check payable to the order

of the principal drawn on the treasurer or other fiscal officer or depository of the United States or of any state or subdivision of a state;

(2) to take possession and order the removal and shipment of any property of the principal from any post, warehouse, depot, dock, or other place of storage or safekeeping, either governmental or private, to execute and deliver any release, voucher, receipt, bill of lading, shipping ticket, certificate, or other instrument which the attorney-in-fact deems desirable or necessary for that purpose;

(3) to prepare, file, and prosecute the claim of the principal to any benefit or assistance, financial or otherwise, to which the principal is, or claims to be, entitled, under the provisions of any statute or regulation existing at the execution of the power of attorney or enacted after that time by the United States or by any state or by any subdivision of a state, or by any foreign government, which benefit or assistance arises from or is based upon military service performed prior to or after the execution of the power of attorney by the principal or by any person related by blood or marriage to the principal, to execute any receipt or other instrument which the attorney-in-fact deems desirable or necessary for the enforcement or for the collection of that claim;

(4) to receive the financial proceeds of any claim of the type described in this subdivision, to conserve, invest, disburse, or use anything so received for purposes enumerated in this subdivision, and to reimburse the attorney-in-fact for any expenditures properly made by him in the execution of the powers conferred on the attorney-in-fact by the statutory short form power of attorney;

(5) to prosecute, defend, submit to arbitration, settle, and propose or accept a compromise with respect to any claim existing in favor of or against the principal based on or involving any benefits from military service or to intervene in any related action or proceeding;

(6) to hire, discharge, and compensate any attorney, accountant, expert witness, or other assistant when the attorney-in-fact deems that action to be desirable for the proper execution by the attorney-in-fact of any of the powers described in this subdivision; and

(7) in general, and in addition to all the specific acts listed in this subdivision, to do any other acts which the attorney-in-fact deems desirable or necessary, to assure to the principal, and to the dependents of the principal, the maximum possible benefit from the military service performed prior to or after the execution of the power of attorney by the principal or by any person related by blood or marriage to the principal.

All powers described in this subdivision are exercisable equally with respect to any benefits from military service existing at the giving of the power of attorney or accruing after that time, and whether accruing in the state of Minnesota or elsewhere.

Subd. 13. [RECORDS, REPORTS, AND STATEMENTS.] In a statutory short form power of attorney, the language conferring general authority with respect to records, reports, and statements means that the principal authorizes the attorney-in-fact:

(1) to keep records of all cash received and disbursed for or on account of

the principal, of all credits and debits to the account of the principal, and of all transactions affecting in any way the assets and liabilities of the principal;

(2) to prepare, execute, and file all tax and tax information returns, for all periods, required by the laws of the United States, any state or any subdivision of a state, or any foreign government, to prepare, execute, and file all other tax-related documents for all tax periods, including requests for extension of time, offers, waivers, consents, powers of attorney, closing agreements, and petitions to any tax court regarding tax matters, and to prepare, execute, and file all other instruments which the attorney-in-fact deems desirable or necessary for the safeguarding of the principal against excessive or illegal taxation or against penalties imposed for claimed violation of any law or other governmental regulation, it being the intent of this provision that it is sufficiently definite to permit the attorney-in-fact to represent the principal respecting all taxes that the principal has paid and all tax returns that the principal has filed, either personally or through an agent, with the Internal Revenue Service or any other agency of the United States government, any state department of revenue, any political subdivision of a state, and any foreign country or political subdivision of a foreign country;

(3) to prepare, execute, and file any return, report, declaration, or other document required by the laws of the United States, any state, subdivision of a state, or any foreign government, including, by way of illustration and not as a limitation, any report or declaration required by the Social Security Administration, the commissioner of economic security or other, similar, governmental agency, which the attorney-in-fact deems to be desirable or necessary for the safeguarding or maintenance of the principal's interest;

(4) to prepare, execute, and file any record, report, or statement which the attorney-in-fact deems desirable or necessary for the safeguarding or maintenance of the principal's interest, with respect to price, rent, wage, or rationing control, or other governmental activity;

(5) to hire, discharge, and compensate any attorney, accountant, or other assistant when the attorney-in-fact deems that action to be desirable for the proper execution of any of the powers described in this subdivision; and

(6) in general, and in addition to all the specific acts listed in this subdivision, to do any other acts in connection with the preparation, execution, filing, storage, or other use of any records, reports, or statements of or concerning the principal's affairs.

All powers described in this subdivision are exercisable equally with respect to any records, reports, or statements of or concerning the affairs of the principal existing at the giving of the power of attorney or arising after that time, and whether arising in the state of Minnesota or elsewhere.

Subd. 14. [ALL OTHER MATTERS.] In a statutory short form power of attorney, the language conferring general authority with respect to all other matters, means that the principal authorizes the attorney-in-fact to act as an alter ego of the principal with respect to any and all possible matters and affairs affecting property owned by the principal which are not enumerated in subdivisions 1 to 13, and which the principal can do through an agent.

Sec. 27. [523.25] [MODIFICATION TO STATUTORY SHORT FORM POWER OF ATTORNEY.]

A power of attorney which satisfies the requirements of section 25, subdivision 1, is not prevented from being a statutory short form power of attorney, by the fact that: (1) it creates a nondurable power of attorney instead of a durable power of attorney; (2) it provides for one or more named successors to the attorney-in-fact originally named; or (3) it provides that the attorney-in-fact must render an accounting to the principal or other designated person.

Sec. 28. Minnesota Statutes 1982, section 528.15, is amended to read:

528.15 [PURPOSE; FORMS.]

The declared purpose of sections 528.01 to ~~528.16~~ 528.15 is to render certainty to the nature of accounts of deposit in relation to the rights of survivorship, and to distinguish accounts of survivorship from accounts established for the purpose of having an agent with power to draw on the account for the convenience of the owner with no survivorship rights in the agent. To further accomplish this purpose, the forms contained in this section are recommended for use to be kept on file in the depository financial institution. Deposits made using a form of account containing the following language signed by the depositor shall be conclusive evidence of the intent of decedent to establish a survivorship account in the absence of fraud or misrepresentation, subject, nevertheless, to other disposition made by will specifically referring to the account as otherwise provided in section 528.05, clause (e), the form to read as follows:

“The undersigned signators of this account hereby acknowledge that the depositor or depositors, both as to the original deposit and any subsequent deposits, intend that such funds as may constitute the account balance upon the death of any party to this account, shall be the property of the surviving party or parties who shall take as a surviving joint tenant.

If two or more persons shall be the survivors, their interests shall continue to be held as joint tenants with right of survivorship.

.....
.....”

Where no rights of survivorship are intended and the account is one to be established for convenience only between a depositor and his agent, the following language is recommended for use, and when so used, any account deposited in the form shall be construed as a matter of law to be an account subject to a power of attorney with no survivorship rights, the form to read as follows:

“I (grantor of power), hereby constitute and appoint
..... (grantee of power), as my attorney in fact, to deposit or
withdraw funds held in (name of bank), in account No.
.....

Dated:

Acknowledgment: In the presence of (an authorized person), (name of financial institution).”

The power so granted is subject to the provisions of ~~section 528.16~~ sections 3 to 27.

Sec. 29. [REPEALER.]

Minnesota Statutes 1982, sections 51A.25; 507.291; 507.292; 507.293; 507.294; 507.39; 524.5-501; 524.5-502; and 528.16, are repealed."

Amend the title as follows:

Page 1, line 5, after the second semicolon, insert "528.15;"

Page 1, line 7, delete "354.10;"

Page 1, line 8, after the second semicolon, insert "507.294;" and after "507.39;" insert "524.5-501;"

Page 1, line 8, delete "524.5-505;"

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

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

S.F. No. 1491: A bill for an act relating to children; providing special foster care and adoption procedures for Indian children; proposing new law coded in Minnesota Statutes, chapter 257.

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

Page 1, lines 8 and 22, delete "16" and insert "15"

Page 1, delete section 2

Page 2, line 31, delete "means" and insert "includes but is not limited to"

Page 2, lines 34 and 35, delete "expert witness"

Page 2, line 34, delete "child-rearing" and insert "childrearing"

Page 3, line 2, delete "child-rearing" and insert "childrearing"

Page 3, line 4, delete "means a person so designated" and insert "of either parent shall be defined"

Page 3, line 27, delete "16" and insert "15"

Page 3, line 36, delete "bank" and insert "band"

Page 4, line 4, before the period, insert ", and exercising tribal governmental powers"

Page 4, line 12, after the period, insert "It does not include an unmarried father whose paternity has not been acknowledged or established."

Page 4, line 14, delete "individual,"

Page 5, line 13, delete ", including" and insert a period

Page 5, delete lines 14 and 15

Page 5, line 18, after "the" insert "local" and delete "or"

Page 5, line 19, delete "private child placing agency"

Page 5, lines 21 and 23, delete "8" and insert "7"

Page 5, line 23, before the period, insert ", excluding weekends and holi-

days”

Page 5, after line 23, insert:

“If a private licensed child placing agency makes a temporary voluntary foster care placement pending a decision on adoption by a parent, notice of the placement need not be given pursuant to section 7 until the filing of a petition for termination of parental rights or until four months following the temporary voluntary placement, whichever occurs first.”

Page 5, line 28, delete everything after “review” and insert a period

Page 5, delete line 29

Page 6, line 4, after the period, insert *“In any case where the tribal court orders placement through a local social service agency, the court shall provide to the local agency notice and an opportunity to be heard regarding the placement. Financial responsibility for placement shall be determined by the local social service agency and shall be subject to review by the commissioner in accordance with sections 14.01 to 14.69.”*

Page 6, line 32, after “PROCEEDING” insert “; NOTICE”

Page 9, line 2, delete “decree of termination or adoption” and insert “judgment”

Page 9, line 4, delete “; UNDUE INFLUENCE”

Page 9, lines 7 and 9, delete “undue influence,” and delete the second comma

Page 9, line 11, after the period, insert *“No adoption which has been effective for at least two years may be invalidated under this subdivision.”*

Page 10, line 13, after the period, insert *“If a consenting parent expresses a desire for anonymity, the court or agency shall give weight to that desire in applying the preferences.”*

Page 10, line 28, delete “identifying and locating” and insert “making reasonable efforts to identify and locate”

Page 11, line 5, delete “3 to 10” and insert “2 to 9”

Page 11, line 15, delete “8” and insert “7”

Page 11, line 22, delete “of” and insert “or”

Page 11, line 28, delete “individual” and insert “adopted Indian adult”

Page 11, line 29, delete “individual’s” and insert “adopted Indian adult’s”

Page 12, lines 7 and 16, delete “16” and insert “15”

Renumber the sections in sequence

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

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

H.F. No. 1156: A bill for an act relating to the revisor of statutes; recodi-

fyng the laws governing the office of the revisor of statutes and the publication of Minnesota Statutes; amending Minnesota Statutes 1982, sections 15.18; 16.02, subdivision 24; 60B.01, subdivision 1; 336.1-101; 480.057; and 524.1-101; proposing new law coded in Minnesota Statutes, chapter 645; proposing new law coded as Minnesota Statutes, chapter 3C; repealing Minnesota Statutes 1982, sections 645.03; 645.04; 645.05; and 645.06; and chapters 482 and 648.

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

Page 14, after line 27, insert:

“Sec. 22. [MINNESOTA STATUTES; GENDER-SPECIFIC TERMINOLOGY TO BE REMOVED.]

Subdivision 1. [GUIDELINES FOR REVISION.] The revisor of statutes shall prepare guidelines for the removal of specific-gender references applicable to human beings from Minnesota Statutes without substantive change in legal effect. The guidelines shall be similar to the guidelines for style and form bills drafted under Minnesota Statutes, section 482.09, paragraph 6, and section 648.37, subdivision 2. The guidelines shall provide for preferred and alternative methods of removing specific-gender references. The guidelines shall give specific attention to replacing masculine pronouns and possessives with either neutral or equal references. Specific-gender references may be retained only when necessary to avoid changes in legal effect or where the context requires the retention. The revisor should not use coined or otherwise artificial words in substitution for specific-gender references. The revisor shall avoid, wherever possible, the substitution of a combination of masculine and feminine personal pronouns for a masculine personal pronoun.

Subd. 2. [PREPARATION OF REVISION.] The revisor shall prepare a revision of Minnesota Statutes accomplishing the changes following the prepared guidelines. The text of the revised Minnesota Statutes must show all changes by strikes and underlines in a fashion similar to bill drafts.

The legislature intends that the work of revising Minnesota Statutes be performed with existing staff and other resources. However, the revision is to be given high priority among the tasks that are or will also be assigned.

If the revisor needs additional substantive authorization or clarification of the authority provided in this section in order to complete the revision, then the revisor shall request it.

Subd. 3. [COPIES TO CONCERNED PARTIES; RECOMMENDATIONS.] The revisor shall provide a copy of the proposed revision of a statute to any agency involved in administering a statute. If no agency is involved, then a copy must be furnished to the attorney general. The revisor shall also furnish a copy to any person requesting a copy. The revisor shall receive recommendations of anyone caring to submit them before preparing a final revision of the statutes.

Subd. 4. [FILING AND ADOPTION.] When the revision is complete, the revisor shall certify it and file it with the secretary of state. The revisor shall file it not later than January 1, 1988. The legislature intends to amend Min-

nesota Statutes by reference to the revision prepared by the revisor and filed with the secretary of state. No change is effective until adopted by the legislature. The procedure for adoption will be that used to adopt Minnesota Revised Statutes 1943. The legislature may amend the revisor's revision when adopting the revision.

Subd. 5. [OVERSIGHT.] The revisor's work on this revision shall be monitored by the revisor's bill subcommittee that is usually appointed by the judiciary committees of the two houses."

Page 14, line 28, delete "22" and insert "23"

Amend the title as follows:

Page 1, line 2, delete "the revisor of statutes" and insert "Minnesota Statutes"

Page 1, line 4, after the semicolon, insert "providing for the replacement of gender-specific references with neutral or equal references to gender; imposing duties on the revisor of statutes; setting goals; providing for the accomplishment of goals within existing resources;"

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. 1318: A bill for an act relating to peace officers; requiring prompt investigation of reports of missing children; proposing new law coded in Minnesota Statutes, chapter 626.

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

Delete everything after the enacting clause and insert:

"Section 1. [518.177] [NOTIFICATION REGARDING DEPRIVATION OF PARENTAL RIGHTS LAW.]

Every court order, whether temporary or final, concerning custody of or visitation with a child or stepchild under the age of 18 shall summarize and provide notice to parents, stepparents, or guardians of the provisions of section 609.26.

Sec. 2. Minnesota Statutes 1982, section 609.26, is amended to read:

609.26 [OBTAINING OR RETAINING A CHILD DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS.]

Subdivision 1. Whoever intentionally ~~takes, detains or fails to return~~ does any of the following acts is guilty of a felony and may be sentenced as provided in subdivision 5:

(1) ~~conceals his own child or stepchild under the age of 18 years in violation of an existing court order which grants another person rights of custody may be sentenced as provided in subdivision 5 from the other parent, stepparent, or a legal custodian, where the action manifests an intent substantially to deprive that parent, stepparent, or custodian of his rights to the child;~~

(2) ~~takes, obtains, retains, or fails to return his own child or stepchild under~~

the age of 18 in violation of a court order which has transferred legal custody under chapter 260 to the commissioner of public welfare, a child placing agency, or the county welfare board;

(3) takes, obtains, retains, or fails to return his own child or stepchild under the age of 18 from or to the parent, stepparent, or person having legal custody or visitation rights under a court order, where the action manifests an intent substantially to deprive that parent, stepparent, or legal custodian of his rights to the child; or

(4) takes, obtains, retains, or fails to return his own child or stepchild under the age of 18 from or to a parent or stepparent after being served with process in an action affecting marriage but prior to the issuance of a temporary or final order determining custody or visitation rights, where the action manifests an intent substantially to deprive that parent or stepparent of his rights to the child.

Subd. 2. [DEFENSES.] *Whoever detains or fails to return a child under the age of 18 years knowing that the physical custody of the child has been obtained or retained by another in violation of subdivision 1 may be sentenced as provided in subdivision 5. No person violates subdivision 1 if the action:*

(1) is taken to protect the child or the person taking the action from imminent physical harm or sexual assault;

(2) is consented to by the parent, stepparent, or legal custodian seeking prosecution; or

(3) is otherwise authorized by a court order.

The defenses provided in this subdivision are in addition to and do not limit other defenses available under this chapter or chapter 611.

Subd. 3. [VENUE.] *A person who violates this section may be prosecuted and tried either in the county in which the child was taken, concealed, or detained or in the county of lawful residence of the child.*

Subd. 4. [RETURN OF CHILD; COSTS.] *A child who has been concealed, obtained, or retained in violation of this section shall be returned to the person having lawful custody of the child or shall be taken into custody pursuant to section 260.165, subdivision 1, paragraph (c), clause (2). In addition to any sentence imposed, the court may assess any expense incurred in returning the child against any person convicted of violating this section. The court may direct the appropriate county welfare agency to provide counseling services to a child who has been returned pursuant to this subdivision.*

Subd. 5. [PENALTY.] *Whoever violates this section may be sentenced as follows:*

(1) To imprisonment for not more than 90 days or to payment of a fine of not more than \$500, or both, if he voluntarily returns the child within 14 days after he takes, detains or fails to return the child in violation of this section; or

(2) Otherwise to imprisonment for not more than one year and one day or to payment of a fine of \$1,000 \$3,000, or both.

Subd. 6. [REPORTING OF DEPRIVATION OF PARENTAL RIGHTS.] *Any violation of this section shall be reported pursuant to section 3.*

Sec. 3. Minnesota Statutes 1982, section 626.556, is amended by adding a subdivision to read:

Subd. 3a. [REPORT OF DEPRIVATION OF PARENTAL RIGHTS.] A person mandated to report under subdivision 3, who knows or has reason to know of a violation of section 609.26, shall report the information to the local police department or the county sheriff. Receipt by a local welfare agency of a report or notification of a report of a violation of section 609.26 shall not be construed to invoke the duties of subdivisions 10, 10a, or 10b of this section.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 3 are effective August 1, 1984. Section 2 is effective August 1, 1984, and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crimes; prohibiting a person from depriving another of parental, custodial, or visitation rights; imposing penalties; providing for notification in custody or visitation orders of the deprivation of parental rights laws; requiring violations of the parental rights law to be reported under the child abuse reporting law; imposing a penalty; amending Minnesota Statutes 1982, sections 609.26; and 626.556, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 518."

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. 1807: A bill for an act relating to commerce; clarifying the right of indirect purchasers to sue for damages under the Minnesota Antitrust Law of 1971; amending Minnesota Statutes 1982, section 325D.57.

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

Page 1, line 16, after the period, insert *"In any subsequent action arising from the same conduct, the court may take any steps necessary to avoid duplicative recovery against a defendant."*

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. 1320: A bill for an act relating to county law libraries; permitting the appointment of a nonlawyer to the library board; amending Minnesota Statutes 1982, section 140.36, subdivision 1.

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

Page 1, line 14, strike "judge of the district or county or county municipal" and insert "person"

Page 1, line 15, strike "court" and delete the new language

Page 2, delete section 2

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

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

S.F. No. 1833: A bill for an act relating to crimes; changing the limitation period for certain criminal sexual conduct offenses; amending Minnesota Statutes 1982, section 628.26.

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

Page 1, line 19, after the stricken "9" insert "*if the victim was under the age of 18 years*" and reinstate the stricken "at the"

Page 1, line 20, reinstate the stricken 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. 1762: A bill for an act relating to the human rights department; prohibiting waiver of legal rights; changing the statute of limitations; providing a sanction for intentional delays; changing damage awards; amending Minnesota Statutes 1982, sections 363.06, subdivisions 1 and 3; 363.071, by adding a subdivision; 363.117; 363.14, subdivision 1; Minnesota Statutes 1983 Supplement, sections 363.06, subdivision 4; and 363.071, subdivision 2; proposing new law coded in chapter 363.

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

Delete everything after the enacting clause and insert:

"Section 1. [363.031] [WAIVER PROHIBITED.]

Any provision, whether oral or written, of a lease, contract, or other agreement or instrument, which purports to be a waiver by an individual of any right or remedy provided in chapter 363 is contrary to public policy and void. Nothing in this section shall be construed to prevent a waiver given in full and final written settlement of an existing, identified claim, whether by grievance, mediation, arbitration, or other settlement agreement.

Sec. 2. Minnesota Statutes 1982, section 363.06, subdivision 1, is amended to read:

Subdivision 1. [CHARGE FILING.] Any person aggrieved by a violation of this chapter may bring a civil action as provided in section 363.14, subdivision 1, clause (a), or may file a verified charge with the commissioner or his designated agent, stating the name and address of the person alleged to have committed an unfair discriminatory practice, setting out the details of the practice complained of and, if applicable, providing witnesses, documents, and any other information required by the commissioner. The commissioner may dismiss a charge when the charging party fails to provide required information. The commissioner within five days of the filing shall serve a copy of the charge and a request for a response upon the respondent

personally or by ~~registered or certified~~ first class mail. After the filing of a charge the commissioner shall notify the charging party in writing of any change in the status of the charge. A copy of the notice shall be mailed to the respondent.

Sec. 3. Minnesota Statutes 1982, section 363.06, subdivision 3, is amended to read:

Subd. 3. [TIME FOR FILING CLAIM.] A claim of an unfair discriminatory practice must be brought as a civil action pursuant to section 363.14, subdivision 1, clause (a), *filed in a charge with a local commission pursuant to section 363.116, or filed in a charge with the commissioner within six months* 300 days after the occurrence of the practice. *The running of the 300 day limitation period is suspended during the time a potential charging party and respondent are voluntarily engaged in a dispute resolution process involving a claim of unlawful discrimination under chapter 363, including arbitration, conciliation, mediation or grievance procedures pursuant to a collective bargaining agreement or statutory, charter, or ordinance provisions for a civil service or other employment system, provided that the suspension shall not occur unless a potential responding party has agreed to the suspension in writing filed with the department. A potential respondent who participates in such a process with a potential charging party before a charge is filed or a civil action is brought shall notify the department and the charging party in writing of his or her participation in the process and the date the process commenced, and shall also notify the department and the charging party of the ending date of the process. A respondent who fails to provide this notification is barred from raising the defense that the statute of limitations has run unless the 300 days plus a period of time equal to the suspension period has passed.*

Sec. 4. Minnesota Statutes 1983 Supplement, section 363.06, subdivision 4, is amended to read:

Subd. 4. [INQUIRY INTO CHARGE.] (1) Consistent with clause (7), the commissioner shall promptly inquire into the truth of the allegations of the charge. The commissioner shall make an immediate inquiry when necessary to prevent a charging party from suffering irreparable loss in the absence of immediate action. The commissioner shall also make an immediate inquiry when it appears that a charge is frivolous or without merit and shall dismiss those charges. On other charges the commissioner shall make a determination within 12 months after the charge was filed as to whether or not there is probable cause to credit the allegation of unfair discriminatory practices, and

(2) If the commissioner determines after investigation that no probable cause exists to credit the allegations of the unfair discriminatory practice, the commissioner shall, within ten days of the determination, serve upon the charging party and respondent written notice of the determination. Within ten days after receipt of notice, the charging party may request in writing on forms prepared by the department that the commissioner reconsider his determination. The request shall contain a brief statement of the reasons for and new evidence in support of the request for reconsideration. At the time of submission of the request to the commissioner, the charging party shall deliver or mail to the respondent a copy of the request for reconsideration. The commissioner shall either reaffirm or reverse his determination of no proba-

ble cause within 20 days after receipt of the request for reconsideration, and he shall within ten days notify in writing the charging party and respondent of his decision to reaffirm or reverse.

A decision by the commissioner that no probable cause exists to credit the allegations of an unfair discriminatory practice shall not be appealed to the court of appeals pursuant to section 363.072 or sections 14.63 to 14.68.

(3) If the commissioner determines after investigation that probable cause exists to credit the allegations of unfair discriminatory practices, the commissioner shall serve on the respondent and his attorney if he is represented by counsel, by first class mail, a notice setting forth a short plain written statement of the alleged facts which support the finding of probable cause and an enumeration of the provisions of law allegedly violated. If the commissioner determines that attempts to eliminate the alleged unfair practices through conciliation pursuant to subdivision 5 have been or would be unsuccessful or unproductive, the commissioner shall issue a complaint and serve on the respondent, by ~~registered or certified~~ *first class* mail, a written notice of hearing together with a copy of the complaint, requiring the respondent to answer the allegations of the complaint at a hearing before a hearing examiner at a time and place specified in the notice, not less than ten days after service of said complaint. A copy of the notice shall be furnished to the charging party and the attorney general.

(4) If, at any time after the filing of a charge, the commissioner has reason to believe that a respondent has engaged in any unfair discriminatory practice, the commissioner may file a petition in the district court in a county in which the subject of the complaint occurs, or in a county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this chapter, including an order or decree restraining him from doing or procuring an act tending to render ineffectual an order the commissioner may enter with respect to the complaint. The court shall have power to grant temporary relief or a restraining order as it deems just and proper, but no relief or order extending beyond ten days shall be granted except by consent of the respondent or after hearing upon notice to the respondent and a finding by the court that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice. Except as modified by this section, the Minnesota rules of civil procedure shall apply to an application, and the district court shall have authority to grant or deny the relief sought on conditions as it deems just and equitable. All hearings under this section shall be given precedence as nearly as practicable over all other pending civil actions.

(5) If a lessor, after he has engaged in a discriminatory practice defined in section 363.03, subdivision 2, clause (1), (a), leases or rents a dwelling unit to a person who has no knowledge of the practice or of the existence of a charge with respect to the practice, the lessor shall be liable for actual damages sustained by a person by reason of a final order as provided in this section requiring the person to be evicted from the dwelling unit.

(6) In any complaint issued under this section, the commissioner may seek relief for a class of individuals affected by an unfair discriminatory practice occurring on or after a date ~~six months~~ *300 days* prior to the filing of the charge from which the complaint originates.

(7) The commissioner may adopt policies to determine which charges are processed and the order in which charges are processed based on their particular social or legal significance, administrative convenience, difficulty of resolution, or other standard consistent with the provisions of this chapter.

(8) *The commissioner shall adopt policies to provide sanctions for intentional and frivolous delay caused by any charging party or respondent in an investigation, hearing, or any other aspect of proceedings before the department under this chapter.*

Sec. 5. Minnesota Statutes 1982, section 363.071, is amended by adding a subdivision to read:

Subd. 1a. [HEARINGS 180 DAYS AFTER CHARGE.] At any time after 180 days from the filing of a charge, if there has been neither a finding of probable cause nor of no probable cause, any party may file a request with the commissioner to appear at a hearing on his own behalf or through a private attorney. Upon receipt of the request, the commissioner shall review the documents and information held in the department's files concerning the charge and shall release to the parties all documents and information that is accessible to the parties under sections 13.01 to 13.87. The commissioner shall forward the request for hearing to the office of administrative hearings, which shall promptly set the matter for hearing. If the charging party prevails at this hearing, the hearing examiner may require the respondent to reimburse the charging party for reasonable attorney's fees.

Sec. 6. Minnesota Statutes 1983 Supplement, section 363.071, subdivision 2, is amended to read:

Subd. 2. [DETERMINATION OF DISCRIMINATORY PRACTICE.] The hearing examiner shall make findings of fact and conclusions of law, and if the hearing examiner finds that the respondent has engaged in an unfair discriminatory practice, the hearing examiner shall issue an order directing the respondent to cease and desist from the unfair discriminatory practice found to exist and to take such affirmative action as in the judgment of the examiner will effectuate the purposes of this chapter. Such order shall be a final decision of the department. The examiner shall order any respondent found to be in violation of any provision of section 363.03 to pay a civil penalty to the state. This penalty is in addition to compensatory and punitive damages to be paid to an aggrieved party. The hearing examiner shall determine the amount of the civil penalty to be paid, taking into account the seriousness and extent of the violation, the public harm occasioned by the violation, whether the violation was intentional, and the financial resources of the respondent. Any penalties imposed under this provision shall be paid into the general fund of the state. In all cases where the examiner ~~may~~ finds that the respondent has engaged in an unfair discriminatory practice the examiner shall order the respondent to pay an aggrieved party, who has suffered discrimination, compensatory damages, including damages for mental anguish or suffering, ~~and, in an amount up to three times the actual damages sustained.~~ Notwithstanding section 549.09, the order shall include interest from the date of the unlawful discriminatory practice on claims where the damages are readily ascertainable by computation or reference to generally recognized standards and not where the amount of damages depends on contingencies or the hearing examiner's discretion. Interest shall be calculated

pursuant to section 549.09. In all cases, the examiner may also order the respondent to pay an aggrieved party, who has suffered discrimination, reasonable attorney's fees, in addition to punitive damages in an amount not more than \$6,000. Punitive damages shall be awarded pursuant to section 549.20. In any case where a political subdivision is a respondent the total of punitive damages awarded an aggrieved party may not exceed \$6,000 and in that case if there are two or more respondents the punitive damages may be apportioned among them. Punitive damages may only be assessed against a political subdivision in its capacity as a corporate entity and no regular or ex officio member of a governing body of a political subdivision shall be personally liable for payment of punitive damages pursuant to this subdivision. In addition to the aforesaid remedies, in a case involving discrimination in

(a) employment, the examiner may order the hiring, reinstatement or upgrading of an aggrieved party, who has suffered discrimination, with or without back pay, admission or restoration to membership in a labor organization, or his admission to or participation in an apprenticeship training program, on-the-job-training program, or other retraining program, or any other relief the examiner deems just and equitable.

(b) housing, the examiner may order the sale, lease, or rental of the housing accommodation or other real property to an aggrieved party, who has suffered discrimination, or the sale, lease or rental of a like accommodation or other real property owned by or under the control of the person against whom the complaint was filed, according to terms as listed with a real estate broker, or if no such listing has been made, as otherwise advertised or offered by the vendor or lessor, or any other relief the examiner deems just and equitable.

The examiner shall cause the findings of fact, conclusions of law, and order to be served on the respondent personally, the charging party by ~~registered or certified~~ first class mail, and shall furnish copies to the attorney general and the commissioner.

Sec. 7. Minnesota Statutes 1983 Supplement, section 363.072, subdivision 1, is amended to read:

Subdivision 1. [APPEAL.] The commissioner or a person aggrieved by a final decision of the department reached after a hearing held pursuant to section 363.071 may seek judicial review in accordance with chapter 14. *The attorney general shall represent on appeal, a charging party who prevailed at a hearing authorized by section 5, if the charging party requests representation within ten days after receipt of the petition for appeal.*

Sec. 8. Minnesota Statutes 1982, section 363.116, is amended to read:

363.116 [TRANSFER TO COMMISSIONER.]

A local commission may refer a matter under its jurisdiction to the commissioner.

The charging party has the option of filing a charge either with a local commission or the department. *Notwithstanding the provisions of any ordinance to the contrary, a charge may be filed with a local commission within 300 days after the occurrence of the practice.* The exercise of such choice in filing a charge with one agency shall preclude the option of filing the same charge with the other agency. At the time a charge comes to the attention of a

local agency, the agency or its representative shall inform the charging party of this option, and of his rights under Laws 1967, Chapter 897.

The term "local commission" as used in this section has the same meaning given the term in section 363.115.

Sec. 9. Minnesota Statutes 1982, section 363.117, is amended to read:

363.117 [WITHDRAWAL FROM A LOCAL COMMISSION.]

Notwithstanding the provisions of any law or ordinance to the contrary, a person who has filed a charge with a local commission may bring a civil action as provided in section 363.14 at the following times:

(a) Within 45 days after the local commission has determined that there is no probable cause to credit the allegations contained in the charge; or

(b) After 45 days from the filing of the charge if a hearing has not been held or if the local commission has not entered into a conciliation agreement to which the charging party is a signator. The charging party shall notify the local commission of his intention to bring a civil action, which shall be commenced within 90 days of giving the notice.

A charging party bringing a civil action shall ~~mail by registered or certified mail~~ send a copy of the summons and complaint to the local commission by first class mail and upon their receipt the local commission shall terminate all proceedings before the local commission relating to the charge. No charge shall be filed or reinstituted with the local commission after a civil action relating to the same unfair discriminatory practice has been brought unless the civil action has been dismissed without prejudice.

Sec. 10. Minnesota Statutes 1982, section 363.14, subdivision 1, is amended to read:

Subdivision 1. [COURT ACTIONS, SUITS BY PRIVATE PARTIES, INTERVENTION.] A person may bring a civil action seeking redress for an unfair discriminatory practice:

(a) Directly to district court; or

(b) Notwithstanding the provisions of any law to the contrary, (1) within 45 days after the commissioner has dismissed a charge because it is frivolous or without merit, because the charging party has failed to provide required information, *because the commissioner has determined that further use of department resources is not warranted*, or because the commissioner has determined that there is no probable cause to credit the allegations contained in a charge filed with the commissioner; (2) *within 45 days after the commissioner has reaffirmed his determination of no probable cause if the charging party requested a reconsideration of the probable cause determination*; or (2) (3) after 45 days from the filing of a charge pursuant to section 363.06, subdivision 1 if a hearing has not been held pursuant to section 363.071 or if the commissioner has not entered into a conciliation agreement to which the charging party is a signator. The charging party shall notify the commissioner of his intention to bring a civil action, which shall be commenced within 90 days of giving the notice;

(c) The commissioner may dismiss, without prejudice to the charging party, any case filed with the department on or before June 30, 1978. The

commissioner shall notify a charging party by regular mail sent before August 1, 1981, that he has a right to bring a civil action pursuant to this section. Upon giving this notice the commissioner shall end all proceedings in the department relating to the charge. Notwithstanding any statutory period of limitation to the contrary, an individual notified pursuant to this clause may bring a civil action relating to his charge; provided that the action is filed on or before February 1, 1982.

A charging party bringing a civil action shall ~~mail by registered or certified mail~~ send a copy of the summons and complaint to the commissioner ~~by first class mail~~, and upon their receipt the commissioner shall terminate all proceedings in the department relating to the charge. No charge shall be filed or reinstituted with the commissioner after a civil action relating to the same unfair discriminatory practice has been brought unless the civil action has been dismissed without prejudice.

Upon application by the complaining party to the district court at a special term and under circumstances the court deems just, the court may appoint an attorney for the person and may authorize the commencement of the action without payment of fees, costs, or security.

Upon timely application, the court may permit the department to intervene in a civil action brought pursuant to this section upon certification that the case is of general public importance.

Sec. 11. Minnesota Statutes 1982, section 363.14, subdivision 2, is amended to read:

Subd. 2. [DISTRICT COURT JURISDICTION.] Any action brought pursuant to this section shall be filed in the district court of the county wherein the unlawful discriminatory practice is alleged to have been committed or where the respondent resides or has his principal place of business.

Any action brought pursuant to this chapter shall be heard and determined by a judge sitting without a jury.

If the court finds that the respondent has engaged in an unfair discriminatory practice, it shall issue an order directing ~~such appropriate relief as it deems appropriate and which effectuates the purpose of this chapter. Such relief shall be limited to that permitted as provided by section 363.071, subdivision 2.~~

Delete the title and insert:

"A bill for an act relating to the human rights department; prohibiting waiver of legal rights; changing the statute of limitations; providing sanctions for intentional delays; permitting award of attorney fees in administrative hearings; changing damage awards; amending Minnesota Statutes 1982, sections 363.06, subdivisions 1 and 3; 363.071, by adding a subdivision; 363.116; 363.117; 363.14, subdivisions 1 and 2; Minnesota Statutes 1983 Supplement, sections 363.06, subdivision 4; 363.071, subdivision 2; and 363.072, subdivision 1; proposing new law coded in chapter 363."

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

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

S.F. No. 1686: A bill for an act relating to vital statistics; providing for collection of statistical data concerning the dissolution or annulment of marriage; appropriating money; amending Minnesota Statutes 1982, section 144.224; proposing new law coded in Minnesota Statutes, chapter 518.

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

Page 1, delete section 1 and insert:

“Section 1. Minnesota Statutes 1982, section 144.224, is amended to read:

144.224 [REPORTS OF DISSOLUTION AND ANNULMENT OF MARRIAGE.]

Each month the clerk of court shall ~~file a report with~~ forward to the state registrar, ~~reporting commissioner of health the dissolutions and annulments of marriage granted by the court in statistical report forms collected pursuant to section 2 during the preceding month.~~ The report form shall include only the following information:

- a. Name ~~and~~, date of birth, birthplace, residence, race, and educational attainment of the husband and wife;
- b. County of decree;
- c. Date ~~and~~ type of decree;
- d. ~~Signature of the clerk of court; and~~ Place and date of marriage;
- e. Date ~~signed~~ of separation;
- f. Number and ages of children of marriage;
- g. Amount and status of maintenance and child support;
- h. Custody of children;
- i. Income of the parties;
- j. Length of separation and length of marriage; and
- k. Number of previous marriages and reasons for ending the previous marriages (death, dissolution, or annulment).

The commissioner may publish data collected under this section in summary form only. The statistical report form shall contain a statement that neither the report form, nor information contained in the form, shall be admissible in evidence in this or any subsequent proceeding.”

Page 1, line 26, before “*Before*” insert “*On or*” and after “*Before*” insert “*the time*”

Page 2, line 1, delete “*petitioner’s attorney*” and insert “*moving party, if other than the petitioner,*”

Page 2, line 2, delete “*return to*” and insert “*file with*”

Page 2, line 5, after the period, insert “*The clerk of court shall not refuse entry of a decree on the basis that the statistical report form is incomplete. Neither the statistical report form, nor information contained in the form, shall be admissible in evidence in this or any subsequent proceeding.*”

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 re-referred

S.F. No. 1404: A bill for an act relating to education; providing for aids to education; tax levies; granting certain duties and powers to school boards, school districts, the state board of education, and the commissioner of education; modifying and establishing certain aspects of foundation aid; modifying certain aspects of state payments to school districts; providing for summer learning programs, early childhood and family education, technology programs, and other special programs; appropriating money; amending Minnesota Statutes 1982, sections 121.908, by adding a subdivision; 123.36, subdivision 10; 123.74; 123.741, as amended; 123.742, as amended; 124.20; 124.201, subdivision 1; 124.2126, subdivision 1; 124.214, subdivision 1; 124.245, by adding a subdivision; 124.565, subdivision 7; 124.573, subdivision 3; 125.12, subdivisions 2 and 3; 125.185, subdivision 4; 136A.02, subdivision 6; 275.125, by adding subdivisions; 465.721; and 475.61, subdivision 1; Minnesota Statutes 1983 Supplement, sections 120.17, subdivision 3b; 121.15, subdivision 1; 121.503, subdivision 5; 121.601; 121.608; 121.609; 121.904, subdivision 4a; 123.36, subdivision 13; 123.743; 124.155, subdivision 1; 124.195, subdivisions 1, 2, 3, 6, 9, and by adding a subdivision; 124.201, subdivisions 2, 4, and 5; 124.2122, subdivision 1; 124.2138, subdivision 1; 124.271, subdivision 2b; 124.5615, subdivision 5; 124A.06, subdivision 1; 125.032, subdivision 2; 129B.02, subdivision 4; 129B.041, subdivisions 1 and 3; 129B.32, subdivision 3; 129B.36, subdivision 7; 136C.04, by adding a subdivision; 275.125, subdivisions 2e, 2k, 8, 8a, 9b, 11a, and 11c; 298.28, subdivision 1; 475.61, subdivision 3; Laws 1976, chapter 20, section 5, subdivision 1; Laws 1983, chapter 314, article 6, section 34, subdivision 12; article 8, section 23; and article 9, section 14, subdivision 3; proposing new law coded in Minnesota Statutes, chapters 121, 123, 124, 126, 129B, and 136C; repealing Minnesota Statutes 1982, sections 124.201, as amended; 124.212, subdivision 1; 124.245, subdivision 1a; 129B.06; 129B.07; 129B.08; 129B.09, as amended; 275.125, subdivision 2g; Minnesota Statutes 1983 Supplement, sections 124.225, subdivision 12; 129B.041, subdivision 2; and 275.125, subdivisions 2i and 2j.

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

Page 2, after line 29, insert:

"Sec. 4. Minnesota Statutes 1983 Supplement, section 124.2122, subdivision 2, is amended to read:

Subd. 2. [BASIC MAINTENANCE MILL RATE.] "Basic maintenance mill rate" means the mill rate applicable to the adjusted assessed valuation of a district, used in the computation of basic foundation aid for a particular school year and of the basic maintenance levy for use in that school year. ~~The basic maintenance mill rate shall be .024 for 1981 payable 1982 levies and for foundation aid for the 1982-1983 school year. The basic maintenance mill rate shall be .024 for the 1982 payable 1983 levies and for foundation aid for the 1983-1984 school year. The basic maintenance mill rate shall be .024 for the~~

1983 payable 1984 levies and for foundation aid for the 1984-1985 school year. *The basic maintenance mill rate is .024 for the 1984 payable 1985 levies and for foundation aid for the 1985-1986 school year.*"

Page 12, after line 27, insert:

"Sec. 10. [REPEALER.]

Minnesota Statutes 1982, section 124.212, subdivision 1, is repealed."

Page 12, delete lines 32 to 34

Renumber the sections of article 1 in sequence

Page 32, line 17, delete "*pupil*"

Page 32, line 18, delete "*units*"

Page 34, lines 16, 20, 22, and 24, strike "(4)" and insert "(1)"

Page 35, line 3, delete "3" and insert "4"

Page 36, line 5, delete "3" and insert "4"

Page 37, line 3, strike everything before the second "in"

Page 37, line 4, after the comma, insert "*each year*"

Page 37, line 5, before "*pupil*" insert "*total*"

Page 48, line 12, after "*follows*" insert "*for the 1984-1985, 1985-1986 and 1986-1987 school years*"

Page 50, line 34, after "1." insert "[EXCESS SALE PROCEEDS into GENERAL FUND.]"

Page 54, line 7, after "627" insert ", Oklee,"

Page 56, line 29, after "14," insert "30,"

Page 73, strike line 34

Page 73, line 35, strike everything before the stricken "shall"

Page 74, line 3, delete the new language and strike the period

Page 74, after line 3, insert:

"Sec. 19. Minnesota Statutes 1983 Supplement, section 275.125, subdivision 11b, is amended to read:

Subd. 11b. [SPECIAL PURPOSE CAPITAL EXPENDITURE LEVY.] In addition to the levy authorized in subdivision 11a, each year a school district may levy an amount not to exceed the amount equal to \$25 per *total* pupil unit. No levy under this clause shall exceed two mills times the adjusted assessed valuation of the property in the district for the preceding year. The proceeds of the tax shall be placed in the district's capital expenditure fund and may be used only for the following:

(a) for energy audits on district-owned buildings, and for funding those energy conservation and renewable energy measures which the energy audits indicate will reduce the use of nonrenewable sources of energy to the extent that the projected energy cost savings will amortize the cost of the conservation measures within a period of ten years or less;

(b) for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped persons;

(c) for capital expenditures to bring district facilities into compliance with the uniform fire code adopted pursuant to chapter 299F;

(d) for expenditures for the removal of asbestos from school buildings or property or for asbestos encapsulation;

(e) for expenditures for the cleanup and disposal of polychlorinated biphenyls; and

(f) to pay principal and interest on loans from the state authorized by section 116J.37."

Page 77, line 4, delete "\$575,000" and insert "\$425,000"

Page 77, line 6, delete "section 11, subdivision 2" and insert "the school district assessment program"

Page 77, line 8, delete everything after "program"

Page 77, line 9, delete everything before the period

Page 77, line 11, delete "\$320,000" and insert "\$240,000"

Page 77, line 12, delete "section 11, subdivision 4" and insert "the department of education development of an assessment item bank" and delete everything after the period

Page 77, delete lines 13 and 14

Page 77, line 17, delete "section 13" and insert "paying aid to districts completing the planning, evaluation, and reporting process and receiving commissioner approval"

Renumber the sections of article 8 in sequence and correct the internal references

Page 80, delete lines 31 to 36

Page 81, delete line 1

Page 81, line 28, delete "this subdivision of"

Page 87, line 16, delete everything before "The"

Page 87, delete lines 21 to 24

Amend the title as follows:

Page 1, line 27, delete "subdivision" and insert "subdivisions" and after "1" and insert "and 2"

Page 1, line 34, after "11a," insert "11b,"

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

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

S.F. No. 2146: A bill for an act relating to local government; clarifying

powers of municipalities with respect to sale of air rights; amending Minnesota Statutes 1982, section 472A.03.

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. 1298: A bill for an act relating to local government; providing procedures for the publication of legal notices; removing various requirements for publication of notices; amending Minnesota Statutes 1982, sections 3.21; 48.48, subdivision 1; 88.48, subdivision 2; 94.10, subdivision 1; 94.344, subdivision 7; 123.33, subdivision 11; 123.71, subdivision 1; 160.17, subdivision 2; 205.20, subdivision 5; 206.17, subdivision 2; 279.07; 279.08; 279.09; 300.13, subdivision 4; 302A.727, subdivision 1; 306.023, subdivision 2; 306.111, subdivision 2; 306.16, subdivision 2; 306.21, subdivision 1; 307.06; 315.25; 326.18; 346.02; 365.37; 368.01, subdivision 21; 370.04; 370.07; 371.04; 372.02; 372.08; 374.13; 374.34; 375.025, subdivision 4; 375.12; 375.17; 375.21, subdivision 1; 375.51, subdivision 3; 375.52; 383A.27, subdivision 2; 412.191, subdivisions 3 and 4; 412.311; 414.09, subdivision 3; 415.021; 429.061, subdivision 2; 430.02, subdivisions 3, 7, 11, and 12; 430.04; 430.07, subdivision 5; 430.102, subdivision 3; 435.202, subdivision 2; 441.04; 462.427, subdivision 3; 465.32; 465.38; 471.697, subdivision 1; 471.698, subdivision 1; 471.6985; 472.04, subdivision 2; 484.30; and 492.02, subdivision 3; proposing new law coded in Minnesota Statutes, chapters 375 and 471; proposing new law coded as Minnesota Statutes, chapter 331A; repealing Minnesota Statutes 1982, sections 55.09; 306.16, subdivision 1; 331.01; 331.02; 331.03; 331.04; 331.05; 331.06; 331.07; 331.08; 331.10; 331.11; and 441.51.

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 3.21, is amended to read:

3.21 [NOTICE.]

At least four months preceding the election, the attorney general shall furnish to the secretary of state a statement of the purpose and effect of all amendments proposed showing clearly the form of the existing sections, and of the same as they will read if amended, except that when any section to which an amendment is proposed exceeds 150 words in length, the statement shall show that part of the section in which a change is proposed, both in its existing form and as it will read when amended, together with portions of the context as the attorney general deems necessary to an understanding of the proposed amendment. In the month of October prior to the election, the secretary of state shall give two weeks published notice of the statement in all ~~legal~~ *qualified* newspapers of the state. The secretary of state shall furnish the statement to the newspapers in reproducible form approved by the secretary of state, set in 7-1/2 point type on an eight point body. The maximum rate for publication shall be ~~17 cents per standard line in 1979 and 18 cents per standard line thereafter as provided in section 25~~ for the two publications. If any

newspaper shall refuse the publication of the amendments, this refusal and failure of the publication shall have no effect on the validity of the amendments. The secretary of state shall also forward to each county auditor copies of the statement, in poster form, in quantities sufficient to supply each election district of his county with two copies thereof. The auditor shall cause two copies to be conspicuously posted at or near each polling place on election day. Wilful or negligent failure by any official named to perform any duty imposed upon him by this section shall be deemed a misdemeanor.

Sec. 2. Minnesota Statutes 1982, section 48.48, subdivision 1, is amended to read:

Subdivision 1. [SUBMISSION AND PUBLICATION.] At least four times in each year, and at any other time when so requested by the commissioner, every bank or trust company shall, within 30 days of the date of notice, make and transmit to the commissioner, in a form he prescribes, a report, verified by its president or vice-president and by its cashier or treasurer, and attested by at least two of its directors, stating in detail, under appropriate heads, as required by the commissioner, its assets and liabilities at the close of business on the day specified in the request. The commissioner may accept a report made to a federal authority having supervision of banks or trust companies in fulfilling this requirement. This statement shall be published once at the expense of the bank or trust company in a newspaper serving the municipality or town in which the bank or trust company is located. The newspaper shall be published in the county in which the bank or trust company is located or in an adjoining county. Proof of publication shall be filed with the commissioner immediately after publication of the report. ~~For the purposes of this subdivision a newspaper serves a municipality or town if it meets the qualifications of section 331.02, subdivision 1, clause (4).~~

Sec. 3. Minnesota Statutes 1982, section 88.48, subdivision 2, is amended to read:

Subd. 2. [NOTICE.] The county auditor shall, upon receipt of the application and prior to the meeting of the county board at which it is presented, ~~publish once in the official newspaper of the county notice of the presentation at the expense of the applicant and mail a copy of the notice to the clerk of the town in which lies the land therein described.~~

Sec. 4. Minnesota Statutes 1982, section 94.10, subdivision 1, is amended to read:

Subdivision 1. Before offering any surplus state owned lands for sale, the commissioner of administration may survey such lands, and if the value thereof is estimated to be \$20,000 or less, may have such lands appraised. He shall have the lands appraised if the estimated value is in excess of \$20,000. The appraisal shall be made by not less than three appraisers, at least two of whom shall be residents of the county in which the lands are situated. Each appraiser shall before entering upon the duties of his office take and subscribe an oath that he will faithfully and impartially discharge his duties as appraiser according to the best of his ability and that he is not interested directly or indirectly in any of the lands to be appraised or the timber or improvements thereon or in the purchase thereof and has entered into no agreement or combination to purchase the same or any part thereof, which oath shall be attached to the report of such appraisal. Before offering such

surplus state owned lands for public sale, such lands shall first be offered to the city, county, town, school district, or other public body corporate or politic in which the lands are situated for public purposes and they may be sold for such public purposes for not less than the appraised value thereof. To determine whether a public body desires to purchase the surplus land, the commissioner of administration ~~shall publish notice describing the land on the same day of at least two successive weeks in a newspaper of general circulation in the county in which the land is located; however, the commissioner shall~~ give a written notice to the governing body of each political subdivision whose jurisdictional boundaries include or are adjacent to the surplus land. If a public body desires to purchase the surplus land it shall submit a written offer to the commissioner not later than two weeks after ~~the last published receipt of~~ notice setting forth in detail its reasons for desiring to acquire and its intended use of the land. In the event that more than one public body tenders an offer, the commissioner shall determine which party shall receive the property, and he shall submit written findings regarding his decision. If lands are offered for sale for such public purposes, and if a public body notifies the commissioner of administration of its desire to acquire such lands, the public body may have not to exceed two years from the date of the accepted offer to commence payment for the lands in the manner provided by law.

Sec. 5. Minnesota Statutes 1982, section 94.344, subdivision 7, is amended to read:

Subd. 7. Before giving final approval to any exchange of Class B land, the county board shall hold a public hearing thereon. At least two weeks before the hearing the county auditor shall post in his office a notice thereof, containing a description of the lands affected, ~~and shall cause a copy of the notice to be published in the newspaper designated for publication of the official proceedings of the county board.~~

Sec. 6. Minnesota Statutes 1982, section 123.33, subdivision 11, is amended to read:

Subd. 11. The board shall cause its official proceedings to be published once in the official newspaper of the district. Such publication shall be made within 30 days of the meeting at which such proceedings occurred. *If the board determines that publication of a summary of the proceedings would adequately inform the public of the substance of the proceedings, the board may direct that only a summary be published, conforming to the requirements of section 20, subdivision 10.*

Sec. 7. Minnesota Statutes 1982, section 123.71, subdivision 1, is amended to read:

Subdivision 1. Every school board shall, no later than September 1 publish the revenue and expenditure budgets submitted to the commissioner of education in accordance with section 121.908, subdivision 4, for the current year and the actual revenues, expenditures, fund balances for the prior year and projected fund balances for the current year in a form prescribed by the state board of education after consultation with the advisory council on uniform financial accounting and reporting standards. The forms prescribed shall be designed so that year to year comparisons of revenue, expenditures and fund balances can be made. These budgets, reports of revenue, expenditures and

fund balances shall be published in a newspaper of general circulation and holding a U. S. Post Office Department second class mailing permit or a legal newspaper located in the district; or if there be no such newspaper within the district then in the legal newspaper outside the district which has a general circulation in the district qualified newspaper of general circulation in the district.

Sec. 8. Minnesota Statutes 1982, section 206.17, subdivision 2, is amended to read:

Subd. 2. Where electronic voting systems are used, within five days prior to the election day, the election officer in charge shall have the automatic tabulating equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least two days prior thereto by publication once in official newspapers. The test shall be observed by at least two election judges, who shall not be of the same major political party, and shall be open to representatives of the major political parties, candidates, the press and the public. The test shall be conducted by processing a preaudited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated immediately before the start of the official count of the ballots, in the same manner as set forth above. After the completion of the count, the programs used and ballots shall be sealed, retained, and disposed of as provided for paper ballots.

Sec. 9. Minnesota Statutes 1982, section 279.07, is amended to read:

279.07 [PUBLICATION, BIDS.]

Prior to the day on which the county board designates a newspaper for the publication of the notice and list, any publisher or proprietor of a legal newspaper, as defined by law, may file with the county auditor an offer to publish such notice and list in such paper, stating the rate at which he will make such publication; which shall not exceed the amounts provided for in section 331.08. The board may in its discretion receive offers presented to it at any time prior to the time when designation is made.

Sec. 10. Minnesota Statutes 1982, section 279.08, is amended to read:

279.08 [NEWSPAPER, DESIGNATION.]

At their annual meeting in January, and prior to the designation, the county board shall open, examine, and consider all offers for publication filed or presented as provided in section 279.07, and shall thereupon award the publication of the notice and list to the publisher or proprietor of the newspaper whose offer is found to be the lowest; and does not exceed the amounts provided for in section 331.08. The board may reject any offer, if in its judgment the public interest so requires, and thereupon designate a newspaper without regard to any rejected offer. In counties now or hereafter having a population of 450,000 or more, the board shall designate a daily newspaper of general

circulation throughout such county. If no such daily newspaper submits a bid at the rate herein provided, the board may designate a weekly newspaper of general circulation throughout the county. In any county in which there is no legal newspaper, the board shall designate any such newspaper printed in the judicial district in which the county is situated, and circulating in the county. Every such designation shall be by resolution, which shall be substantially in the following form:

"Resolved, that (here state the name of the newspaper) is hereby designated by the county board of the county of as the newspaper in which the notice and list of the real estate remaining delinquent on the first Monday of January, 19....., shall be published."

A copy of the resolution certified by the auditor shall be filed with the clerk of the district court. If, for any reason, the board fails to designate a newspaper, or the proprietor of the newspaper fails to give the required bond, the auditor shall thereupon designate the same in writing and immediately file such writing in his office and a certified copy thereof with such clerk.

Sec. 11. Minnesota Statutes 1982, section 300.13, subdivision 4, is amended to read:

Subd. 4. [RESOLUTION TO ENLARGE, EFFECT.] Except in the case of a nonprofit cooperative association, or a religious corporation formed under Minnesota Statutes 1949, Chapter 315, the resolution to enlarge the period of corporate existence does not become effective until a duly certified copy of the resolution has been filed, and recorded, and published in the same manner as its original articles or certificate of incorporation. ~~A nonprofit cooperative association and a religious corporation formed under Minnesota Statutes 1949, Chapter 315, need not publish the resolution.~~

Sec. 12. Minnesota Statutes 1982, section 302A.727, subdivision 1, is amended to read:

Subdivision 1. [WHEN PERMITTED; HOW GIVEN.] When a notice of intent to dissolve has been filed with the secretary of state, the corporation may give notice of the filing to each known creditor of and claimant against the corporation at the last known address of each known present, future, or contingent creditor and claimant. The corporation may give published notice to known creditors or claimants whose address is unknown and to unknown present, future, or contingent creditors and claimants, by publishing the notice once each week for four successive weeks in a legal newspaper as defined in section 331.02 in the county or counties where the registered office and the principal executive office of the corporation are located.

Sec. 13. Minnesota Statutes 1982, section 306.023, subdivision 2, is amended to read:

Subd. 2. To accomplish such transfer, the board of trustees of such cemetery association shall adopt a resolution to that effect by an unanimous vote of the board of trustees, and thereupon the chairman or president of the board of trustees and the secretary shall be authorized to execute the proper instruments and a deed in the name of the association to evidence the transfer; provided, however, that such transfer must first have been authorized by a majority vote of all members of the association, present and voting, at any regular meeting or at any special meeting called for that purpose, written

notice of which meeting shall have been given by publication, for three successive weeks, once each week, in a daily or weekly newspaper published in the county where such cemetery is situated, subscribed by the chairman, president, or secretary of the board of trustees, and to the members specifying the time, place and purpose of such meeting.

In the event said association shall be an unincorporated association, a deed executed in the name of such association by the chairman or president and the secretary or treasurer of the board of trustees shall be deemed a valid conveyance of the lands of the association.

Sec. 14. Minnesota Statutes 1982, section 306.111, subdivision 2, is amended to read:

Subd. 2. Any three or more lot owners in such cemetery may issue a mail notice signed by them to all the lot owners known to them or whose addresses appear in the cemetery records that a meeting of the lot owners will be held not less than 14 days after the mailing at a time and place to be fixed by them and designated in the notice, in the county wherein the cemetery is situated, for the purpose of filling the vacancies among the associates. Such notice shall be published at least twice in a legal newspaper published in the county where the meeting is to be held, and the time of the meeting shall be not less than ten days after the second publication thereof.

Sec. 15. Minnesota Statutes 1982, section 306.16, subdivision 2, is amended to read:

Subd. 2. If the owner of such cemetery lot be a resident of the county wherein such cemetery is located, then such The association or any municipally-owned cemetery may cause to be served upon such owner the owner of the lot, in the manner prescribed by law for the service of a summons in a civil action, a notice specifying the amount unpaid for lot care upon such lot, and specifying a time within which the same must be paid to the secretary of such association or the proper officer of the municipally-owned cemetery, which time shall not be less than 30 days from the date of the service of the notice, and further specifying that, upon the failure of the owner of the lot to pay the amount specified in the notice within the time of aforesaid, the association or municipally-owned cemetery will take the necessary steps to reinvest itself with the title to the portion of such cemetery lot not actually used for burial purposes. Upon the failure of the owner of the lot to pay the amount within the time specified in the notice, the board of trustees of any such cemetery may, by resolution duly adopted at any regular meeting of the board of trustees, set forth the failure to pay the charges for lot care, the service of the notice prescribed herein, and declare such portion of the lot unused for burial purposes, describing the same by metes and bounds in such resolution, to be the property of the association or such municipally-owned cemetery.

Sec. 16. Minnesota Statutes 1982, section 306.21, subdivision 1, is amended to read:

Subdivision 1. [LOTS CONVEYED AND ABANDONED.] In all cases where a duly incorporated association has owned a site for a cemetery for more than 40 years and has during that period sold lots and parcels for burial purposes, and has, conveyed cemetery lots or parcels by deed of conveyance with or without restrictions contained therein and the grantee therein, or par-

ties claiming through such grantee, (a) for more than 75 years in counties having a population over 50,000 according to the 1960 federal decennial census, and 50 years in all other counties, have not used portions of such lots or parcels for the purposes of burial and during said time have not made provision for care of said lots beyond that provided uniformly to all lots within the cemetery, and during said time have not given to said corporation a written notice of claim or interest in such lots or parcels, or (b) have not used portions of such lots or parcels for the purposes of burial and have not kept such lots or plots free of weeds or brush but have allowed the same to remain entirely unimproved for more than 20 years, and such lots or parcels are situate in such portion of the cemetery that they adjoin or are adjacent to improved parts of such cemetery and by reason of their unimproved condition detract from the appearance of such cemetery and interfere with its harmonious improvement and furnish a place for the propagation of growth of weeds and brush, such corporation may, by resolution of its governing board, demand of such owners or holders (a) that they file with the corporation a written notice of claim or interest in and to said lots or parcels supported by satisfactory evidence thereof within 60 days after the service of a copy of such resolution of demand, or (b) that they keep the premises clear of weeds and in a condition in harmony with other plots adjoining, and serve a copy of such resolution upon such party or parties; ~~if they can be found in such county; and if the sheriff of the county make return upon such resolution that such parties, or any of them, cannot be found in this county; then the resolution may be served upon the parties so absent from the county by publication thereof for three successive weeks in a legal newspaper published in the county and mailing a copy thereof within 14 days after the third publication to the last known address of each such party as the same appears on the records of the corporation in the same manner as a complaint in a civil action.~~

Sec. 17. Minnesota Statutes 1982, section 307.06, is amended to read:

307.06 [TRANSFER TO ASSOCIATION; HOW EFFECTED.]

Any private cemetery established, platted, and recorded under the laws of this state may consolidate with and transfer its property, for cemetery purposes only, to any cemetery association or corporation organized under the laws of this state which is contiguous to, or adjacent to, such cemetery corporation.

To so consolidate and transfer its property it shall be necessary:

(1) that a resolution be passed by a two-thirds vote of the lot owners and members of such private cemetery, represented, present, and voting at a special meeting called for that purpose, which resolution shall recite with what cemetery corporation or association it is proposed to consolidate with and transfer its property to, and the terms and conditions thereof; and 30 days' notice of such meeting shall be previously given *by mail* to each lot owner of such private cemetery *whose address can be determined using reasonable diligence* of the time and place when such meeting is to be held, reciting the purpose thereof, which notice shall be signed by at least five lot owners; ~~and shall be served by publication, by publishing for three successive weeks, once in each week, in some daily or weekly newspaper published in the county where such private cemetery is situated; and~~

(2) that the resolution shall be signed and acknowledged by the presiding

officer and secretary of such meeting and shall be filed with the county recorder of the county in which the private cemetery is situated.

Sec. 18. Minnesota Statutes 1982, section 315.25, is amended to read:

315.25 [ANNUAL MEETING, NOTICE OF, PLACE.]

Any such corporation, the membership of which in part resides in other states, may hold its annual meetings at such points outside the state as it may, from time to time, designate at a previous annual meeting, or it may authorize its president to designate such place. At least three months before the time of such annual meeting notice of such time and place shall be given by publication in the recognized organ of such corporation, if it has one; otherwise, by ~~publication in at least two papers of general circulation published at the capital of the state~~ *other notice appropriate to inform the membership.*

Sec. 19. Minnesota Statutes 1982, section 326.18, is amended to read:

326.18 [BOARD, DUTIES, OFFICERS, EXAMINATIONS.]

A majority of the board constitutes a quorum. The board shall elect one of its number as chairman, another as vice-chairman, and another as secretary and treasurer, who shall hold their respective offices for a term of one year and until their successors are elected. The affirmative vote of a majority of members of the board is considered the action of the board. The board shall enforce the standard of general education; the standard of special education in the science and art of accounting; the standard of good character and general public experience, as prescribed in sections 326.165 to 326.23, in all examinations conducted thereunder. The board shall make rules for the conduct of applicants' examinations and the character and scope of the examinations, the method and time of filing applications for examinations and their form and contents, and all other rules and regulations proper to carry into effect the purposes of sections 326.165 to 326.23. The board may make use of all or any part of the uniform certified public accountant examination and advisory grading service provided by the American Institute of Certified Public Accountants if it deems it appropriate to assist it in performing its duties. These examinations shall be conducted by the board of accountancy. ~~The time and place of holding examinations shall be advertised for not less than three consecutive days in one daily newspaper published in each of the counties where the examinations are to be held; and not less than 60 days prior to the date of each examination.~~ The examinations shall take place as often as may be convenient in the opinion of the board. The board may make rules necessary to implement and enforce sections 326.165 to 326.23, and 214.12, including but not limited to rules of professional conduct, pertaining to individuals, partnerships and corporations practicing public accounting which it deems consistent with or required by the public welfare and rules of continuing education to be met by persons licensed under sections 326.165 to 326.23.

The board shall keep records of its proceedings, an accurate list of all applications made, licenses and certificates issued, and licenses and certificates revoked, and shall keep proper financial records in which there shall be entered a complete statement of the cash receipts and disbursements. The board shall issue to each person who satisfies the examination requirements of section 326.19, subdivision 1, a certified public accountant certificate and

shall maintain a record of that issuance. The board shall issue a license as a certified public accountant to each holder of a certified accountant certificate who satisfies the experience requirements for a license as a certified public accountant or to a person who has been issued a certified public accountant certificate under section 326.19, subdivision 3. The board shall maintain a record of the issuance. It shall adopt and provide itself with a seal with a band inscribed "Certified Public Accountant, State of Minnesota," with the coat of arms of Minnesota in the center, which seal shall be affixed to each certificate of certified public accountant issued under sections 326.17 to 326.23. The board shall issue to each person who qualifies for a license under sections 326.17 to 326.23 as a licensed public accountant a certificate as a licensed public accountant and shall maintain a record of that issuance. It shall adopt and provide itself with a seal with a band inscribed "Licensed Public Accountant, State of Minnesota," with the coat of arms of Minnesota in the center, which seal shall be affixed to each certificate of the licensed public accountant, issued under sections 326.17 to 326.23. All records of the board shall be open to the inspection of the public at the office of its secretary.

Sec. 20. [331A.01] [DEFINITIONS.]

Subdivision 1. As used in sections 20 to 30, the terms defined have the meanings given them except as otherwise expressly provided or indicated by the context.

Subd. 2. "Known office of issue" means the principal office maintained by the publisher or managing officer during a newspaper's regular business hours to gather news and sell advertisements and subscriptions, whether or not printing or any other operations of the newspaper are conducted at or from the office, and devoted primarily to business related to the newspaper. A newspaper may have only one known office of issue.

Subd. 3. "Local public corporation" means a county, municipality, school district, or any other local political subdivision or local or area district, commission, board, or authority.

Subd. 4. "Municipality" means a home rule charter or statutory city or town.

Subd. 5. "Newspaper" means a publication issued regularly by the same person, corporation, or his or its successor, whether the name of the publication is the same or different.

Subd. 6. "Proceedings" means the substance of all official actions taken by the governing body of a local public corporation at any regular or special meeting, and at minimum includes the subject matter of a motion, the persons making and seconding a motion, the roll call vote on a motion, the character of resolutions or ordinances offered, including a brief description of their subject matter, and whether defeated or adopted.

Subd. 7. "Public notice" means every notice required or authorized by law or by order of a court to be published by a qualified newspaper, and includes:

(a) every publication of laws, ordinances, resolutions, financial information, and proceedings intended to give notice in a particular area;

(b) every notice and certificate of election, facsimile ballot, notice of referendum, notice of public hearing before a governmental body, and notice of

meetings of private and public bodies required by law; and

(c) every summons, order, citation, notice of sale or other notice which is intended to inform a person that he may or shall do an act or exercise a right within a designated period or upon or by a designated date.

(d) this subdivision contains no independent requirement for the publication of any public notice.

Subd. 8. "Qualified newspaper" means a newspaper which complies with all of the provisions of section 21. The following terms, when found in laws referring to the publication of a public notice, shall be taken to mean a qualified newspaper: "qualified legal newspaper," "legal newspaper," "official newspaper," "newspaper," and "medium of official and legal publication."

Subd. 9. "Secondary office" means an office established by a newspaper in a community other than that in which its known office of issue is located, in the same or an adjoining county, to enhance its coverage of and service to that community, open on a regular basis to gather news and sell advertisements and subscriptions, whether or not printing or any other operations of the newspaper are conducted at or from the office, and devoted primarily to business related to the newspaper.

Subd. 10. "Summary" means an accurate and intelligible abstract or synopsis of the essential elements of proceedings, ordinances, resolutions, and other official actions. It shall be written in a clear and coherent manner, and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When a summary is published, the publication shall clearly indicate that the published material is only a summary and that the full text is available for public inspection at a designated location. A summary published in conformity with this section shall be deemed to fulfill all legal publication requirements as completely as if the entire matter which was summarized had been published. No liability shall be asserted against the local public corporation in connection with the publication of a summary or agenda.

Sec. 21. [331A.02] [REQUIREMENTS FOR A QUALIFIED NEWSPAPER.]

Subdivision 1. [QUALIFICATION.] No newspaper in this state shall be entitled to any compensation or fee for publishing any public notice unless it is qualified as a medium of official and legal publication. To be qualified as a medium of official and legal publication, a newspaper shall:

(a) Be printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 1,000 square inches;

(b) If a daily, be distributed at least five days each week, or if not a daily, be distributed at least once each week, for 50 weeks each year. In any week in which a legal holiday is included, not more than four issues of a daily paper are necessary;

(c) In at least half of its issues each year, have no more than 75 percent of its printed space comprised of advertising material and paid public notices. In all of its issues each year, have 25 percent, if published more often than weekly, or 50 percent, if weekly, of its news columns devoted to news of

local interest to the community which it purports to serve. Not more than 25 percent of its total nonadvertising column inches in any issue may wholly duplicate any other publication unless the duplicated material is from recognized general news services;

(d) Be circulated in the local public corporation which it purports to serve, have at least 500 copies regularly delivered to paying subscribers and either have entry as second class matter in its local post office or have at least 500 copies regularly distributed without charge to local residents;

(e) Have its known office of issue established in either the county in which lies, in whole or in part, the local public corporation which the newspaper purports to serve, or in an adjoining county;

(f) File a copy of each issue immediately with the state historical society;

(g) Be made available at single or subscription prices to any person, corporation, partnership, or other unincorporated association requesting the newspaper and making the applicable payment, or be distributed without charge to local residents;

(h) Have complied with all the foregoing conditions of this subdivision for at least one year immediately preceding the date of the notice publication;

(i) The newspaper must before January 1 of each year publish and submit to the secretary of state a sworn United States Post Office second-class statement of ownership and circulation or a statement of ownership and circulation verified by a recognized independent circulation auditing agency.

Subd. 2. [EARLIER QUALIFICATION.] Newspapers which have been qualified, on May 20, 1965, as mediums of official and legal publication shall remain qualified only if they meet the requirements of subdivision 1, except as follows:

(a) If on May 20, 1965, any newspaper is a qualified medium of official and legal publication but is printed in a foreign language, or in English and a foreign language, and otherwise qualifies as a medium of official and legal publication pursuant to the requirements of subdivision 1, it shall be a medium of official and legal publication so long as it otherwise qualifies pursuant to the requirements of subdivision 1.

(b) If on May 20, 1965, any newspaper has been circulated in and near the municipality which it purports to serve to the extent of at least 240 but less than 500 copies regularly delivered to paying subscribers and otherwise qualifies as a medium of official and legal publication pursuant to the requirements of subdivision 1, it shall be a medium of official and legal publication so long as at least 240 copies are regularly so circulated and delivered and it otherwise qualifies pursuant to the requirements of subdivision 1.

Subd. 3. [PUBLICATION; SUSPENSION; CHANGES.] The following circumstances shall not affect the qualification of a newspaper, invalidate an otherwise valid publication, or invalidate a designation as official newspaper for publication of county board proceedings.

(a) Suspension of publication for a period of not more than three consecutive months resulting from the destruction of its known office of issue, equipment, or other facility by the elements, unforeseen accident, or acts of

God or by reason of a labor dispute.

(b) *The consolidation of one newspaper with another published in the same county, or a change in its name or ownership, or a temporary change in its known office of issue.*

(c) *Change of the day of publication, the frequency of publication, or the change of the known office of issue from one place to another within the same county. Except as provided in this subdivision, suspension of publication, or a change of known office of issue from one county to another, or failure to maintain its known office of issue in the county, shall deprive a newspaper of its standing as a medium of official and legal publication until the newspaper again becomes qualified pursuant to subdivision 1.*

Subd. 4. [DECLARATORY JUDGMENT OF LEGALITY.] *Any person interested in the standing as a medium of official and legal publication of a newspaper, may petition the district court in the county in which the newspaper has its known office of issue for a declaratory judgment whether the newspaper is qualified as a medium of official and legal publication. Unless filed by the publisher, the petition and summons shall be served on the publisher as in other civil actions. Service in other cases shall be made by publication of the petition and summons once each week for three successive weeks in the newspaper or newspapers the court may order and upon the persons as the court may direct. Publications made in a newspaper after a judgment that it is qualified but before the judgment is vacated or set aside shall be valid. Except as provided in this subdivision, the uniform declaratory judgments act and the rules of civil procedure shall apply to the action.*

Sec. 22. [331A.03] [WHERE NOTICE PUBLISHED.]

A public notice shall be published in a qualified newspaper, and except as otherwise provided by law, in one that is likely to give notice in the affected area or to whom it is directed. When a statute or other law requires publication in a newspaper located in a designated municipality or area and no qualified newspaper is located there, publication shall be made in a qualified newspaper likely to give notice unless the particular statute or law expressly provides otherwise. If no qualified newspaper exists, then publication is not required.

Sec. 23. [331A.04] [DESIGNATION OF A NEWSPAPER FOR OFFICIAL PUBLICATIONS.]

Subdivision 1. The governing body of any local public corporation, when authorized or required by statute or charter to designate a newspaper for publication of its official proceedings and public notices, shall designate a newspaper which is a qualified medium of official and legal publication in the following priority.

Subd. 2. If there are one or more qualified newspapers, the known office of issue of which are located within the local public corporation, one of them shall be designated.

Subd. 3. When no qualified newspaper has a known office of issue located in the local public corporation, but one or more qualified newspapers maintain a secondary office there, one of them shall be designated.

Subd. 4. When no qualified newspaper has its known office of issue or a

secondary office located within the local public corporation, then a qualified newspaper of general circulation there shall be designated.

Subd. 5. If a local public corporation is without an official newspaper, or if the publisher refuses to publish a particular public notice, matters required to be published shall be published in a newspaper designated as provided in subdivision 4. The governing body of a local public corporation with territory in two or more counties may, if deemed in the public interest, designate a separate qualified newspaper for each county.

Sec. 24. [331A.05] [FORM OF PUBLIC NOTICES.]

Subdivision 1. All public notices shall be printed or otherwise disseminated in the English language.

Subd. 2. Unless otherwise specified by a particular statute, or by order of a court, publication of a public notice shall be as follows:

(a) the notice shall be published once;

(b) if the notice is intended to inform the public about a future event, the last publication shall occur not more than 14 days and not less than seven days before the event;

(c) if the notice is intended to inform the public about a past action or event, the last publication shall occur not more than 45 days after occurrence of the action or event.

Subd. 3. Except as otherwise directed by a particular statute requiring publication of a public notice, a public notice shall be printed in a type face no smaller than six point with a lower case alphabet of 90 point. Larger type faces may be used.

Subd. 4. Every public notice shall include a title or caption in a body type no smaller than brevier or eight point referring to the content of the notice. Larger type faces may be used.

Subd. 5. The governing body of a local public corporation may, to better inform the public, increase the frequency of publication of a public notice beyond the minimum required by a particular statute. It may use forms and styles for the notice as it deems appropriate, including the use of display advertisements and graphics. It may publish or disseminate the notice in other newspapers in addition to the newspaper required to be designated under section 23. Regardless of whether a particular statute specifies "legal notice," "public notice," "notice," or uses similar terms, the governing body may use whatever form for the published notice that it deems appropriate in order to adequately inform the public, subject to the requirements of sections 20 to 30. Nothing in the foregoing provisions of this subdivision shall require the governing body of a local public corporation to use the options described.

Subd. 6. Nothing in this section shall invalidate or affect any statutory or charter provision imposing additional or special qualifications for publication of particular notices or proceedings.

Sec. 25. [331A.06] [FEES FOR PUBLICATION.]

Subdivision 1. The maximum rate charged for publication of a public no-

tice shall not exceed the lowest classified rate paid by commercial users for comparable space in the newspapers in which the public notice appears, and shall include all cash discounts, multiple insertion discounts, and similar benefits extended to the newspaper's regular customers.

Subd. 2. Notwithstanding subdivision 1, no newspaper may increase its rates for publication of public notices by more than ten percent per year over the maximum rate actually charged by the newspaper in the preceding year for publication of public notices, and in any case the new rate shall not exceed the rate described in subdivision 1 of this section. Nothing in this section shall be interpreted to mean that such an increase is required.

Subd. 3. When the governing board of a local public corporation awards a contract for the publication of public notices based on competitive bidding, the rate established by the competitive bidding shall be the rate charged for publication of the public notices.

Subd. 4. When a statute refers to publication of a public notice at the legal rate or at the rate provided in section 331.08, the maximum rate shall be as provided in this section.

Sec. 26. [331A.07] [AFFIDAVIT OF PUBLICATION.]

No compensation shall be recoverable for publishing legal or official matter in any newspaper not qualified, until there is filed with the county auditor the affidavit of a person having knowledge of the facts, showing the name and location of the newspaper and the existence of conditions constituting its qualifications as a qualified newspaper as set forth in section 21. If the matter published relates to proceedings in another county, a like affidavit must be filed with its auditor. The affidavit, if it states the required facts, shall be prima facie evidence of them and of the qualification. No compensation shall be recoverable for publishing legal or official matter in any newspaper unless the bill is accompanied by an affidavit of the publisher, or printer in charge, of the newspaper having knowledge of the facts, setting forth the fact that the newspaper has complied with all the requirements to constitute a legal newspaper. The affidavit must set forth the dates of the month and year and the day of the week upon which the legal or official matter was published in the newspaper.

Sec. 27. [331A.08] [COMPUTATION OF TIME.]

Subdivision 1. The time for publication of public notices shall be computed to exclude the first day of publication and include the day on which the act or event, of which notice is given, is to happen or which completes the full period required for publication.

Subd. 2. The time within which an act is to be done or proceeding had or taken, as prescribed by the rules of procedure, shall be computed by excluding the first day and including the last. If the last day is Sunday or a legal holiday the party shall have the next secular day in which to do the act or take the proceeding.

Sec. 28. [331A.09] [PUBLICATION ON SUNDAY.]

Any public notice may be printed in a newspaper published on Sunday, and the publication is a lawful publication and a full compliance with the order of the court or officer ordering the publication. Any notice that, by law or the

order of any court, is required to be published for any given number of weeks may be published on any day in each week or the term, and if published as many weeks and as many times in each week as required by the law or order, it is a lawful publication.

Sec. 29. [331A.10] [CHANGE OF NAME OR DISCONTINUANCE OF NEWSPAPER.]

Subdivision 1. When a legal notice is required or ordered to be published in a particular newspaper and the name of the newspaper is changed before the publication is completed, the publication shall be made or continued in the newspaper under its new name with the same effect as if the name had not been changed. The proof of the publication, in addition to other requirements, shall state the change of name and specify the period of publication in the newspaper under each name.

Subd. 2. When a newspaper ceases to be published before the publication of a public notice is commenced, or when commenced ceases before the publication is completed, the order for publication, when one is required in the first instance, may be amended by order of the court or judge, to designate another newspaper, as may be necessary. If no order is required in the first instance, publication may be made or completed in any other qualified newspaper. Any time during which the notice is published in the first newspaper shall be calculated as a part of the time required for the publication, proof of which may be made by affidavit of any person acquainted with the facts.

Sec. 30. [331A.11] [APPLICATION.]

Subdivision 1. Sections 20 to 30 apply to all municipalities and local public corporations.

Subd. 2. Sections 20 to 30 do not apply to notices required by private agreements or local laws to be published in newspapers, unless they refer to sections 20 to 30, or particular provisions of sections 20 to 30.

Sec. 31. Minnesota Statutes 1982, section 346.02, is amended to read:

346.02 [FINDER TO GIVE NOTICE; PENALTY.]

Every finder of an estray, within seven days thereafter, shall notify the owner thereof, if to him known, and request him to pay all reasonable charges and take such estray away; but, if such owner be to him unknown, he shall within ten days file a notice with the town clerk. The clerk shall transmit a copy thereof to the county recorder, who shall record the same in a book designated "estrays." ~~If the estray is of less value than \$5, The finder shall give posted notice thereof of the finding of the estray in said town, but, if the value exceeds \$5, he shall give four weeks' published notice thereof.~~ The notice shall briefly describe the estray, giving its marks, natural and artificial, as nearly as practicable, naming the residence of the finder, and specifying the town, section, and time when taken up. For failure to give such notice, the finder shall be liable to the owner of the estray in double the amount of damages sustained by him thereby.

Sec. 32. Minnesota Statutes 1982, section 370.04, is amended to read:

370.04 [RECORD PETITION; PUBLISH NOTICE.]

Upon issuance of the proclamation, the secretary of state shall record the petitions, affidavits, and proclamation, and ~~shall cause three weeks' published notice of the proclamation to be given at the county seat of each county whose territory will be affected by the proposed change, and shall also transmit a~~ certified copy of the proclamation, by mail, to the auditor of each county.

Sec. 33. Minnesota Statutes 1982, section 370.07, is amended to read:

370.07 [CANVASS; PROCLAMATION; SECRETARY OF STATE;
AUDITOR; NOTICE TO COUNTY COMMISSIONERS.]

The state canvassing board shall canvass such returns at the time of canvassing the votes cast for state officers, and in the same manner; and it may resort to the returns received from the election judges for the correction of errors in the returns of the county canvassing board, and for supplying omissions therein. When the canvass is completed, the board shall make and file with the secretary of state its certificate declaring the result of the vote; and, if the certificate shows that the proposition has received a majority of the votes cast thereon in each county to be affected thereby, and also has received a majority of the votes cast thereon in the territory forming the proposed new county, if the proposition was for the establishment of a new county, the governor, within ten days thereafter, shall issue his proclamation declaring the same adopted. The secretary of state shall record the certificate and proclamation in his office, and transmit a certified copy of the proclamation to the auditor of each county whose territory is affected thereby. The auditor shall ~~cause three weeks' published notice thereof to be given, and, if the proposition was for the establishment of a new county, shall serve a~~ certified copy ~~thereof~~ on each of the persons elected as county commissioners of the new county. The proclamation shall also be published with the general laws enacted at the next session of the legislature thereafter.

Sec. 34. Minnesota Statutes 1982, section 371.04, is amended to read:

371.04 [NOTICE OF PROCLAMATION.]

Upon the issuing of the proclamation the secretary of state shall record the petitions, affidavits, and proclamation, and ~~shall cause three weeks' published notice of the proclamation to be given in the county seat of each county affected thereby, and shall transmit a~~ certified copy of the proclamation, by mail, to the auditor of each county.

Sec. 35. Minnesota Statutes 1982, section 372.02, is amended to read:

372.02 [FORM OF NOTICE.]

When the order is filed the auditor shall forthwith make, seal, subscribe, and file in his office a notice substantially in the following form: "To the legal voters of the county of (here name the county), Minnesota: Notice is hereby given that a petition is on file in my office, signed by legal voters of the county to the number of (here state number as shown by the petition and affidavits), praying that the county-seat of the county be changed to (here designate the place), and that a special meeting of the county board will be held at (name the place of meeting), on the (state time), to consider the petition, at which time and place any legal voter of the county may appear, in person or by counsel, and be heard." The auditor shall ~~cause two weeks' published notice of the meeting to be given in all the newspapers of the county~~

~~and ten days' posted notice thereof of the meeting to be given in each town therein. Proof of publication and posting may be by the affidavit of any person having personal knowledge thereof, which affidavit shall be filed in the office of the auditor, and thereafter be prima facie evidence of the truth of the facts therein set forth. Two weeks' published posted notice of the intention to circulate such petition shall be given in one or more newspapers of the county, and two weeks' posted notice of such intention shall be given at the county-seat. Proof of the publication and posting shall be made in like manner as in the case of notice of the special meeting of the board.~~

Sec. 36. Minnesota Statutes 1982, section 372.08, is amended to read:

372.08 [CANVASS; CERTIFICATE OF CANVASSING BOARD.]

When the canvass is completed the canvassing board shall forthwith make, subscribe, and file with the auditor a certificate setting forth the total number of votes cast at the election, the number cast in each election district in favor of and against the change, and the majority in each for or against the same, the number cast in favor of and against the change in the county, and the majority therein for or against the same. If 55 percent of all the votes cast at the election shall be in favor of the change, the board shall ~~give two weeks' published notice of the result in all the newspapers of the county. The notice shall state that from and after a date specified therein, which shall be set a date not less than 60 nor more than 90 days after the election, after which the place~~ so chosen shall be the county-seat.

Sec. 37. Minnesota Statutes 1982, section 374.13, is amended to read:

374.13 [TO ADVERTISE FOR BIDS.]

Upon the completion of such plans and specifications and their approval or adoption by the city council and the board of county commissioners, the commission shall ~~proceed to advertise for, after notice appropriate to inform possible bidders, obtain bids or proposals for all or any portion of the work or materials, or both, to be done, performed, or furnished in the construction of the building. The advertisement for bids or proposals shall be published in the official newspaper of such city, if there be one, and, if not, in any newspaper published in such county to be selected by the commission, and may be published in such other newspapers or publications, either within or without the state, as the commission may deem advisable, and shall be published for such length of time as the commission may determine.~~ All bids or proposals shall be sealed by the bidders or proposers and shall be filed with the commission at or before the time specified in such advertising for the opening of bids or proposals. At the time and place specified in the advertisement for the opening of bids or proposals, the commission shall meet, open the bids or proposals, and tabulate the same, and shall thereupon award the contract or contracts to the responsible bidder whose bid or proposal is the most favorable to the city or county, or reject all bids and proposals. In the event all bids or proposals are rejected, the commission may ~~readvertise for, after similar notice, obtain more bids or proposals or may modify or change the plans and specifications and submit such modified plans and specifications to the city council and the board of county commissioners for approval, and when such modified or changed plans and specifications are satisfactory to both the city council and the board of county commissioners, the plans and specifications shall be returned to the commission and the commission shall proceed to~~

again advertise for, after similar notice, obtain bids or proposals in the manner hereinbefore provided. Any such contract awarded by the commission shall be subject to approval by the city council and the board of county commissioners.

Sec. 38. Minnesota Statutes 1982, section 374.34, is amended to read:

374.34 [ADVERTISEMENT FOR BIDS.]

Upon the completion of such plans and specifications and their approval or adoption by the commission, the commission shall proceed to advertise for, after notice appropriate to inform possible bidders, obtain bids or proposals for all or any portion of the work or materials, or both, to be done, performed or furnished in the construction of the building. The advertisement for bids or proposals shall be published in the official newspaper of such city, if there be one, and in the official newspaper of such county, and may be published in such other newspapers or publications, either within or without the state, as the commission may deem advisable, and shall be published for such length of time as the commission may determine. All bids or proposals shall be sealed by the bidders or proposers and shall be filed with the commission at or before the time specified in such advertising for the opening of bids or proposals, at which time the commission shall meet, open the bids or proposals and tabulate the same, and shall thereupon award the contract or contracts to the responsible bidder whose bid or proposal is the most favorable, or reject all bids and proposals. In the event all bids or proposals are rejected, the commission may re-advertise for, after similar notice, obtain more bids or proposals or may modify or change the specifications, and shall proceed to again advertise for, after similar notice, obtain more bids or proposals in the manner hereinbefore provided.

Sec. 39. Minnesota Statutes 1982, section 375.025, subdivision 4, is amended to read:

Subd. 4. [REDISTRICTING PLAN; ELECTION FOLLOWING REDISTRICTING.] A redistricting plan whether prepared by the county board or the redistricting commission shall be filed in the office of the county auditor. Notice that the plan is on file shall be published in the newspaper having the contract for publishing the commissioners' proceedings for the current year. A redistricting plan shall be effective on the 31st day after publication of the notice filing unless a later effective date is specified; provided, no redistricting plan shall be effective as to the next election of county commissioners unless the plan shall have been filed with the county auditor not less than 30 days before the first date candidates may file for the office of county commissioner. One commissioner shall be elected in each district who, at the time of the election, shall be a resident thereof and the person so elected shall be entitled to hold the office only while he remains a resident of the commissioner district. The county board or the redistricting commission as appropriate shall determine the number of members of the county board who shall be elected for two year terms and for four year terms in order to provide for staggered terms on the county board. Thereafter, all commissioners shall be elected for four years. When a county is redistricted, there shall be a new election of commissioners in all the districts of the county at the next general election except that where the change made in the boundaries of a district is less than 10 percent of the average of all districts of the county, the commis-

sioner in office at the time of the redistricting shall serve for the full period for which he was elected.

Sec. 40. Minnesota Statutes 1982, section 375.12, is amended to read:

375.12 [PUBLICATION OF PROCEEDINGS.]

Subdivision 1. The county board shall cause the official proceedings of its sessions to be published in ~~some a~~ qualified newspaper ~~produced and published in its of general circulation in the county~~, which publication shall be let annually by contract to the lowest bidder, at the first regular session of the board in January each year. ~~The board may elect to publish all or any part of the official proceedings; provided that in the case of partial publication, the published proceedings shall indicate in what respect they are incomplete. If the county board determines that publication of a summary of the proceedings would adequately inform the public of the substance of the proceedings, the county board may direct that only a summary be published, conforming to the requirements of section 20, subdivision 10.~~ In each county whose population exceeds 600,000, the proceedings shall be published in a daily newspaper. The board may reject any offer if, in its judgment, the public interests so require, and may thereupon designate a newspaper without regard to any rejected offer. In any county whose population exceeds 50,000, and is less than 250,000, the proceedings may be published in one daily and one weekly newspaper at their respective county seats. If the official newspaper of the county shall cease to exist for any reason, except by consolidation with another newspaper, the county board shall have authority to designate another newspaper for the remainder of the year. ~~For the purpose of this section, a newspaper is produced and published in the county if it has in the county its known office of issue, as such term is defined in section 331.02, and if it does its typographic composition or presswork or both in the county. The publication shall occur within 30 days of the meeting to which the proceedings relate.~~

Subd. 2. Individualized itemized accounts, claims or demands allowed by the county board pursuant to section 471.38, subdivision 1, need not be published pursuant to subdivision 1, provided that the amount allowed from each claim is \$100 or less. The official proceedings following the itemization of accounts required shall contain a statement showing the total number of claims that did not exceed \$100, and the total dollar amount of those claims.

Sec. 41. [375.169] [PUBLICATION OF SUMMARY BUDGET STATEMENT.]

Annually, upon adoption of the county budget, the county board shall cause a summary budget statement to be published in the official newspaper of the county, or if there is none, in a qualified newspaper of general circulation in the county. The statement shall contain information relating to anticipated revenues and expenditures in a form prescribed by the state auditor. The form prescribed shall be designed so that comparisons can be made between the current year and the budget year. A note shall be included that the complete budget is available for public inspection at a designated location within the county.

Sec. 42. Minnesota Statutes 1982, section 375.17, is amended to read:

375.17 [PUBLICATION OF FINANCIAL STATEMENTS.]

Annually, not later than the first Tuesday after the first Monday in March, the county board shall make a full and accurate statement of the receipts and expenditures of the preceding year, which shall contain a statement of the assets and liabilities, a summary of receipts, disbursements, and balances of all county funds together with a detailed statement of each fund account, under the form and style prescribed by and on file with the state auditor, which prescribed form and any changes or modifications thereof shall so far as practical be uniform for all counties and shall be approved by the attorney general and the state printer and ~~within 30 days thereafter~~ *before June 1* shall cause the same to be published for one issue in some newspaper within the county, which newspaper must be a duly qualified legal newspaper, as provided by law. The county board may also refrain from publishing an itemized account of amounts paid out, to whom and for what purpose to the extent that the published proceedings of the county board contain such information, provided that all disbursements aggregating \$5,000 or more to any person are set forth in a schedule of major disbursements showing amounts paid out, to whom and for what purpose and are made a part of, and published with, the financial statement. The county board may refrain from publishing the names and amounts of salaries and expenses paid to employees but shall publish the totals of disbursements for salaries and expenses. The county board may refrain from publishing the names of persons receiving poor relief or direct relief and the amounts paid to each, but the totals of the disbursements for such purposes must be published. In addition to the publication thereof in the newspaper designated by the board as the official newspaper for publication of the financial statement, the same shall be published in one other newspaper of the county, if there be one ~~located~~ *of general circulation* in a different municipality in the county than the official newspaper. The county board shall call for separate bids for each publication. Insofar as any provision of this section is inconsistent with the provisions of section 393.07, the provisions of that section shall prevail.

Sec. 43. Minnesota Statutes 1982, section 375.51, subdivision 3, is amended to read:

Subd. 3. [PUBLICATION.] Every ordinance enacted by a county board shall be published at least once as part of the proceedings of the meeting at which the ordinance was enacted. Publication shall be made in the official newspaper of the county but additional publications, either in the official newspaper or other newspaper, may be ordered. An ordinance may be published in its entirety, or otherwise as hereinafter provided.

To the extent of the authority described in subdivision 1 of this section, a county may incorporate in an ordinance by reference any statute of Minnesota, any administrative rule or regulation of any department of the state of Minnesota affecting the county, or any code. The term "code" as used herein means any compilation of regulations or standards or parts thereof prepared by any governmental agency or any trade or professional association for general distribution in printed form as a standard or model on the subject of building construction, plumbing, electric wiring, inflammable liquids, sanitary provisions, public health, safety, or general welfare.

In the case of lengthy ordinances, or ordinances which include charts or maps, the ordinance need not be published in its entirety if the title of the ordinance and a summary of the ordinance *conforming to section 20, subdivision 10*, is included in the publication of the proceedings of the meeting at

which the ordinance was enacted, *with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the county auditor.* In such case and in the case a statute, administrative rule or regulation or a code is adopted by reference, all requirements of statute for the publication of ordinances shall be satisfied if the summary of the ordinance or the ordinance incorporating the statute, regulation, ordinance or code is published in the required manner and if, prior to such publication, at least one copy of the entire ordinance or of the statute, rule, regulation or code are marked as the official copy and filed for use and examination by the public in the office of the county auditor. Provisions of the entire ordinance or of the statute, rule, regulation or code thus incorporated in such ordinance by reference shall be as much a part of the ordinance as if they had been set out in full therein.

Sec. 44. Minnesota Statutes 1982, section 375.52, is amended to read:

375.52 [REVISION AND CODIFICATION.]

Any county may revise and codify and print in book, pamphlet or newspaper form any general and special laws, ordinances, resolutions and rules in force in the county. Such codification shall be a sufficient publication of any ordinance included in it and not previously published in a newspaper if a substantial quantity of the codification is printed for general distribution to the public. ~~A notice that copies of the codification are available in the office of the county auditor shall be published in the official county newspaper for at least two successive weeks.~~ The county board is authorized to make a reasonable charge for the cost of printing and distribution of ordinances or a codification of ordinances.

Sec. 45. Minnesota Statutes 1982, section 383A.27, subdivision 2, is amended to read:

Subd. 2. [RULES; JOURNAL.] The board shall determine its own rules and order of business and shall provide for keeping a journal of its official proceedings. This journal shall be a public record and shall be published according to Minnesota Statutes, Section 375.12, in a newspaper having in the county its own office of issue, ~~as this term is defined in Minnesota Statutes, Section 331.02;~~ and doing its typographic composition and presswork in the county.

Sec. 46. Minnesota Statutes 1982, section 412.191, subdivision 3, is amended to read:

Subd. 3. [PUBLICATION OF COUNCIL PROCEEDINGS.] The council ~~may publish all or any part of the official council proceedings in the official newspaper. In the case of partial publication, the published proceedings shall indicate in what respects they are incomplete after every regular or special meeting shall publish the official council proceedings, a summary conforming to section 20, subdivision 10, or a condensed version of the official minutes which shall include action on motions, resolutions, ordinances, and other official proceedings. The publication shall occur within 30 days of the meeting to which the proceedings relate.~~

Sec. 47. Minnesota Statutes 1982, section 412.191, subdivision 4, is amended to read:

Subd. 4. [ENACTMENT OF ORDINANCES.] Every ordinance shall be

enacted by a majority vote of all the members of the council except where a larger number is required by law. It shall be signed by the mayor, attested by the clerk and published once in the official newspaper. *In the case of lengthy ordinances, or ordinances which include charts or maps*, if the city council determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the council may by a four-fifths vote of its members direct that only the title of the ordinance and a summary be published, *conforming to section 20, subdivision 10*, with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the city clerk and any other location which the council designates. A copy of the entire text of the ordinance shall be posted in the community library, if there is one, or if not, in any other public location which the council designates. Prior to the publication of the title and summary the council shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published. The text of the summary shall be published in a body type no smaller than brevier or eight-point type, ~~as defined in section 331.07~~. Proof of the publication shall be attached to and filed with the ordinance.

Every ordinance shall be recorded in the ordinance book within 20 days after publication of the ordinance or its title and summary. All ordinances shall be suitably entitled and shall be substantially in the style. "The City Council of ordains:".

Sec. 48. Minnesota Statutes 1982, section 414.09, subdivision 3, is amended to read:

Subd. 3. [ELECTIONS OF MUNICIPAL OFFICERS.] An order approving an incorporation or consolidation pursuant to this chapter shall set a date for this election of new municipal officers not less than 45 days nor more than 60 days after the issuance of such order. The board shall appoint an acting clerk for election purposes, at least three election judges who shall be residents of the new municipality, and shall designate polling places within the new municipality.

The acting clerk shall prepare the official election ballot. Affidavits of candidacy may be filed by any person eligible to hold municipal office not more than four weeks nor less than two weeks before the date designated by the board for the election. ~~At least one week before the first day to file such affidavits the acting clerk shall publish a notice in a newspaper qualified as a medium of official publication and of general circulation within the new municipality stating the first and last dates on which such affidavits may be filed, the location of the clerk's office, the clerk's office hours, and the amount of the filing fee.~~

~~The acting clerk shall publish a notice of election in a newspaper qualified as a medium of official publication and of general circulation within the new municipality for two successive weeks immediately prior to the date designated by the board for the election. The election notice shall state the purpose, date, and polling places for the election, and shall state the time the polls shall be open, which time shall be at least five hours.~~

The election shall be conducted in conformity with the charter and the laws

for conducting municipal elections insofar as applicable. Any person eligible to vote at a township or municipal election within the area of the new municipality, is eligible to vote at such election.

Any excess in the expense of conducting the election over receipts from filing fees shall be a charge against the new municipality; any excess of receipts shall be deposited in the treasury of the new municipality.

Sec. 49. Minnesota Statutes 1982, section 415.021, is amended to read:

415.021 [CODIFICATION OF ORDINANCES.]

Any city, however organized, may revise and codify and print in book, pamphlet or newspaper form, any ordinances, resolutions, and rules of the city and may include therein for reference any applicable general or special laws. Such codification shall be a sufficient publication of any ordinance included in it and not previously published in a newspaper if a substantial quantity of the codification is printed for general distribution to the public. ~~A notice that copies of the codification are available at the office of the city clerk or recorder shall be published for at least two successive weeks in the official newspaper, or, if there is none, in a newspaper of general circulation in the city.~~

Sec. 50. Minnesota Statutes 1982, section 429.061, subdivision 2, is amended to read:

Subd. 2. [ADOPTION; INTEREST.] At such meeting or at any adjournment thereof the council shall hear and pass upon all objections to the proposed assessment, whether presented orally or in writing. The council may amend the proposed assessment as to any parcel and by resolution adopt the same as the special assessment against the lands named in the assessment roll. Notice of any adjournment of the hearing shall be adequate if the minutes of the meeting so adjourned show the time and place when and where the hearing is to be continued, ~~or if three days notice thereof be published in the newspaper.~~

The council may consider any objection to the amount of a proposed assessment as to a specific parcel of land at an adjourned hearing upon further notice to the affected property owner as it deems advisable. At the adjourned hearing the council or a committee of it may hear further written or oral testimony on behalf of the objecting property owner and may consider further written or oral testimony from appropriate city officials and other witnesses as to the amount of the assessment. The council or committee shall prepare a record of the proceedings at the adjourned hearing and written findings as to the amount of the assessment. The amount of the assessment as finally determined by the council shall become a part of the adopted assessment roll. All objections to the assessments not received at the assessment hearing in the manner prescribed by this section are waived, unless the failure to object at the assessment hearing is due to a reasonable cause.

The assessment, with accruing interest, shall be a lien upon all private and public property included therein, from the date of the resolution adopting the assessment, concurrent with general taxes; but the lien shall not be enforceable against public property as long as it is publicly owned, and during such period the assessment shall be recoverable from the owner of such property only in the manner and to the extent provided in section 435.19. Except as

provided below, all assessments shall be payable in equal annual installments extending over such period, not exceeding 30 years, as the resolution determines, payable on the first Monday in January in each year, but the number of installments need not be uniform for all assessments included in a single assessment roll if a uniform criterion for determining the number of installments is provided by the resolution. The first installment of each assessment shall be included in the first tax rolls completed after its adoption and shall be payable in the same year as the taxes contained therein; except that the payment of the first installment of any assessment levied upon unimproved property may be deferred until a designated future year, or until the platting of the property or the construction of improvements thereon, upon such terms and conditions and based upon such standards and criteria as may be provided by resolution of the council. If special assessments against the property have been deferred pursuant to this subdivision, the governmental unit shall file with the county recorder in the county in which the property is located a certificate containing the legal description of the affected property and of the amount deferred. In any event, every assessment the payment of which is so deferred, when it becomes payable, shall be divided into a number of installments such that the last installment thereof will be payable not more than 30 years after the levy of the assessment. All assessments shall bear interest at such rate as the resolution determines, not exceeding eight percent per annum, except that the rate may in any event equal the average annual interest rate on bonds issued to finance the improvement for which the assessments are levied. To the first installment of each assessment shall be added interest on the entire assessment from a date specified in the resolution levying the assessment, not earlier than the date of the resolution, until December 31 of the year in which the first installment is payable, and to each subsequent installment shall be added interest for one year on all unpaid installments; or alternatively, any assessment may be made payable in equal annual installments including principal and interest, each in the amount annually required to pay the principal over such period with interest at such rate as the resolution determines, not exceeding the maximum period and rate specified above. In the latter event no prepayment shall be accepted under subdivision 3 without payment of all installments due to and including December 31 of the year of prepayment, together with the original principal amount reduced only by the amounts of principal included in such installments, computed on an annual amortization basis. When payment of an assessment is deferred, as authorized in this subdivision, interest thereon for the period of deferment may be made payable annually at the same times as the principal installments of the assessment would have been payable if not deferred; or interest for this period may be added to the principal amount of the assessment when it becomes payable; or, if so provided in the resolution levying the assessment, interest thereon to December 31 of the year before the first installment is payable may be forgiven.

Sec. 51. Minnesota Statutes 1982, section 430.02, subdivision 3, is amended to read:

Subd. 3. [NOTICE OF HEARING; HEARING; AWARD AND APPRAISEMENT.] The commissioners shall give notice, ~~by two publications in the official newspaper of the city in a manner appropriate to inform the public~~, that the survey and plat and the pedestrian mall ordinance, if any, is on file in the office of the city clerk for the examination of all persons interested and that they will, on a day designated in this notice, ~~which shall be at least ten days after the first publication of the notice~~, meet at a place designated in the notice on or near the proposed improvement, and view the prop-

erty proposed to be taken or interfered with for the purposes of these improvements, and ascertain and award therefor compensation and damages, and view the premises to be benefited by this improvement, and assess thereon in proportion to benefits, the amount necessary to pay the compensation and damage and the cost of making the improvement and that they will then and there hear such allegations and proofs as interested persons may offer. These commissioners shall meet and view the premises pursuant to the notice, and may adjourn, from time to time, and, after having viewed the premises, may, for the hearing of evidence and preparation of their award and assessment, adjourn or go to any other convenient place in the city, and may have the aid and advice of the city engineer and of any other officer of the city, and adjourn from time to time. If a pedestrian mall ordinance is proposed by the council under section 430.011, in connection with an improvement, the commissioners may consider the business uses of abutting property affected by such ordinance and by the improvement to which it relates and the probable effect which the ordinance and improvement will have on the value of such property and such uses and shall consider whether such property has access to some other street or alley for delivering and receiving merchandise and materials and the extent to which the use and value of property without such access will suffer as a result of the adoption of such ordinance and the making of such improvement. After viewing the premises and hearing the evidence offered, these commissioners shall prepare and make a true and impartial appraisal and award of the compensation and damages to be paid to each person whose property is to be taken or injured by the making of the improvement; but if the remainder of the same property, a part of which only is to be taken or damaged by the improvement, shall be benefited by the improvement, then the commissioners, in considering and awarding compensation and damages, shall also consider, estimate, and offset the benefits which will accrue to the same owner, in respect to the remainder of the same property, and award him only the excess of the compensation or damages over and above these benefits.

Sec. 52. Minnesota Statutes 1982, section 430.02, subdivision 7, is amended to read:

Subd. 7. [PUBLICATION OF NOTICE OF HEARING.] The commissioners shall, upon the completion of their report, file the same with the city clerk and thereupon it shall be the duty of the city clerk to give notice to all interested parties by publishing, as soon as possible, in the official newspaper of the city a notice containing *prepare a list of* descriptions of the several lots and parcels of land taken for these proposed improvements, the amount awarded for the taking of each lot or parcel, the names of the owner or owners of the same, descriptions of the several lots or parcels of land upon which benefits have been assessed, the amount assessed against each lot or parcel and the names of the owner or owners of the same the names of all owners referred to herein to be obtained from the commissioners, and, so far as may be necessary, from the records in the office of the county treasurer. If a pedestrian mall ordinance is proposed to be adopted in connection with the improvement under section 430.011, a copy of the proposed ordinance shall be published with the notice and the notice shall refer to the ordinance and shall state that any and all objections to the adoption of the ordinance will be heard and considered. *The clerk shall give notice of the proceedings appropriate to inform the owners of the proposed action.* The published notice shall also designate and fix a place and time, not earlier than three weeks from date of publication of the same, at which a committee therein designated by the board of park commissioners or of the council will meet to hear and consider, from

or on the part of the owner or owners of the several lots or parcels of land taken for the proposed improvement and of the several lots or parcels of land upon which benefits have been assessed, any and all objections to the making of the improvement, to the amount of damages awarded for the taking of or interference with the property involved, to the amount of the assessment for benefits to any property affected by the proceedings, and any and all claims of irregularities in the proceedings of the city council, board of park commissioners, or the commissioners so appointed by either thereof.

Sec. 53. Minnesota Statutes 1982, section 430.02, subdivision 11, is amended to read:

Subd. 11. [COMMITTEE REPORT.] Within ten days from the conclusion of the hearing or hearings the committee shall file with the city clerk its report and recommendation on the matter so submitted, and upon such filing the city clerk shall give notice that this report and recommendation has been filed and that the same, together with the report of the commissioners, will be considered by the city council at a meeting thereof to be designated in the notice, which notice shall be published in the official newspapers of the city once a week for two consecutive weeks, the last publication thereof being at least two weeks before the meeting of the city council given in a manner appropriate to inform the persons affected and the public.

Sec. 54. Minnesota Statutes 1982, section 430.02, subdivision 12, is amended to read:

Subd. 12. [ACTION BY COUNCIL.] The city council, upon the day fixed for the consideration of the reports and recommendation or at any subsequent meeting to which the same may stand over or be referred, may, by resolution, annul and abandon the proceedings, or may confirm the awards and assessments or any or either thereof, or annul the same, or send the same back to the commissioners for further consideration; and the commissioners may, in such case, again meet at a time and place to be designated in a notice which shall be published by the city clerk once in the official newspaper of the city, copies of which to be similarly mailed by the city clerk to all interested persons, at least two weeks prior to the meeting, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and may correct any mistakes in the award and assessment and alter and revise the same as they may deem just, and again report the same to the city council, who may thereupon confirm or annul the same. If it shall desire to confirm the awards and assessments, the city council shall then give its final reading to and vote on the adoption of any pedestrian mall ordinance proposed in connection with the improvement pursuant to section 430.011, and if it shall be amended or shall fail of adoption for lack of a sufficient majority of votes or otherwise, any improvement instituted in connection with such proposed ordinance shall either be abandoned or the awards and assessments shall be returned to the commissioners for further consideration.

Sec. 55. Minnesota Statutes 1982, section 430.04, is amended to read:

430.04 [AWARDS; HOW PAID; ASSESSMENTS.]

When any award of damages made to appellants upon any appeal to the district court shall exceed the amount of the award appealed from, and when any assessment of benefits made in respect to any appellant upon appeal shall

be less than the amount of the assessment of benefits appealed from, the amount of this increase in the amount of the award of damages and the amount of this decrease in the assessment of benefits may be paid by the city from the permanent improvement fund or any fund of the city available therefor, or the city council may cause the same to be assessed upon and against any property benefited by the proposed improvements in addition and without prejudice to prior assessments made thereon in the proceedings, and may refer the matter to the commissioners theretofore appointed by the council in the proceeding or to new commissioners to be appointed by the city council. These commissioners, whether new or old, shall have the same qualifications as required of commissioners appointed by section 430.02 and shall take oath to faithfully discharge their duties as commissioners and give notice of the time and place when and where they will meet to hear persons interested and assess the amounts of the increase of awards of damages and decrease of assessments of benefits upon the land and property, theretofore assessed for these benefits, or assess benefits on lots or parcels of land not theretofore assessed for benefits in the proceeding. The notice, as to the owners of the lots or parcels of land entitled to increase of awards upon any appeal, and as to the owners of any lots or parcels of land to be then assessed for benefits that were not so assessed in the original proceeding by the commissioners, shall be given by these commissioners by depositing the same in the post office of the city, postage postpaid, directed to each of the persons at his last known place of residence, if known to the commissioners, otherwise as obtained from the office of the county treasurer; provided that the failure of any owner to receive this notice shall not in any wise operate to invalidate any of the proceedings covered by this chapter. The commissioners shall meet, at the time and place so designated in their notice, hear all persons interested, and assess the amount of the increased awards of damages and decreased assessments of benefits, or new and original assessments of benefits, upon the property benefited by the proposed improvements, in proportion to the benefits, but in no case shall the amount of this assessment exceed the actual benefit to the lot or parcel of land so assessed, and the commissioners shall prepare and file with the city clerk an assessment list of the assessment so made by them, containing a brief description of each piece of property assessed, the name of the owners thereof, if known, and the amount assessed against the same, and the city clerk shall present this list to the city council for consideration. A brief minute of the presentation of this assessment list to the city council shall be ~~made and published~~ *included* in the record of the proceedings of the city council, which shall be held to be sufficient notice to all persons concerned. This assessment list shall lie over without action thereon by the city council until the next regular meeting of the council which will occur at least one week thereafter, at which time, or at any meeting thereafter, the city council may confirm the assessments and assessment roll, or send the same back to the commissioners for further consideration and report thereon. Any person interested who is dissatisfied with the amount of an assessment may appeal from the confirmation of the assessment by the city council to the district court, in like manner and with like proceedings as provided in section 430.03 in respect to filing objections and taking appeals from original appeals made in such proceedings from such order of confirmation. Any decrease made in any assessments upon any appeal may be paid by the city from the permanent improvement fund or from any fund of the city available therefor, or the city council may cause the same to be reassessed as hereinabove provided.

Sec. 56. Minnesota Statutes 1982, section 430.07, subdivision 5, is

amended to read:

Subd. 5. If, in any proceedings under this chapter, the actual cost of the improvement of any street, park, or parkway in the manner herein designated is less than the estimated cost thereof, as found and adopted by it, the city council, except as otherwise provided by this subdivision, shall immediately cancel and annul the assessments made in the proceedings to an amount which, in the aggregate, shall not exceed such fractional part of the total amount of the excess of estimated cost over the actual cost as shall be equivalent to the fraction obtained by dividing the total amount of the assessments by the total amount of the estimated cost.

In case the assessments in any proceeding have not been entirely collected or in case the city council deems that any such assessments cannot be fully collected, the city council may direct the city comptroller to retain in the fund in the proceeding a sum sufficient, in the judgment of the city council, to cover the deficiencies in the collection of the assessments, and the city council shall direct that the balance of the excess of estimated cost shall be disposed of in the following manner. The city council shall direct the city comptroller to certify the amount of this balance to the county auditor. The auditor shall thereupon deduct the amount from the first instalment of the assessment to be collected after the receipt of this certificate. This deduction shall be made from the assessment against each piece or parcel of property in the proportion that the excess, as certified by the city comptroller, bears to the total of the instalment of the assessment. If the balance as certified, exceeds one instalment, it shall also be deducted in like manner from succeeding instalments until the same is fully deducted.

If the assessment against a piece or parcel of property has been paid in full, and the amount to be refunded does not exceed \$1, the city council may deposit the amount of the potential refund in the city's permanent improvement fund or bond redemption fund. If the amount to be refunded exceeds \$1, but does not exceed \$20, the city comptroller shall mail to the current owner of the property a notice stating that the refund is available. The notice shall be mailed within 60 days after the city council determines the actual cost of the improvement. If the amount to be refunded exceeds \$20 the following notice procedure shall be followed. The city comptroller shall mail to the person who owned the property when the assessment was paid, at his last known address, a notice stating that the refund is available. The notice shall be mailed within 60 days after the city council determines the actual cost of the improvement. If a response is not received from the owner within ten days of the date of mailing, a second notice shall be mailed. If a response is not received from the owner within ten days of the date of the second mailing, a notice of refund containing the name of the person who was the owner when the assessment was paid, and the address of the property shall be published in a newspaper of general circulation in the city. If the refund is not claimed by the person who owned the property when the assessment was paid, within 30 days of the date of mailing of the last required notice or within 30 days of the date of publication of any required notice, whichever is later, the city council may deposit the amount of the potential refund in the city's permanent improvement fund or bond redemption fund.

Sec. 57. Minnesota Statutes 1982, section 430.102, subdivision 3, is amended to read:

Subd. 3. [ANNUAL IMPROVEMENT ASSESSMENT PROCEDURE; APPEALS.] When the council shall have acted on the estimate of costs, the city engineer, with the assistance of the city assessor, shall prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the district in proportion to the benefits, descriptions of such properties, and the names of the owners of such properties, so far as such names are available to him. The assessment roll, when so prepared, shall be filed in the office of the city clerk and be there available for inspection. The city council shall meet to consider objections to the amounts of such special assessments at least ten days after a notice of hearing has been ~~published once in the official newspaper~~ and mailed to the named owners of all tracts, parcels and lots of property proposed to be assessed. The notice shall set forth the time and place of meeting, and set forth the purpose of such meeting, but may refer to the assessment roll for further particulars. When the city council shall have approved the amounts of the special assessments set forth therein, or as may be changed by it, the city clerk shall forthwith certify a copy of the assessment roll, with such changes, if any, to the county auditor to be extended on the tax lists of the county and to be collected with and in the same manner as other taxes on property for the current year. Within 20 days after the adoption of the assessment, any person aggrieved may appeal to the district court as provided in section 430.03 except that commissioners shall not be appointed to consider the amount of benefits; if the court shall find that the assessment is not arbitrary, unreasonable, or made under a demonstrable mistake of fact or erroneous theory of law, it shall confirm the proceedings, but otherwise shall remand the same to the city council for reconsideration and reassessment of the benefits upon like notice and hearing as in the case of original assessments under this subdivision. All objections to the assessment shall be deemed waived unless presented on such appeal.

Sec. 58. Minnesota Statutes 1982, section 435.202, subdivision 2, is amended to read:

Subd. 2. [REFUND OF ASSESSMENTS.] The governing body of the municipality shall also notify the municipal clerk or recorder of such fact, and he shall forthwith ~~publish a provide notice in the official newspaper of the municipality~~ *appropriate to inform interested persons* describing the improvement and stating that it has been abandoned and that any person who paid any special assessments levied on account of such improvement may file a claim, within six months following the date of ~~publication of the notice~~, for refund of such assessments paid by him, together with any interest he paid thereon. ~~If the municipality has no official newspaper, such notice may be published in any newspaper published in the municipality or, if no newspaper is published in the municipality, it may be posted.~~ The municipality is not required to, but may, pay such claims filed after the period allowed, and it may require any claimant to furnish satisfactory evidence that he paid the amounts claimed. Such claims may be paid out of moneys in the fund of the improvement which was abandoned, unless obligations have been issued payable therefrom, or they may be paid out of moneys in the general fund.

Sec. 59. Minnesota Statutes 1982, section 441.04, is amended to read:

441.04 [ADVERTISE FOR BIDS.]

As soon as the plans and specifications are approved by the council of each

city the committee shall cause advertisements to be published once in each week for three successive weeks in a daily newspaper of each city for give notice appropriate to inform interested persons requesting public bids for the construction of the bridge, specifying the time and place for opening the bids, the amount and character of deposit required with the bids, together with any reasonable requirements or conditions, and reserving the right to reject any and all bids. No contract shall be let except to the lowest responsible bidder; provided that any such city, acting through its council, may submit a bid and if its bid be the lowest bid the contract shall be awarded to the city, subject to the power of the committee to reject all bids.

Sec. 60. Minnesota Statutes 1982, section 462.427, subdivision 3, is amended to read:

Subd. 3. [PUBLIC HEARING; NOTICE; PUBLICATION; RESOLUTION.] The governing body of a political subdivision shall not adopt any resolution authorized by this and section 462.426 unless a public hearing has first been held. The clerk of such political subdivision shall give notice of the time, place, and purpose of the public hearing not less than ten days nor more than 30 days prior to the day on which the hearing is to be held, in a newspaper published in such political subdivision, or if there is no newspaper published in such political subdivision, then in a newspaper published in the state and having a general circulation in such political subdivision manner appropriate to inform the public. Upon the date fixed for such public hearing an opportunity to be heard shall be granted to all residents of such political subdivision and to all other interested persons. The resolution shall be published in a newspaper of general circulation in the political subdivision.

Sec. 61. Minnesota Statutes 1982, section 465.32, is amended to read:

465.32 [NOTICE OF MEETING.]

The appraisers shall give notice of their meeting by publication in the official newspaper of the city, once a week for six consecutive weeks, which last publication shall be at least ten days before the day of such meeting in a manner appropriate to inform the public, which notice shall name the stream to be diverted, the point of diversion, the general course of the new channel and the height to which it is proposed to raise or maintain any lake, the location of proposed bridges, culverts, or tunnels, the estimated cost of construction, and contain a description of the lands designated by the city council to be taken for right of way and for flowage purposes, and give notice that a plan of the improvement has been filed in the office of the city clerk, and that the appraisers will meet at a place and time designated in the notice, and thence proceed to view the premises and appraise the damages for property to be taken, or which may be damaged by the diversion of water or otherwise by such improvement, and to assess benefits in the manner hereinafter specified. If any portion of such stream or of the lands to be taken is outside of the county containing such city, then the notice shall be published for a like time in some newspaper in such also be given in the outside county.

Sec. 62. Minnesota Statutes 1982, section 465.38, is amended to read:

465.38 [NOTICE OF APPRAISEMENT; CONFIRMATION OR ANNULLMENT.]

Upon such report being filed, the city clerk shall give notice that such

appraisement has been returned and that the same will be considered by the city council at a meeting thereof to be named in the notice, which notice shall contain the schedule of damages awarded and benefits assessed and be published in the official newspaper of the city once a week for two consecutive weeks, and the last publication shall be at least ten days before such meeting given in a manner appropriate to inform the public. Any person interested in any building standing in whole or in part upon any land required to be taken by such improvement shall, on or before the time specified for the meeting in such notice, notify the city council in writing of his election to remove such building, if he so elect. The city council, upon the day fixed for the consideration of such report, or at any subsequent meeting to which the same may stand over or be referred, shall have power in their discretion to confirm, revise, or annul the appraisement and assessment, giving due consideration to any objections interposed by parties interested in the manner hereinafter specified; provided that the city council shall not have the power to reduce the amount of any award nor increase any assessment. In case the appraisement and assessment is annulled, the city council may thereupon appoint new appraisers, who shall proceed in like manner as in case of the first appraisement, and upon the coming in of their report, the city council shall proceed in a like manner and with the same powers as in the case of the first appraisement.

Sec. 63. [471.6965] [PUBLICATION OF SUMMARY BUDGET STATEMENT.]

Annually, upon adoption of the city budget, the city council shall publish a summary budget statement in the official newspaper of the city, or if there is none, in a qualified newspaper of general circulation in the city. The statement shall contain information relating to anticipated revenues and expenditures, in a form prescribed by the state auditor. The form prescribed shall be designed so that comparisons can be made between the current year and the budget year. A note shall be included that the complete budget is available for public inspection at a designated location within the city.

Sec. 64. Minnesota Statutes 1982, section 471.697, subdivision 1, is amended to read:

Subdivision 1. In any city with a population of more than 2,500 according to the latest federal census, the city clerk or chief financial officer shall:

(a) Prepare a financial report covering the city's operations including operations of municipal hospitals and nursing homes, liquor stores, and public utility commissions during the preceding fiscal year after the close of the fiscal year and publish the report or a summary of the report, in a form as prescribed by the state auditor, in a *qualified newspaper of general circulation* in the city or, if there ~~be~~ is none, post copies in three of the most public places in the city, *no later than 30 days after the report is due in the office of the state auditor*. The report shall contain financial statements and disclosures which present the city's financial position and the results of city operations in conformity with generally accepted accounting principles. The report shall include such information and be in such form as may be prescribed by the state auditor;

(b) File the financial report in his office for public inspection and present it to the city council after the close of the fiscal year. One copy of the financial

report shall be furnished to the state auditor after the close of the fiscal year; and

(c) Submit to the state auditor audited financial statements which have been attested to by a certified public accountant, public accountant, or the state auditor within 180 days after the close of the fiscal year, except that the state auditor may upon request of a city and a showing of inability to conform, extend the deadline. The state auditor may accept this report in lieu of the report required in clause (b) above.

A municipal hospital or nursing home established before June 6, 1979 whose fiscal year is not a calendar year on August 1, 1980 is not subject to this subdivision but shall submit to the state auditor a detailed statement of its financial affairs audited by a certified public accountant, a public accountant or the state auditor no later than 120 days after the close of its fiscal year. It may also submit a summary financial report for the calendar year.

Sec. 65. Minnesota Statutes 1982, section 471.698, subdivision 1, is amended to read:

Subdivision 1. In any city with a population of less than 2,500 according to the latest federal census, the city clerk or chief financial officer shall:

(a) Prepare a detailed statement of the financial affairs of the city including operations of municipal hospitals and nursing homes, liquor stores, and public utility commissions in the style and form prescribed by the state auditor, for the preceding fiscal year showing all money received, with the sources, and respective amounts thereof; all disbursements for which orders have been drawn upon the treasurer; the amount of outstanding and unpaid orders; all accounts payable; all indebtedness; contingent liabilities; all accounts receivable; the amount of money remaining in the treasury; and all items necessary to show accurately the revenues and expenditures and financial position of the city;

(b) File the statement in his office for the public inspection and present it to the city council within 45 days after the close of the fiscal year;

(c) (1) Publish the statement within ~~60~~ 90 days after the close of the fiscal year in a *qualified newspaper published of general circulation* in the city; or

(2) If there is no *qualified newspaper of general circulation* in the city, the clerk shall, at the direction of the city council, ~~publish the statement in the official newspaper published elsewhere~~ or post copies in three of the most public places in the city; or

(3) If city council proceedings are published monthly or quarterly, showing to whom and for what purpose orders are drawn upon the treasurer, the annual statement to be published as required by this section may be summarized in such form as the state auditor may prescribe. *It is not necessary to publish individual disbursements of less than \$100, if disbursements aggregating \$1,000 or more to any person, firm, or other entity are set forth in a schedule of major disbursements showing amounts paid out, to whom, and for what purpose, and are made a part of and published with the financial statement;* and

(d) Submit within 90 days after the close of the fiscal year a copy of the statement to the state auditor in such summary form as the state auditor may

prescribe.

A municipal hospital or nursing home established before June 6, 1979 whose fiscal year is not a calendar year on August 1, 1980 is not subject to this subdivision but shall submit to the state auditor a detailed statement of its financial affairs audited by a certified public accountant, a public accountant or the state auditor no later than 120 days after the close of its fiscal year. It may also submit a summary financial report for the calendar year.

Sec. 66. Minnesota Statutes 1982, section 472.04, subdivision 2, is amended to read:

Subd. 2. The governing body of a municipality shall consider such a resolution only after a public hearing thereon after notice ~~published in a qualified newspaper at least once~~, *appropriate to inform the public given* not less than 10 nor more than 30 days prior to the date of the hearing. Opportunity to be heard shall be granted to all residents of the municipality and its environs and to all other interested persons. The resolution shall be published in the same manner in which ordinances are published in the municipality.

Sec. 67. Minnesota Statutes 1982, section 484.30, is amended to read:

484.30 [ADJOURNED AND SPECIAL TERMS.]

The judges of each district may adjourn court from time to time during any term thereof, and may appoint special terms for the trial of issues of law and fact, and, when necessary, direct petit juries to be drawn therefor. ~~Three weeks' published notice of every special term shall be given in the county wherein it is to be held.~~ They may also appoint special terms for the hearing of all matters except issues of fact, the order for which shall be filed with the clerk, and a copy posted in his office for three weeks prior to the term.

Sec. 68. [REPEALER.]

Minnesota Statutes 1982, sections 55.09; 331.01; 331.02; 331.03; 331.04; 331.05; 331.06; 331.07; 331.08; 331.10; 331.11; and 441.51, are repealed.

Sec. 69. [EFFECTIVE DATE.]

Sections 1 to 68 are effective January 1, 1985, except as they apply to independent school districts, with respect to which sections 1 to 68 are effective July 1, 1985."

Amend the title as follows:

Page 1, line 8, delete "160.17,"

Page 1, line 9, delete everything before "206.17"

Page 1, line 10, delete "279.09;"

Page 1, line 14, delete everything after the second semicolon

Page 1, line 17, delete "375.21, subdivision 1;"

Page 1, line 19, delete "412.311;"

Page 1, line 24, delete "471.6985;" and after "2;" insert "and"

Page 1, line 25, delete "and 492.02, subdivision 3;"

Page 1, line 29, delete "306.16, subdivision 1;"

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

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

S.F. No. 1436: A bill for an act establishing an agricultural resource loan guaranty program, board, and fund, and the terms of guaranties by the state of project loans in the program; appropriating money, taxes, tax increments, and other governmental charges; authorizing the issuance of state bonds; amending Minnesota Statutes 1982, sections 290.01, by adding a subdivision; 297A.44, subdivision 1; 362A.01, subdivision 1; and 362A.05; proposing new law coded as Minnesota Statutes, chapter 41A; proposing new law coded in Minnesota Statutes, chapter 362A.

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

Page 2, line 34, delete "ENERGY"

Page 2, line 35, delete "energy"

Page 3, line 2, delete "gaseous, liquid, or solid fuel and"

Page 3, delete lines 3 to 5 and insert "an agricultural product."

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

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

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.

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 147.01, subdivision 4, is amended to read:

Subd. 4. [DISCLOSURE.] All communications or information received by or disclosed to the board relating to any person or matter subject to its regulatory jurisdiction, and all records of any action or proceedings thereon, except only a final decision of the board, which shall state the specific reason therefor shall be confidential and privileged within the meaning of section 595.02, ~~clause 5~~ subdivision 1, paragraph (e), and shall not be public records within the meaning of section 15.17, subdivision 4; provided that upon application of a party in a proceeding before the board pursuant to section

147.021, the board shall produce and permit the inspection and copying, by or on behalf of the moving party, of any designated documents or papers relevant to the proceedings, in accordance with the provisions of rule 34, Minnesota rules of civil procedure.

Sec. 2. [260.156] [CERTAIN OUT-OF-COURT STATEMENTS ADMISSIBLE.]

An out-of-court statement made by a child under the age of ten years alleging, explaining, denying, or describing any act of sexual contact or penetration performed with or on the child by another, not otherwise admissible by statute or rule of evidence, is admissible in evidence in any dependency or neglect proceeding or any proceeding for termination of parental rights if:

(a) The court finds that the time, content, and circumstances of the statement provide sufficient indicia of reliability; and

(b) The proponent of the statement notifies other parties of his intention to offer the statement and the particulars of the statement sufficiently in advance of the proceeding at which he intends to offer the statement into evidence, to provide the parties with a fair opportunity to meet the statement.

Sec. 3. Minnesota Statutes 1983 Supplement, section 260.315, is amended to read:

260.315 [CONTRIBUTING TO NEGLECT OR DELINQUENCY.]

Any person who by act, word or omission encourages, causes or contributes to the neglect or delinquency of a child, or to a child's status as a habitual truant, runaway, juvenile petty offender, juvenile alcohol offender, or juvenile controlled substance offender, is guilty of a misdemeanor.

Sec. 4. Minnesota Statutes 1982, section 595.02, is amended to read:

595.02 [TESTIMONY OF WITNESSES.]

Subdivision 1. [COMPETENCY OF WITNESSES.]

Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as follows provided in this subdivision:

(1) (a) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other or against a child of either, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense, nor to an action or proceeding for non-support, neglect, dependency, or termination of parental rights.

(2) (b) An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him or his advice given thereon in the course of professional duty; nor can any employee of the at-

torney be examined as to the communication or advice, without the client's consent;

(3) (c) A clergyman or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to him in his professional character, in the course of discipline enjoined by the rules or practice of the religious body to which he belongs; nor shall a clergyman or other minister of any religion be examined as to any communication made to him by any person seeking religious or spiritual advice, aid, or comfort or his advice given thereon in the course of his professional character, without the consent of the person;

(4) (d) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent of his patient, be allowed to disclose any information or any opinion based thereon which he acquired in attending the patient in a professional capacity, and which was necessary to enable him to act in that capacity; after the decease of the patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the beneficiaries shall be deemed to be the personal representatives of the deceased person for the purpose of waiving this privilege, and no oral or written waiver of the privilege shall have any binding force or effect except when made upon the trial or examination where the evidence is offered or received; *This exception does not apply to any testimony, records, or other evidence relating to the abuse or neglect of a minor in any proceeding arising out of the neglect or physical or sexual abuse of a minor as defined in section 626.556, subdivision 2.*

(5) (e) A public officer shall not be allowed to disclose communications made to him in official confidence when the public interest would suffer by the disclosure;

(6) (f) Persons of unsound mind, persons intoxicated at the time of their production for examination, and children under ten years of age, ~~who appear incapable of receiving just impressions of the if any of them lack capacity to remember or truthfully relate~~ facts respecting which they are examined, ~~or of relating them truly,~~ are not competent witnesses. *This exception does not apply to A child under ten years of age, in a criminal proceeding for intrafamilial sexual abuse as defined in section 609.364, subdivision 10, or in a criminal proceeding under sections 609.342 clause (a), 609.343 clause (a), 609.344 clause (a), or 609.345 clause (a), who is able to describe or relate in describing any act of sexual contact or penetration performed on or with the child by another may use language appropriate for a child of that age the events or facts respecting which the child is examined;*

(7) (g) A registered nurse, psychologist or consulting psychologist shall not, without the consent of his client, be allowed to disclose any information or opinion based thereon which he acquired in attending the client in a professional capacity, and which was necessary to enable him to act in that capacity; *This exception does not apply to any testimony, records, or other evidence relating to the abuse or neglect of a minor in any proceeding arising out of the alleged neglect or physical or sexual abuse of a minor as defined in section 626.556, subdivision 2.*

(8) (h) An interpreter for a person handicapped in communication shall not, without the consent of the person, be allowed to disclose any communication

if the communication would, if the interpreter were not present, be privileged. For purposes of this section, a "person handicapped in communication" means a person who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which he is required to participate. The presence of an interpreter as an aid to communication does not destroy an otherwise existing privilege.

(9) (i) A parent or his minor child may not be examined as to any communication made in confidence by the minor to his parent. A communication is confidential if made out of the presence of persons not members of the child's immediate family living in the same household. This exception may be waived by express consent to disclosure by a parent entitled to claim the privilege or by the child who made the communication, or by failure of the child or parent to object when the contents of a communication are demanded. This exception does not apply to a civil action or proceeding by one spouse against the other or by a parent or child against the other, nor to a proceeding to commit either the child or parent to whom the communication was made or to place the person or property or either under the control of another because of his alleged mental or physical condition, nor to a criminal action or proceeding in which the parent is charged with a crime committed against the person or property of the communicating child, the parent's spouse, or a child of either the parent or the parent's spouse, or in which a child is charged with a crime or act of delinquency committed against the person or property of a parent or a child of a parent, nor to an action or proceeding for termination of parental rights, nor any other action or proceeding on a petition alleging child abuse, child neglect, abandonment or nonsupport by a parent.

(10) (j) Sexual assault counselors may not be compelled to testify about any opinion or information received from or about the victim without the consent of the victim. However, a counselor may be compelled to identify or disclose information in investigations or proceedings related to neglect or termination of parental rights if the court determines good cause exists. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the treatment relationship, and the treatment services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from compliance with the provisions of sections 626.556 and 626.557.

"Sexual assault counselor" for the purpose of this section means a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a supervisor in a crisis center, whose primary purpose is to render advice, counseling or assistance to victims of sexual assault.

Subd. 2. [CERTAIN OUT-OF-COURT STATEMENTS ADMISSIBLE.] An out-of-court statement made by a child under the age of ten years alleging, explaining, denying, or describing any act of sexual contact or penetration performed with or on the child by another, not otherwise admissible by statute or rule of evidence, is admissible in evidence if:

(a) the court or person authorized to receive evidence finds, in a hearing conducted outside of the presence of the jury, that the time, content, and circumstances of the statement provide sufficient indicia of reliability; and

(b) the child either:

(i) testifies at the proceedings; or

(ii) is unavailable as a witness and there is corroborative evidence of the act; and

(c) the proponent of the statement notifies the adverse party of his intention to offer the statement and the particulars of the statement sufficiently in advance of the proceeding at which he intends to offer the statement into evidence to provide the adverse party with a fair opportunity to prepare to meet the statement.

Sec. 5. Minnesota Statutes 1982, section 609.341, subdivision 11, is amended to read:

Subd. 11. "Sexual contact" includes any of the following acts committed without the complainant's consent, if the acts can reasonably be construed as being for the purpose of satisfying the actor's sexual or aggressive impulses, except in those cases where consent is not a defense:

(i) The intentional touching by the actor of the complainant's intimate parts, or

(ii) The touching by the complainant of the actor's, the complainant's, or another's intimate parts effected by coercion or the use of a position of authority, or by inducement if the complainant is under 13 years of age or mentally handicapped, or

(iii) The touching by another of the complainant's intimate parts effected by coercion or the use of a position of authority, or

(iv) In any of the cases above, of the clothing covering the immediate area of the intimate parts.

Sec. 6. Minnesota Statutes 1982, section 609.341, subdivision 14, is amended to read:

Subd. 14. "Coercion" means a ~~threat to unlawfully words or circumstances that cause the complainant reasonably to fear that the actor will inflict~~ bodily harm upon, or hold in confinement, the ~~person threatened~~ complainant or another.

Sec. 7. Minnesota Statutes 1983 Supplement, section 609.344, is amended to read:

609.344 [CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.]

A person is guilty of criminal sexual conduct in the third degree and may be sentenced to imprisonment for not more than ten years, or to payment of a fine of not more than \$10,000, or both, if he engages in sexual penetration with another person and any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case it shall be an affirmative defense, which must be proved by a preponderance of the

evidence, that the actor believes the complainant to be 16 years of age or older. If the actor in such a case is no more than 48 months but more than 24 months older than the complainant, he may be sentenced to imprisonment for not more than five years. Consent by the complainant is not a defense; or

(c) The actor uses force or coercion to accomplish the penetration; or

(d) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; or

(e) The complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Sec. 8. Minnesota Statutes 1983 Supplement, section 609.345, is amended to read:

609.345 [CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.]

A person is guilty of criminal sexual conduct in the fourth degree 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, if he engages in sexual contact with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant and uses this authority to cause the complainant to submit. In any such case, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor believes the complainant to be 16 years of age or older; or

(c) The actor uses force or coercion to accomplish the sexual contact; or

(d) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; or

(e) The complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Sec. 9. Minnesota Statutes 1982, section 609.346, is amended to read:

609.346 [SUBSEQUENT OFFENSES.]

Subdivision 1. [DEFINITION; CONVICTION OF OFFENSE.] *For purposes of this section, the term "offense" means a completed offense or an attempt to commit an offense.*

Subd. 2. [SUBSEQUENT OFFENSE; PENALTY.] If a person is con-

victed of a second or subsequent offense under sections 609.342 to 609.345 or sections 609.364 to 609.3644 within 15 years of the prior conviction, the court shall commit the defendant to the commissioner of corrections for imprisonment for a term of not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, notwithstanding the provisions of sections 242.19, 243.05, 609.11, 609.12 and 609.135.

Subd. 2 3. [PRIOR CONVICTIONS UNDER SIMILAR STATUTES.] For the purposes of this section, an offense is considered a second or subsequent offense if, prior to conviction of the second or subsequent offense, the actor has been at any time convicted under sections 609.342 to 609.346 or sections 609.364 to 609.3644 or under any similar statute of the United States, or this or any other state.

Sec. 10. Minnesota Statutes 1982, section 609.347, subdivision 3, is amended to read:

Subd. 3. In a prosecution under sections 609.342 to 609.346 or 609.3641 to 609.365, evidence of the complainant's previous sexual conduct shall not be admitted nor shall any reference to such conduct be made in the presence of the jury, except by court order under the procedure provided in subdivision 4, and only to the extent that the court finds that any of the following proposed evidence is material to the fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value:

(a) When consent or fabrication by the complainant is the defense in the case, evidence of such conduct tending to establish a common scheme or plan of similar sexual conduct under circumstances similar to the case at issue on the part of the complainant, relevant and material to the issue of consent or fabrication. Evidence of such conduct engaged in more than one year prior to the date of alleged offense is inadmissible;

(b) Evidence of specific instances of sexual activity showing the source of semen, pregnancy, or disease at the time of the incident or, in the case of pregnancy, between the time of the incident and trial;

(c) Evidence of the complainant's past sexual conduct with the defendant;

(d) For purposes of impeachment, when such evidence is offered to rebut specific testimony of the complainant.

Sec. 11. Minnesota Statutes 1982, section 609.364, subdivision 9, is amended to read:

Subd. 9. [FAMILIAL RELATIONSHIP.] "Familial relationship" means a situation in which the actor is:

(a) The complainant's parent, stepparent, or guardian;

(b) ~~Nearer of kin to the complainant than first cousin, computed by rules of the civil law, whether of the half or the whole blood;~~

(c) Any of the following persons related to the complainant by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; or

(d) (c) An adult who jointly resides intermittently or regularly in the same

dwelling as the complainant and who is not the complainant's spouse.

Sec. 12. Minnesota Statutes 1982, section 626.556, subdivision 8, is amended to read:

Subd. 8. [EVIDENCE NOT PRIVILEGED.] No evidence ~~regarding the child's injuries relating to the neglect or abuse of a child or to any prior incidents of neglect or abuse involving any of the same persons accused of neglect or abuse~~ shall be excluded in any proceeding arising out of the alleged neglect or physical or sexual abuse on the grounds of ~~either a physician-patient or husband-wife privilege set forth in section 595.02, subdivision 1, paragraphs (a), (d), or (g).~~

Sec. 13. [EFFECTIVE DATE.]

Sections 3, 7, and 8 are effective August 1, 1984, and apply to crimes committed on or after that date. Sections 2, 4, and 12 are effective the day following final enactment."

Delete the title and insert:

"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 147.01, subdivision 4; 595.02; 609.341, subdivisions 11 and 14; 609.346; 609.347, subdivision 3; 609.364, subdivision 9; 626.556, subdivision 8; Minnesota Statutes 1983 Supplement, sections 260.315; 609.344; and 609.345; proposing new law coded in Minnesota Statutes, chapter 260."

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

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 2136: A bill for an act relating to the American constitution bi-centennial; creating a commission to promote and coordinate commemoration of the event; appropriating money.

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

Page 1, line 9, delete "25" and insert "15"

Page 1, line 11, delete "Fourteen" and insert "The"

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

Page 1, delete lines 13 and 14

Page 1, line 15, delete everything before the period and after the period, insert "The appointments to the commission shall reflect the political, geographic, ethnic and racial diversity of the state."

Page 1, line 17, delete "in the same manner and amount" and after "as" insert "provided in the commissioner's plan for unrepresented"

Page 1, line 21, delete everything after the period

Page 1, delete lines 22 to 25

Page 2, delete lines 1 and 2

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

H.F. No. 1620: A bill for an act relating to rehabilitation services for blind and visually handicapped persons; authorizing adoption of rules; amending Minnesota Statutes 1982, section 248.07, by adding a subdivision.

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. 2003: A bill for an act relating to state departments and agencies; providing for a study of expanding long-term care ombudsman responsibilities to include community-based care for persons 65 years of age or older.

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

Delete everything after the enacting clause and insert:

“Section 1. [STUDY.]

The director of the state planning agency shall study the need for further development of mechanisms to help assure quality of care for persons who receive community-based care services. Community-based services are those services which are provided in order to maintain disabled individuals in residential settings that are noninstitutional in nature. They may be provided in the person's own home or similar living arrangement, such as homemaker services, or in settings to which the client travels, such as adult day care.

The study shall utilize existing reports and studies in progress in the completion of its work.

The study shall identify current mechanisms for quality assurance for community-based care, including the interrelationships of the various agencies involved and the scope of their responsibilities. The study shall examine:

(1) the estimated need for additional or new quality assurance controls for community-based care programs, including projected utilization rates under the alternative care grants program;

(2) quality assurance issues relating to regulating both publicly and privately funded community-based care services, especially as they relate to unlicensed services;

(3) any evidence of current quality assurance problems in community-based care and data collection;

(4) the advisability of expanding the responsibilities of the long term care ombudsman program to include recipients of community-based care services

and the estimated state costs of expanding the long term care ombudsman's responsibilities to adequately respond to consumer complaints about community-based care; and

(5) the relationship between the quality assurance system for persons age 60 or over and quality assurance mechanisms for other persons using community-based care, including people who are mentally retarded or mentally ill.

The study may also examine alternatives to existing quality assurance mechanisms, including increased involvement by citizen monitoring groups. The study may also recommend criteria for determining where state regulation is indicated. If the study recommends expanding the current quality assurance system to include community-based care, or if an alternative quality assurance mechanism is recommended, the study shall also recommend methods for regular evaluation of the quality assurance mechanism's effectiveness.

The director shall report to the legislature on its progress by January 31, 1985."

Delete the title and insert:

"A bill for an act relating to state departments and agencies; providing for a study of the need for further development of mechanisms to help assure quality of care for persons who receive community-based care services."

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

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

S.F. No. 1875: A bill for an act relating to energy; providing for miscellaneous changes in the programs of the state related to energy; appropriating money; amending Minnesota Statutes 1982, section 116J.19, subdivision 13; Minnesota Statutes 1983 Supplement, sections 116J.09; 116J.18, subdivision 1; and 116J.31; 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 1982, section 16.02, is amended by adding a subdivision to read:

Subd. 30. [ENERGY CONSERVATION INCENTIVES.] Notwithstanding any other law to the contrary, fuel cost savings resulting from energy conservation actions shall be available at the managerial level at which the actions took place for expenditure for other purposes within the biennium in which the actions occur or in the case of a shared savings agreement for the contract period of the shared savings agreement. For purposes of this subdivision "shared savings agreement" means a contract meeting the terms and conditions of subdivision 29.

Sec. 2. Minnesota Statutes 1982, section 116J.19, subdivision 13, is

amended to read:

Subd. 13. ~~Beginning January 1, 1978, No new room air conditioner or room air conditioner heat pump shall be sold or installed or transported for resale into Minnesota unless it has an energy efficiency ratio of 7.0 or higher. Beginning January 1, 1985, the energy efficiency ratio must be 7.8 or higher. For purposes of this subdivision, "energy efficiency ratio" means the ratio of the cooling capacity of the air conditioner in British thermal units per hour to the electrical input in watts. To determine the energy efficiency ratio, all room air conditioner models shall be tested in accordance with the methods and conditions specified in American National Standard Z234-1, and American Society of Heating, Refrigerating, and Air Conditioning Engineers Standard 16-69. The cooling capacity, electrical input, and energy efficiency ratio of room air conditioners and room air conditioning heat pumps is determined by using the standard for room air conditioners, approved by the American National Standards Institute on April 20, 1972, known as ANSI/AHAM RAC-1, with ASHRAE 58-74 used in lieu of ASHRAE 58-65. The method of sampling of room air conditioners shall be that required by the Department of Energy and found in 44 Federal Register 22410-22418 (April 13, 1979). A new room air conditioner having dual voltage ratings shall conform to the energy efficiency ratio requirements at each rating. This subdivision shall not apply to air conditioners in Minnesota on October 1, 1977.~~

Sec. 3. [116J.261] [ALTERNATIVE ENERGY TECHNICAL ACTIVITY.]

Subdivision 1. [CREATION, GOALS.] To further the development of indigenous energy resources and energy conservation, the commissioner shall establish an alternative energy technical activity. The activity shall facilitate the development of specific projects in the public and private sectors and provide a broad range of information, education, and technical assistance services necessary to accelerate energy conservation and alternative energy development in the state.

Subd. 2. [DUTIES.] The alternative energy technical activity shall:

(a) provide on-site technical assistance for alternative energy and conservation projects;

(b) develop information materials and educational programs to meet the needs of engineers, technicians, developers, and others in the alternative energy field;

(c) conduct feasibility studies when the results of the studies would be of benefit to others working in the same area;

(d) facilitate development of energy projects through assistance in finding financing, meeting regulatory requirements, gaining public and private support, limited technical consultation, and similar forms of assistance; and

(e) work with and use the services of Minnesota design professionals.

Sec. 4. Minnesota Statutes 1983 Supplement, section 116J.31, is amended to read:

116J.31 [ENERGY AUDITS.]

The commissioner shall develop and administer state programs of energy

audits of residential and commercial buildings including those required by United States Code, title 42, section 8211, et seq. and section 8281, et seq. ~~The attorney general may release information on consumer complaints about the operation of the program to the commissioner.~~ *The commissioner shall continue to administer the residential energy audit program as originally established under the provisions of United States Code, title 42, section 8211, et seq; through July 1, 1986 irrespective of any prior expiration date provided in United States Code, title 42, section 8216. The commissioner may approve temporary programs if they are likely to result in the installation of as many conservation measures as would have been installed had the utility met the requirements of United States Code, title 42, section 8211, et seq. The consumer services division and the attorney general may release information on consumer comments about the operation of the program to the commissioner.*

Sec. 5. Minnesota Statutes 1982, section 116J.36, as amended by Laws 1983, chapter 301, section 129, is amended to read:

116J.36 [DISTRICT HEATING AND QUALIFIED ENERGY IMPROVEMENT LOANS.]

Subdivision 1. [POLICIES.] Developing and improving efficient and economical district heating systems and *certain public works capital improvements which conserve energy or substitute a lower cost, more plentiful, or indigenous fuel* is a public purpose for state and local financing and a proper function of state and local government. Climate and geography make a reliable, economic supply of energy essential for ~~industrial, commercial industry, commerce,~~ and residential heating. Imported supplies of *certain fuels* are increasingly costly, unreliable, and environmentally disadvantageous. District heating systems employing cogeneration techniques and innovative technology offer an important means of increasing the efficiency of Minnesota's energy systems and reducing the state's reliance on imported energy supplies. The combination of the large initial capital cost and investors' lack of familiarity with district heating has made the private market reluctant to provide the necessary capital for district heating projects. As a result, public leadership, cooperation, and aid are needed to demonstrate the feasibility of district heating systems by establishing economically viable municipal district heating systems as demonstration projects. *Qualified energy improvements may offer municipalities opportunities for reducing energy costs or generating revenues from wastes.* Municipal district heating systems and *other qualified improvements* may be financed by loans from the state and from other sources available to municipalities.

Subd. 2. [DEFINITIONS.] In this section:

(a) "Construction costs" means all costs associated with the construction, modification or expansion of a district heating system except for preliminary planning costs and detailed design costs. Construction costs include the cost of debt service from the time a construction loan is made until five years after the beginning of the operation of the district heating system constructed or the part of the system being modified or expanded.

(b) "District heating" means the use of a central energy conversion facility to produce hot water or steam for a district heating system. District heating facilities may also produce electricity in addition to hot water or steam.

(c) "Municipality" means any county, city, town, *school district or a municipal power agency, or formed pursuant to sections 453.53 to 453.62. Municipality also means a public utility, as defined in section 452.01, subdivision 3, owned and operated by a city, however organized or . For purposes of a district heating system only, municipality also means a nonprofit corporation organized pursuant to the provisions of chapter 317 whose membership is limited to the mayor and governing body of the city in which the district heating system is located.*

(d) "District heating system" means any existing or proposed facility for (1) the production, through cogeneration or otherwise, of hot water or steam to be used for district heating, or (2) the transmission and distribution of hot water or steam for district heating either directly to heating consumers or to another facility or facilities for transmission and distribution, or (3) any part or combination of the foregoing facilities.

(e) "Qualified energy improvement" means a cost-effective capital improvement to public land, buildings, or energy using systems, other than a district heating system, including the purchase or installation of equipment to reduce the usage of conventional energy sources or to use alternative energy resources. Qualified energy improvements also include waste-to-energy facilities which meet the criteria specified in subdivision 8a and any rule adopted under that subdivision. Qualified energy improvements shall meet all environmental and permitting standards established by state and federal law.

Subd. 3. [ELIGIBILITY, DISTRICT HEATING.] The commissioner of finance, upon ~~request~~ *recommendation* of the ~~governor~~ *authority*, may make loans to municipalities for the acquisition, construction, expansion, or modification of district heating systems. A loan shall be made only to a municipality that has demonstrated *to the authority* that:

- (a) The municipality has the financial capability to sponsor the project;
- (b) The project is technologically feasible;
- (c) The district heating project will become a cogeneration facility or the project will utilize hot water or, if the project involves an existing district steam heating system, the project will become integrated with a hot water district heating system, or the project will allow the use of nonpetroleum fuels or will construct an efficient heat transmission system; and
- (d) The municipality has made adequate provision to assure proper and efficient operation and maintenance of the project after construction is completed.

Subd. 3a. [ELIGIBILITY, QUALIFIED ENERGY IMPROVEMENTS.] *The commissioner of finance, upon recommendation of the authority, may make loans to a municipality for the acquisition, construction, or expansion of a qualified energy improvement. A loan shall be made only to a municipality that has demonstrated that:*

- (a) *The municipality has the financial capability to sponsor the qualified energy improvement;*
- (b) *The improvement is technologically feasible;*
- (c) *The improvement conforms to criteria specified in subdivision 8a and*

any rule adopted thereto; and

(d) *The municipality has made adequate provision to assure proper and efficient operation and maintenance of the improvement after construction is completed.*

Subd. 3b. [GRANT ELIGIBILITY, DISTRICT HEATING.] The commissioner of energy, ~~planning~~ and economic development may provide planning grants to municipalities for planning related to the development of district heating systems. The municipality must demonstrate that a community heatload survey and map have been successfully completed, that potential district heating load is sufficiently large to justify further consideration, and that sufficient resources are available for the municipality to meet its financial requirements. Eligible planning grant costs include project definition, development of preliminary financing and distribution system plans, and obtaining commitment for detailed planning or design and preparation of a final report. The amount of the grant to a municipality is limited to 90 percent of eligible planning costs and shall not exceed \$70,000 as established by rule or temporary rule.

Subd. 3c. [GRANT ELIGIBILITY, QUALIFIED ENERGY IMPROVEMENTS.] The commissioner of energy and economic development may provide planning grants to municipalities for planning related to the development of qualified energy improvements. The municipality must demonstrate that sufficient resources are available for the municipality to meet its financial requirements. Eligible planning grant costs include definition of the improvement, development of preliminary financing plans, and obtaining commitment for detailed planning or design and preparation of a final report. The amount of a grant to a municipality is limited to 90 percent of eligible planning costs and shall not exceed \$100,000 as established by rule or temporary rule.

Subd. 4. [PRIORITIES, DISTRICT HEATING.] The ~~commissioner of energy, planning and development~~ authority shall give higher priority to a project that does more to achieve the following goals:

(a) *The district heating conversion facility employs cogeneration techniques;*

(b) *The facility uses renewable or nonpetroleum sources of energy;*

(c) *The district heating facility will save petroleum or natural gas;*

(d) *The operation of the district heating facility will not have an adverse impact on the environment;*

(e) *The district heating facility may readily be expanded to serve additional customers or to supply additional amounts of energy, and market demand for the energy exists;*

(f) *The project has obtained additional financing from the federal government, private sources, or other sources of capital; and*

(g) *Other goals the ~~commissioner of energy, planning and development~~ authority finds desirable for district heating systems.*

Subd. 4a. [PRIORITIES, ENERGY IMPROVEMENTS.] The authority shall give higher priority to qualified energy improvements that best meet the

following goals:

- (a) *Increase the proportion of a municipality's energy needs that are met by renewable or indigenous energy resources;*
- (b) *Provide a cost reduction or revenue source for the municipality;*
- (c) *Provide multiple benefits to residents within the municipality;*
- (d) *Demonstrate technologies for solid waste treatment.*

Subd. 5. [APPLICATION.] Application for a loan to be made pursuant to ~~subdivision~~ *subdivisions 6 or 7* shall be made by a municipality to the ~~commissioner of energy, planning and development~~ *authority* on a form prescribed by the ~~commissioner of energy, planning and economic development~~ *by rule authority*. The ~~commissioner of energy, planning and development~~ *authority* shall ~~review each application and determine:~~

- (a) Whether or not the project *or proposed energy improvement* is eligible for a loan;
- (b) The priority of the project *or qualified energy improvement* when ranked with ~~all~~ other eligible projects *or improvements* for which a loan application has been submitted;
- (c) The total estimated cost of the project *or improvement*;
- (d) The amount of the loan for which the project *or improvement* is eligible;
- (e) The terms upon which the loan would be made; and
- (f) The means by which the municipality proposes to finance the project *or improvement*, including:
 - (1) A loan authorized by state law; or
 - (2) A grant of money appropriated by state law; or
 - (3) A grant to the municipality by an agency of the federal government within the amount of money then appropriated to that agency and allocated by it to projects *or improvements* within the state; or
 - (4) The appropriation of proceeds of bonds or other money of the municipality to an account for the construction of the project *or improvement*; or
 - (5) User charges, franchise fees, special assessments or taxes; or
 - (6) Any or all of the means referred to in clauses (1) to (5).

Subd. 6. [LOANS, DISTRICT HEATING AND QUALIFIED ENERGY IMPROVEMENTS.] Upon the recommendation of the ~~governor~~ *authority* pursuant to subdivision 8, the commissioner of finance shall make loans to municipalities on the following terms:

- (a) In the case of loans for design costs, the maximum amount of the loan shall be limited by the provisions of this clause. For cities of the first class *and counties containing a city of the first class, individually or through the exercise of joint powers agreements*, the amount of the loan shall not exceed 40 percent of the design costs. For cities of the second, third and fourth class, *and other municipalities*, the amount of the loan shall not exceed 90 percent of the design costs;

(b) In the case for loans for construction costs, a municipality must demonstrate that all design activities have been completed; that the project or improvement is economically and technologically feasible; that the district heating system or qualified energy improvement will be constructed, and that it has made adequate provisions to assure proper and efficient operation and maintenance of the project or improvement. For cities of the first class and counties containing a city of the first class, individually or through the exercise of joint powers agreements, the amount of the loan shall be up to 50 percent of the construction costs. For cities of the second class, the amount of the loan shall be up to 80 percent of the construction costs. For cities of the third or fourth class, and other municipalities, the amount of the loan shall be up to 90 percent of the construction costs.

(c) A loan made pursuant to this section is repayable over a period of not more than 20 years, ~~with interest payments beginning the first year from the date the loan is made.~~ Interest shall accrue from the date of the loan at a rate of interest assigned at the date of loan commitment, ~~but the first payment of interest shall not be due until one year after the loan was made.~~ Principal payments shall begin in the sixth year after the receipt of the loan on a 25 year level payment schedule with the balance of the principal to be retired with the payment due 20 years after receipt of the loan. ~~Interest attributable to the first year of deferred payment shall be amortized in equal periodic payments over the remainder of the term of the loan. For each loan, the initial deposit to the state bond fund required by section 16A.65, subdivision 1, shall be made by the commissioner of finance, and no loan may be refused solely because the municipality does not provide the initial deposit.~~

(d) The authority may also pledge a segregated portion of the energy development fund to guarantee or insure bonds and notes, or the interest rate thereon, issued by the commissioner of finance on behalf of the state of Minnesota for purposes of section 116J.36 or 116J.37.

Subd. 7. [MODERN STEAM SYSTEMS.] (a) A municipality which has operating within its boundaries a modern steam district heating system owned by a district heating utility may apply for a loan or grant under this section even though the district heating project for which the loan or grant application is made may be planned, constructed, or owned by a district heating utility. The loan or grant application shall be treated in the same manner as loan or grant applications for district heating projects where the projects are to be planned, constructed, or owned by a municipality.

All or a portion of the proceeds of a loan made to a municipality described in this subdivision may be used to make loans to a district heating utility to provide financial assistance for the planning, modification, expansion or construction of a district heating project. Prior to making the loan to the district heating utility, the municipality shall:

(1) Adopt a district heating plan which identifies the areas of the city to be served by district heating; a time schedule indicating when service would be available in different areas of the city and the type of service to be offered; and

(2) Enter into a written agreement with the district heating utility which includes a requirement that the district heating utility restrict expansion of its existing steam system within its current geographic boundaries as deter-

mined by the municipality and develop a hot water system on a specific time schedule.

(b) The powers, authority and obligations granted to a municipality under this subdivision are supplemental to the powers, authority and obligations granted all municipalities under this section.

(c) As used in this subdivision, "modern steam district heating system" means a steam district heating system with condensate return built after 1970 and before May 30, 1981. "District heating utility" means any person, corporation, or other legal entity which owns or operates or plans to own or operate a district heating system. "District heating project" means a new district heating system, or the expansion or modification of the existing modern steam district heating system.

Subd. 8. [LOAN APPROVAL.] The commissioner of energy, ~~planning and economic development~~ shall prepare and submit to the ~~legislative advisory commission~~ a list of energy and economic development authority separate lists of loan requests for district heating ~~loan requests~~ systems and qualified energy improvements. The list for district heating loans shall contain the supporting information required by subdivisions 3, 4, 5, 6, and 7. The list for qualified energy improvements shall contain the supporting information required by subdivisions 3a, 3c, 4a, 5, and 6. The recommendation of the ~~legislative advisory commission~~ authority shall be transmitted to the ~~governor~~ commissioner of finance. The ~~governor~~ commissioner of finance shall ~~approve or disapprove, or return for further consideration, each project recommended for approval by the legislative advisory commission.~~ Loans may be disbursed only upon approval by the ~~governor~~ sell bonds and make loans for district heating projects and qualified energy improvements only upon the recommendation of the authority.

Subd. 8a. [CRITERIA FOR QUALIFIED ENERGY IMPROVEMENTS.] Qualified energy improvements eligible for loans shall meet criteria established in rule by the commissioner of energy and economic development. Rules shall include criteria for analyzing the cost-effectiveness of improvements. Rules relating to qualified energy improvements involving a waste-to-energy facility shall be adopted in consultation with the waste management board and the pollution control agency. An improvement involving a waste-to-energy facility must be part of a solid waste management plan approved by the pollution control agency or a plan approved pursuant to section 473.803.

Subd. 9. [PAYMENT; OBLIGATION.] The commissioner of finance shall not pay money to a municipality pursuant to an approved loan until he has determined that:

(a) Financing of the project or improvement as proposed by the municipality is assured by an irrevocable undertaking, by resolution of the governing body of the municipality, to use all money made available by the financing plan exclusively for the eligible costs of the project or improvement, and to pay any additional amount by which the cost of the project or improvement exceeds the estimate by the appropriation to the construction account of additional ~~municipal~~ money of the municipality or the proceeds of additional bonds to be issued by the municipality; and that

(b) The governing body of the municipality has adopted a resolution obli-

gating the municipality to repay the loan according to the terms in the loan. The obligation may be payable from user charges, franchise fees, special assessments or other money available to the municipality. The resolution shall obligate the municipality to annually impose and collect user charges, franchise fees, special assessments, or to use any other money available to it from any other specified source, in amounts and at times that if collected in full will annually produce at least five percent in excess of the amount needed for all annual costs of the system, including annual repayment on state loans. A municipality may also pledge to levy an ad valorem tax to guarantee the payments under the loan agreement. For the purpose of repaying the loan, the municipality by resolution of its governing body may fix the rates and charges for district heating system *or qualified energy improvement service and products*, may enter into contracts for the payment by others of costs of construction, maintenance, and use of the project *or improvement* in accordance with section 444.075 and may pledge the revenues derived therefrom. The commissioner of finance shall condition a loan upon the establishment of rates and charges or the execution of contracts sufficient to produce annually the revenues pledged for repayment of all annual costs of the system, including annual repayment of the state loan.

Subd. 10. [RECEIPTS.] All principal and interest payments received by the commissioner of finance in repayment of the loans authorized by this section shall be deposited in the state treasury and credited to the state bond fund and are appropriated to the commissioner of finance for the purposes of that account.

Subd. 11. [RULES.] The commissioner of energy, ~~planning~~ and economic development shall adopt rules necessary to carry out *the programs of* this section. The commissioner of energy, ~~planning~~ and economic development ~~shall may~~ adopt temporary rules pursuant to sections 14.29 to 14.36, meeting the requirements of this section. The rules shall contain as a minimum:

- (a) Procedures for application by municipalities ; and
- (b) Criteria for reviewing grant and loan applications.

Sec. 6. [116J.381] [COMMUNITY ENERGY PROGRAM.]

Subdivision 1. [FINDINGS.] Community based energy programs are found to be a public purpose for which public money may be spent.

Subd. 2. [COMMUNITY ENERGY COUNCILS; CREATION.] Cities or counties, individually or through the exercise of joint powers agreements, may create community energy councils. Membership on a council may include representatives of labor, small business, voluntary organizations, senior citizens, low and moderate income residents, city and county officials, and other interested parties.

Subd. 3. [POWERS AND DUTIES.] In order to develop and implement community based energy programs, a community energy council may:

- (1) analyze social and economic impacts caused by energy expenditures;*
- (2) plan, coordinate, advertise, and provide energy programs to minimize negative social and economic impacts;*
- (3) seek, accept, and disburse grants and other aids from public or private*

sources for purposes authorized in this subdivision; and

(4) exercise other powers and duties imposed on it by statute, charter, or by ordinance.

Subd. 4. [DEPARTMENT ASSISTANCE.] The commissioner may provide professional and financial assistance to communities to establish community energy councils, and develop and implement community energy programs, within available resources.

Sec. 7. [268.371] [OPTIMAL LOW-INCOME WEATHERIZATION PROGRAM.]

Subdivision 1. [GRANTS; ELIGIBILITY.] The commissioner shall make grants under this section to community action agencies for the purpose of weatherizing the residences of low-income persons. The grants must be used to perform intensive conservation retrofits that raise the energy efficiency of residences to near optimal superinsulation standards. In order to be eligible for a grant under this section, the following criteria must be met:

(1) total household income may not exceed 125 percent of the poverty level as updated by the federal office of management and budget poverty guidelines; and

(2) the household may not have received previous financial assistance under section 268.37.

Subd. 2. [REVIEW BY COMMISSIONER OF ENERGY AND ECONOMIC DEVELOPMENT.] The commissioner shall submit grant applications to the commissioner of energy and economic development for review. The commissioner may not make a grant under this section unless the commissioner of energy and economic development approves the grant in writing as to its technical merit.

Subd. 3. [TECHNICAL ASSISTANCE.] The alternative energy technical activity created in section 3 shall provide technical assistance for grant recipients under subdivision 1.

Sec. 8. [ENERGY AUDITS REPORT.]

By January 1, 1986, the legislative commission on energy shall report to the legislature on the state programs of energy audits of residential and commercial buildings under section 116J.31. The report must include:

(1) summary of the audits performed and conservation measures installed;

(2) summary of delivery systems and marketing of programs, including any recommendations for alternative delivery systems and marketing strategies;

(3) consumer comments about the operation of the program; and

(4) other information relevant to the operation of the program.

Sec. 9. [ENERGY AND ECONOMIC DEVELOPMENT; APPROPRIATIONS.]

The sum of \$..... is appropriated from the general fund to the commissioner of energy and economic development for the purposes specified in this section, to be available for the fiscal year ending June 30, 1985.

(a) Alternative Energy Technical Activity

\$200,000

Of this amount, \$50,000 must be used to hire a manager of the alternative energy technical activity. The manager must have technical expertise and professional experience in the field of engineering. The commissioner of employee relations shall assign the position to a classification that will use all but not more than \$50,000 for salary and benefits. The complement of the department is increased by ... positions.

(b) Community Energy Council Program 253,000

Of this amount, \$180,000 must be used for grants to communities. The complement of the department is increased by one position in the unclassified service.

(c) Shared Energy Savings Program 53,000

The complement of the department is increased by one position.

(d) Temporary Rulemaking for District Heating and Qualified Energy Improvements 5,000

(e) Rulemaking for Quality and Product Safety Specifications for the Manufacture of Insulation 55,000

(f) Study and Adoption of Standards for Fiber Fuels 50,000

(g) Enforcement of Energy Conservation Standards for Rental Property

The complement of the department is increased by positions.

(h) Optimal Low-Income Weatherization

Sec. 10. [FINANCE; APPROPRIATION.]

The sum of \$279,000 is appropriated from the general fund to the commissioner of finance for the district heating and qualified energy improvement debt service under section 5, to be available for the fiscal year ending June 30, 1985.

Sec. 11. [ECONOMIC SECURITY; APPROPRIATION.]

The sum of \$..... is appropriated from the general fund to the commissioner of economic security for extending or expanding the low income residential weatherization program under section 268.37, to be available for the fiscal year ending June 30, 1985."

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections 16.02, by adding a subdivision; and" and after "13;" insert "116J.36, as amended;"

Page 1, line 6, delete "116J.09;"

Page 1, line 7, delete everything before "116J.31"

Page 1, line 8, delete "chapter" and insert "chapters" and before the period, insert "; and 268"

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. 991: A bill for an act relating to recreational vehicles; requiring a three-year registration fee for three-wheel off-road vehicles; requiring rules by the commissioner of natural resources; providing for local ordinances; requiring safety certificates of youthful operators; prescribing penalties; creating a three-wheel off-road vehicle account in the state treasury; appropriating funds; amending Minnesota Statutes 1982, section 84.90, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 84.

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 84.87, is amended to read:

84.87 [OPERATION; REGULATIONS BY MUNICIPALITIES.]

Subdivision 1. [OPERATION ON STREETS AND HIGHWAYS.] (a) No person shall operate a snowmobile *or three-wheel off-road vehicle* upon the roadway, shoulder, or inside bank or slope of any trunk, county state aid, or county highway in this state and, in the case of a divided trunk or county highway, on the right of way between the opposing lanes of traffic, except as provided in sections 84.81 to 84.90. No person shall operate a snowmobile *or three-wheel off-road vehicle* within the right of way of any trunk, county state aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right hand side of such right of way and in the same direction as the highway traffic on the nearest lane of the roadway adjacent thereto. No snowmobile *or three-wheel off-road vehicle* shall be operated at any time within the right of way of any interstate highway or freeway within this state.

(b) A snowmobile *or three-wheel off-road vehicle* may make a direct crossing of a street or highway at any hour of the day provided:

(1) The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and

(2) The snowmobile *or three-wheel off-road vehicle* is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and

(3) The driver yields the right of way to all oncoming traffic which constitutes an immediate hazard; and

(4) In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway; and

(5) If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on; and

(6) A snowmobile or *three-wheel off-road vehicle* may be operated upon a bridge, other than a bridge that is part of the main traveled lanes of an interstate highway, when required for the purpose of avoiding obstructions to travel when no other method of avoidance is possible; provided the snowmobile or *three-wheel off-road vehicle* is operated in the extreme right hand lane, the entrance to the roadway is made within 100 feet of the bridge and the crossing is made without undue delay.

(c) No snowmobile or *three-wheel off-road vehicle* shall be operated upon a public street or highway unless it is equipped with at least one headlamp, one tail lamp, each of minimum candlepower as prescribed by regulations of the commissioner, reflector material of a minimum area of 16 square inches mounted on each side forward of the handle bars, and with brakes each of which shall conform to standards prescribed by rule of the commissioner pursuant to the authority vested in him by section 84.86, and each of which shall be subject to approval of the commissioner of public safety.

(d) A snowmobile or *three-wheel off-road vehicle* may be operated upon a public street or highway other than as provided by clause (b) in an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile impractical.

(e) All provisions of chapter 169 shall apply to the operation of snowmobiles or *three-wheel off-road vehicles* upon streets and highways, except for those relating to required equipment, and except those which by their nature have no application.

(f) Any sled, trailer, or other device being towed by a snowmobile or *three-wheel off-road vehicle* must be equipped with reflective materials as required by rule and regulation of the commissioner.

Subd. 1a. [ORGANIZED CONTESTS, USE OF HIGHWAYS, ETC.] Nothing in this section or chapter 169 shall prohibit the use of snowmobiles within the right of way of any state trunk or county state-aid highway or upon public lands or waters under the jurisdiction of the commissioner of natural resources, in any organized contest, subject to the consent of the official or board having jurisdiction over the highway or public lands or waters.

In permitting such contest, the official or board having jurisdiction may prescribe such restrictions or conditions as they may deem advisable.

Subd. 2. [OPERATION GENERALLY.] It shall be unlawful for any person to drive or operate any snowmobile or *three-wheel off-road vehicle* in the following unsafe or harassing ways:

(a) At a rate of speed greater than reasonable or proper under all the surrounding circumstances;

(b) In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;

(c) While under the influence of an alcoholic beverage or a controlled substance;

(d) Without a lighted head and tail light when required for safety;

(e) In any tree nursery or planting in a manner which damages or destroys

growing stock.

Subd. 2a. [OPERATION PROHIBITED ON AIRPORTS.] It is unlawful for any person to drive or operate any snowmobile or *three-wheel off-road vehicle* on an airport defined in section 360.013, subdivision 5, or other applicable law.

Subd. 3. [REGULATIONS BY POLITICAL SUBDIVISIONS.] Notwithstanding anything in this section to the contrary, a county board may by resolution permit the operation of snowmobiles upon the roadway, shoulder, or inside bank or slope of any county highway or county state aid highway if safe operation in the ditch or outside bank or slope thereof is impossible, in which case the county board shall cause appropriate notice thereof to be given.

Any county, city, or any town acting by its town board, may regulate the operation of snowmobiles or *three-wheel off-road vehicles* on public lands, waters, and property under their jurisdiction and on streets and highways within their boundaries by resolution or ordinance of the governing body and by giving appropriate notice, provided such regulations are not inconsistent with the provisions of sections 84.81 to 84.88 inclusive and rules and regulations, promulgated thereunder. However, no such governmental unit may adopt an ordinance which (1) imposes a fee for the use of public land or water under the jurisdiction of either the commissioner of natural resources or any other agency of the state, or for the use of any access thereto owned by the state, or a county or city; or (2) require a snowmobile or *three-wheel off-road* operator to possess a motor vehicle driver's license while operating a snowmobile or *three-wheel off-road vehicle*.

Sec. 2. [84.92] [DEFINITIONS.]

Subdivision 1. The definitions in this section apply to sections 2 to 9.

Subd. 2. "Commissioner" means the commissioner of natural resources.

Subd. 3. "Dealer" means a person engaged in the business of selling three-wheel off-road vehicles at wholesale or retail.

Subd. 4. "Manufacturer" means a person engaged in the business of manufacturing three-wheel off-road vehicles.

Subd. 5. "Owner" means a person, other than a person with a security interest, having a property interest in or title to a three-wheel off-road vehicle and entitled to the use and possession of the vehicle.

Subd. 6. "Person" means an individual or an organization as defined in section 336.1-201, paragraph (30).

Subd. 7. "Register" means the act of assigning a registration number to a three-wheel off-road vehicle.

Subd. 8. "Three-wheel off-road vehicle" or "vehicle" means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds.

Sec. 3. [84.922] [REGISTRATION.]

Subdivision 1. [GENERAL REQUIREMENTS.] Unless exempted in sub-

division 8, after January 1, 1985, a person may not operate a three-wheel off-road vehicle within the state unless the vehicle has been registered. After January 1, 1985, a person may not sell a vehicle without furnishing the buyer a bill of sale on a form prescribed by the commissioner.

Subd. 2. [APPLICATION, ISSUANCE, REPORTS.] Application for registration or continued registration shall be made to the commissioner of natural resources, the commissioner of public safety or an authorized deputy registrar of motor vehicles on a form prescribed by the commissioner. The form must state the name and address of every owner of the vehicle and be signed by at least one owner. Upon receipt of the application and the appropriate fee the commissioner shall register the vehicle and assign a registration number that must be affixed to the vehicle in a manner prescribed by the commissioner. The commissioner shall use the snowmobile registration system to register vehicles under this section. Each deputy registrar of motor vehicles acting under section 168.33, is also a deputy registrar of vehicles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with the accounting and procedural requirements. A fee of 50 cents in addition to other fees prescribed by law shall be charged for each vehicle registered by a deputy registrar, and shall be deposited in the treasury of the jurisdiction where the deputy is appointed, or retained if the deputy is not a public official.

Subd. 3. [REGISTRATION CARD.] The commissioner shall provide to the registrant a registration card that includes the registration number, the date of registration, the make and serial number of the vehicle, the owner's name and address, and additional information the commissioner may require. Information concerning each registration shall be retained by the commissioner. Upon a satisfactory showing that the registration card has been lost or destroyed the commissioner shall issue a replacement registration card upon payment of a fee of \$4. The fees collected from replacement registration cards shall be deposited in the three-wheel off-road vehicle account.

Subd. 4. [REPORT OF TRANSFERS.] A person who sells or transfers ownership of a vehicle registered under this section shall report the sale or transfer to the commissioner within 15 days of the date of transfer. An application for transfer must be executed by the registered owner and the purchaser on a form prescribed by the commissioner with the owner's registration certificate, a bill of sale and a \$4 fee.

Subd. 5. [FEES FOR REGISTRATION.] The fee for registration of each vehicle under this section shall be \$15 for three calendar years. The commissioner or commissioner of public safety shall charge an additional \$3 per registration granted. The fees collected under this subdivision shall be credited to the three-wheel off-road vehicle account.

Subd. 6. [RENEWAL.] Every owner of a three-wheel vehicle must renew registration in a manner prescribed by the commissioner upon payment of the registration fees in subdivision 5.

Subd. 7. [VEHICLES OWNED BY STATE OR POLITICAL SUBDIVISION.] A registration number must be issued without the payment of a fee

for three-wheel vehicles owned by the state or a political subdivision upon application.

Subd. 8. [EXEMPTIONS.] A registration is not required for the following:

- (1) vehicles being used for work on agricultural lands;*
- (2) vehicles owned and used by the United States, another state, or a political subdivision;*
- (3) vehicles covered by a valid license of another state or county that have not been within this state for more than 30 consecutive days;*
- (4) vehicles used exclusively in organized track racing events; and*
- (5) vehicles being used on private land with the permission of the land-owner.*

Sec. 4. [84.923] [REQUIREMENTS OF MAKERS OF THREE-WHEEL OFF-ROAD VEHICLES.]

Subdivision 1. [IDENTIFICATION NUMBER.] All vehicles made after January 1, 1985, and sold in the state, must have manufacturer's permanent identification number stamped in letters and numbers on the vehicle in the form and at a location prescribed by the commissioner.

Subd. 2. [REGISTRATION NUMBER.] All vehicles made after January 1, 1985 and sold in the state, must be designed and made to provide an area to affix the registration number. This area shall be at a location and of dimensions prescribed by the commissioner.

Sec. 5. [84.925] [EDUCATION AND TRAINING PROGRAM.]

Subdivision 1. [PROGRAM ESTABLISHED.] The commissioner shall establish a comprehensive three-wheel off-road vehicle environmental and safety education and training program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of three-wheel off-road vehicle operators, and the issuance of three-wheel off-road vehicle safety certificates to vehicle operators over the age of 12 years who successfully complete the three-wheel off-road vehicle environmental and safety education and training course. For the purpose of administering the program and to defray a portion of the expenses of training and certifying vehicle operators, the commissioner shall collect a fee of not to exceed \$5 from each person who receives the training and shall deposit the fee in the three-wheel off-road vehicle account. The amount in the three-wheel off-road vehicle account is appropriated annually to the commissioner of natural resources for the administration of the program. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this section. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of vehicle operators.

Subd. 2. [YOUTHFUL OPERATORS.] (a) A person under the age of 14 years may not operate a three-wheel off-road vehicle on any public land or water under the jurisdiction of the commissioner unless accompanied by an adult on the vehicle or on an accompanying three-wheel off-road vehicle or on a device towed by the same or an accompanying three-wheel off-road

vehicle. However, a person 12 years of age or older may operate a three-wheel off-road vehicle on public lands and waters under the jurisdiction of the commissioner if he has in his immediate possession a valid three-wheel off-road vehicle safety certificate issued by the commissioner.

(b) It is unlawful for the owner of a three-wheel off-road vehicle to allow the vehicle to be operated contrary to the provisions of this section.

Sec. 6. [84.926] [VEHICLE USE ALLOWED ON PUBLIC LANDS BY THE COMMISSIONER.]

On a case by case basis, the commissioner may allow vehicles on public trails under his jurisdiction during specified times.

Sec. 7. [84.928] [DISPOSITION OF RECEIPTS.]

Subdivision 1. [REGISTRATION REVENUE.] Fees from the registration of three-wheel off-road vehicles and the unrefunded gasoline tax attributable to vehicle use under section 296.16 shall be deposited in the state treasury and credited to the three-wheel off-road vehicle account.

Subd. 2. [DETERMINATION OF TAX ALLOCATION.] The commissioner with the commissioners of revenue and transportation, shall jointly determine the amount of unrefunded gasoline tax attributable to vehicle use in this state and shall report to the legislature by January 1, 1985, with a proposed revision of section 296.16 to reflect the results of this use.

Subd. 3. [PURPOSES.] (a) The money deposited from the registration fees may be spent only as appropriated by law for the following purposes:

(1) for the vehicle information and safety education and training program under section 5;

(2) for administration of this act; and

(3) for acquisition and development of use areas.

(b) By January 1, 1986, the commissioner shall report to the standing committees of each house of the legislature with jurisdiction over natural resources and appropriation matters on the number of vehicles registered under section 3, the implementation of the vehicle information and safety education and training program, and the growth patterns of vehicle use in the state.

Sec. 8. [PENALTIES.]

Any person who violates any provision of sections 3 to 5 is guilty of a petty misdemeanor.

Sec. 9. [EFFECTIVE DATE.]

This act shall take effect the day following final enactment."

Delete the title and insert:

"A bill for an act relating to recreational vehicles; requiring a three-year registration fee for three-wheel off-road vehicles; requiring safety certificates of youthful operators; prescribing penalties; creating a three-wheel off-road vehicle safety account in the state treasury; appropriating funds; amending Minnesota Statutes 1982, section 84.87; proposing new law coded

in Minnesota Statutes, chapter 84.”

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

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

H.F. No. 1107: A bill for an act relating to the Minnesota veterans home; clarifying the treatment of assets for purposes of calculating maintenance charges; amending Minnesota Statutes 1982, section 198.03.

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

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

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.

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 197.58, is amended to read:

197.58 [STATE TO PROVIDE SPACE FOR VETERAN ORGANIZATIONS.]

The commissioner of administration shall set apart space in the state veterans service building, for the use of each of the following veteran organizations: the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Military Order of the Purple Heart, United Spanish War Veterans, and Veterans of World War I; a veterans organization that has been granted a charter by the Congress of the United States, and their auxiliaries, incorporated, or when incorporated, under the laws of the state. Such space shall be under the charge of the Minnesota state commander of the department of Minnesota of the veteran organization assigned thereto, and such person as he may in writing designate, and shall be used for the purpose of keeping therein records, archives, trophies, supplies, and other veteran property of the organization and as its general headquarters office for the department of Minnesota.”

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. 1572: A bill for an act relating to probate; providing for antemortem probate of wills; proposing new law coded in Minnesota Statutes, chapter 525.

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. 1668: A bill for an act relating to eminent domain; providing for relocation benefits for persons displaced by acquisitions when federal funding is not provided; amending Minnesota Statutes 1982, section 117.52.

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

Page 1, line 25, delete “, *may be applied to displaced*” and insert a period

Page 2, delete lines 1 to 3

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

Mr. Spear from the Committee on Judiciary, to which was re-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, sections 94.343, subdivision 1; and 94.349, subdivision 3.

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

Page 1, line 26, delete “*any*”

Page 2, line 1, delete “*of the public lands of*” and delete “*be exchanged for any other*” and insert “*exchange public lands with local units of government and the federal government?*”

Page 2, delete line 2

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

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

S.F. No. 2040: A bill for an act relating to statutes; conforming various laws to judicial decisions of unconstitutionality; amending Minnesota Statutes 1982, sections 297A.25, subdivision 4; and 609.341, subdivision 11; repealing Minnesota Statutes 1982, section 238.07.

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

Page 1, after line 8, insert:

“Section 1. Minnesota Statutes 1982, section 125.12, subdivision 4, is amended to read:

Subd. 4. [TERMINATION OF CONTRACT AFTER PROBATIONARY PERIOD.] A teacher who has completed his probationary period in any school district, and who has not been discharged or advised of a refusal to renew his contract pursuant to subdivision 3, shall have a continuing contract with such district. Thereafter, the teacher's contract shall remain in full force and effect, except as modified by mutual consent of the board and the teacher, until terminated by a majority roll call vote of the full membership of

the board prior to April 1 upon one of the grounds specified in subdivision 6 or prior to June 1 upon one of the grounds specified in subdivisions 6a or 6b, or until the teacher is discharged pursuant to subdivision 8, or by the written resignation of the teacher submitted prior to April 1; provided, however, that if an agreement as to the terms and conditions of employment for the succeeding school year has not been adopted pursuant to the provisions of sections 179.61 to 179.76 prior to March 1, the teacher's right of resignation shall be extended to the 30th calendar day following the adoption of said contract in compliance with section 179.70, subdivision 2. Such written resignation by the teacher shall be effective as of June 30 if submitted prior to that date and the teachers' right of resignation for the school year then beginning shall cease on July 15. Before a teacher's contract is terminated by the board, the board shall notify the teacher in writing and state its ground for the proposed termination in reasonable detail together with a statement that the teacher may make a written request for a hearing before the board within 14 days after receipt of such notification. Within 14 days after receipt of this notification the teacher may make a written request for a hearing before the board and it shall be granted *upon reasonable notice to the teacher of the date set for hearing*, before final action is taken. If no hearing is requested within such period, it shall be deemed acquiescence by the teacher to the board's action. Such termination shall take effect at the close of the school year in which the contract is terminated in the manner aforesaid. Such contract may be terminated at any time by mutual consent of the board and the teacher and this section shall not affect the powers of a board to suspend, discharge, or demote a teacher under and pursuant to other provisions of law."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "sections" insert "125.12, subdivision 4;"

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. 1561: A bill for an act relating to crimes; providing for forfeitures of conveyances, containers, weapons used, and contraband property when utilized in the commission of designated offenses; proposing new law coded in Minnesota Statutes, chapter 609.

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

Delete everything after the enacting clause and insert:

"Section 1. [609.531] [FORFEITURES.]

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

(a) "Conveyance device" means a device used for transportation in connection with a designated offense and includes, but is not limited to, motor vehicles, trailers, snowmobiles, airplanes, and vessels. The term "conveyance device" does not include property which is, in fact, itself stolen or taken

in violation of the law.

(b) *"Primary container" means a fundamental receptacle other than a conveyance device used to store or transport property.*

(c) *"Weapon used" means weapons used in the furtherance of a crime and defined as a dangerous weapon under section 609.02, subdivision 6.*

(d) *"Property" means property as defined in section 609.52, subdivision 1, clause (1).*

(e) *"Contraband property" means property which is illegal to possess under Minnesota law.*

(f) *"Appropriate agency" means either the bureau of criminal apprehension, Minnesota state patrol, county sheriffs and their deputies, or city police departments.*

(g) *"Designated offense" includes:*

(1) For weapons used: any violation of chapter 609;

(2) For all other purposes: violation of, or an attempt or conspiracy to violate, sections 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322, subdivision 1 or 2; 609.342; 609.343; 609.344; 609.345; 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.521; 609.525; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.687; 609.825; 609.86; 609.88; 609.89; or 617.246, when the violation constitutes a felony.

Subd. 2. [FORFEITURES OF CONVEYANCE DEVICES; PRIMARY CONTAINERS; WEAPONS USED, AND CONTRABAND PROPERTY.] *Conveyance devices, primary containers, and weapons associated with the commission or utilized in the commission of a designated offense, and all contraband property shall be subject to forfeiture with the following limitations:*

(a) No conveyance device or primary container used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless the owner or other person in charge of the conveyance or container is a consenting party or privy to commission of a designated offense.

(b) No conveyance device, primary container, or weapon used is subject to forfeiture under this section unless the owner of it is privy to a violation of a designated offense or unless the use of the conveyance device, primary container, or weapon in a violation occurred with his knowledge or consent.

(c) A forfeiture of a conveyance device, primary container, or weapon used encumbered by a bona fide security interest is subject to the interest of the secured party unless he had knowledge of or consented to the act or omission upon which the forfeiture is based.

Subd. 3. [SEIZURE WITH PROCESS.] *Any conveyance device, primary container, weapon used, or contraband property subject to forfeiture under this section may be seized by the appropriate agency upon process issued by any court having jurisdiction over the property.*

Subd. 4. [SEIZURE WITHOUT PROCESS.] *Seizure without process of a*

weapon used or of contraband property may be made if:

- (a) the seizure is incident to an arrest or a search under a search warrant;
- (b) the weapon subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding;
- (c) the appropriate agency has probable cause to believe:
 - (1) that the weapon was used or is intended to be used in commission of a designated offense; and
 - (2) that the delay occasioned by the necessity to obtain process would result in the removal, destruction, illegal use, or intended illegal use of the weapon; or
- (d) the property is contraband property.

Subd. 5. [NOT SUBJECT TO REPLEVIN.] Any conveyance device, primary container, weapon used, or contraband property taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the appropriate agency subject only to the orders and decrees of the court having jurisdiction over the forfeiture proceedings. When any conveyance device, primary container, weapon used, or contraband property is seized under this section, the appropriate agency may:

- (a) place the conveyance device, primary container, weapon used, or contraband property under seal; or
- (b) remove the conveyance device, primary container, weapon used, or contraband property to a place designated by it.

Subd. 6. [FORFEITURE PROCEDURES.] Any conveyance device, primary container, weapon used, or contraband property shall be forfeited according to the following procedure:

- (a) a separate complaint shall be filed against the conveyance device, primary container, weapon used, or contraband property describing it, and either specifying that it is contraband property, or charging its use in the specified violation, and specifying the time and place of its unlawful use;
- (b) if the person charged with a designated offense is not convicted of an offense, the court shall dismiss the complaint against the conveyance device, primary container, or weapon used pursuant to subdivisions 2 to 5 and order the property returned to the persons legally entitled to it;
- (c) if after conviction of a felony offense the court finds that the conveyance device, primary container or weapon was used in commission of a designated offense, it may order that the conveyance device, primary container or weapon be sold, used, converted, or disposed of by the appropriate agency in the following manner:
 - (1) if the lawful ownership of the conveyance device, primary container, or weapon used can be determined and it is found the owner was not privy to violation of a designated offense, the conveyance device, primary container, or weapon used will be returned forthwith; or
 - (2) if the lawful ownership of the conveyance device, primary container, or weapon used cannot be determined or if the lawful owner can be determined

and it is found the owner was privy to violation of a designated offense, the appropriate agency or prosecuting agency handling the forfeiture may:

(i) retain the conveyance device, primary container, weapon used, or contraband property for official use; or

(ii) the conveyance device, primary container, or weapon used may be sold in accordance with law. One-third of the proceeds from the sale, after payment of seizure, storage, sale expenses, and satisfaction of valid liens against the property, shall be forwarded to the prosecuting agency that handled the forfeiture proceedings for deposit in its operating fund, or similar fund; one-third of the proceeds shall be forwarded to the commissioner of public safety for disbursement pursuant to section 299C.065, and one-third of the proceeds shall be retained by the appropriate agency and deposited in its operating fund;

(d) if the property is deemed to be contraband, the property shall be destroyed or used by the appropriate agency for law enforcement purposes.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1984, and applies to crimes committed on or after that date."

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

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

S.F. No. 1417: A bill for an act relating to health; health maintenance organizations; providing continued coverage upon replacement of an insurance carrier; including health maintenance organization contracts in certain statutorily mandated coverages; providing for the disclosure and reporting by the organization of detailed financial, administrative and ownership information; providing for reporting of changes in provider agreements; granting the commissioner authority to adopt rules regarding the content of provider and other agreements; requiring certain deposits against insolvency; authorizing organizations to enter into certain health services contracts; requiring certain consumer rights information in evidences of coverage and annual information statements; providing for reimbursement of, and direct payments to, enrollees; providing for examination by the commissioner of health; specifying the examination powers of the commissioner; granting the commissioner authority to adopt rules regarding unreasonable expenses; classifying certain data used for review purposes; prescribing penalties; amending Minnesota Statutes 1982, sections 60A.082; 62A.041; 62A.042; 62A.044; 62A.081; 62A.14; 62A.147; 62A.149; 62D.02, subdivisions 5, 6, and 8, and by adding subdivisions; 62D.04; 62D.05, subdivision 3; 62D.07, subdivisions 1 and 3; 62D.08, subdivisions 1, 3, and by adding subdivisions; 62D.09; 62D.10, subdivision 3, and by adding a subdivision; 62D.101, subdivisions 2 and 2a; 62D.12, subdivisions 2, 4, 9, 10, 11, and by adding a subdivision; 62D.14; 62D.15, subdivision 1; 62D.17, subdivisions 1 and 4; 62D.19; 62D.20; 62D.22, subdivision 5, and by adding a subdivision; amending Minnesota Statutes 1983 Supplement, sections 62A.152; 62A.17,

subdivisions 1 and 6; 62D.03, subdivision 4; proposing new law coded in Minnesota Statutes, chapter 62D; repealing Minnesota Statutes 1982, sections 62D.10, subdivision 2; 62D.12, subdivision 7; 62D.22, subdivision 9; 62D.27; and 62E.17.

Reports the same back with the recommendation that the report from the Committee on Health and Human Services, shown in the Journal for April 5, 1984, be adopted; that committee recommendation being:

“the bill be amended and when so amended the bill do pass.” Amendments adopted. Report adopted.

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

S.F. No. 1683: A bill for an act relating to housing; prohibiting certain rent control ordinances in cities, counties, and towns; proposing new law coded in Minnesota Statutes, chapter 471.

Reports the same back with the recommendation that the report from the Committee on Energy and Housing, shown in the Journal for April 5, 1984, be adopted; that committee recommendation being:

“the bill be amended and when so amended the bill do pass.” Amendments adopted. Report adopted.

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

S.F. No. 1978: A bill for an act relating to the metropolitan airports commission; defining its relationship to the legislature and the metropolitan council; proposing new law coded in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1982, sections 473.611, subdivision 5; and 473.621, subdivision 6.

Reports the same back with the recommendation that the report from the Committee on Local and Urban Government, shown in the Journal for April 5, 1984, be adopted; that committee recommendation being:

“the bill be amended and when so amended the bill do pass.” Amendments adopted. Report adopted.

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

S.F. No. 2017: A bill for an act relating to metropolitan government; specifying the duties of the chair, chief administrator, and commission relating to employment decisions; amending Minnesota Statutes 1982, section 473.141, subdivisions 9, 11, and 12; Minnesota Statutes 1983 Supplement, section 473.141, subdivision 3.

Reports the same back with the recommendation that the report from the Committee on Local and Urban Government, shown in the Journal for April

5, 1984, be amended to read:

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

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

H.F. No. 1338 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1338	1809				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1338 be amended as follows:

Page 4, line 21, delete "TASK FORCE" and insert "COMMITTEE"

Page 4, line 22, delete "*task force*" and insert "*committee*"

Page 4, delete lines 24 and 25

Page 4, delete lines 33 to 36

Page 5, line 1, delete everything before "No"

Page 7, line 19, after the period insert "*The total cost of printing and providing these forms shall be prorated by each county auditor so that the state and county will pay a proportionate share based on the total number of candidates and questions under the jurisdiction of each, other provisions of the law to the contrary notwithstanding.*"

Page 14, line 25, delete "30" and insert "21"

Page 22, delete lines 19 to 29 and insert "*machines must be kept locked against use for at least 30 days after an election or as much longer as may be necessary or advisable because of any existing or threatened election contest, with the following exceptions:*

(a) *A judge of a court having jurisdiction may order a voting machine opened and all data and figures in it examined at any time.*

(b) *Voting machines used at an election may be opened ten days after the election for another election which is to be held within 50 days after the day of the first election.*

(c) *A voting machine used at a primary or general election in a statutory city may be opened ten days following a primary and 20 days following a general election if the opening is necessary in order to prepare the voting machine for a statutory city election which is to be held within 30 days after the day of the primary or general election.*"

Page 32, line 32, delete "206.19, subdivisions 2 and 3;"

Page 32, line 33, delete the second "and" and before "Minnesota" insert "and"

Page 32, line 35, delete “, subdivision 1”

Page 33, delete lines 1 and 2

Amend the title as follows:

Page 1, line 4, delete “and”

Page 1, line 8, delete “to” and insert “206.02; 206.025; 206.026; 206.03; 206.04; 206.05; 206.06; 206.07; 206.075; 206.08, subdivisions 1, 2, and 4; 206.095; 206.10; 206.12; 206.13; 206.14; 206.15; 206.16; 206.17; 206.18; 206.185; 206.195; 206.20; 206.21, subdivisions 1, 2, 4, and 5; 206.211; and”

Page 1, line 10, delete “, subdivision 1”

And when so amended H.F. No. 1338 will be identical to S.F. No. 1809, and further recommends that H.F. No. 1338 be given its second reading and substituted for S.F. No. 1809, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1912 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.
1912	1729				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 2141 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.
2141	1805				

and that the above Senate File be indefinitely postponed.

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

Report adopted.

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

H.F. No. 1998 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.
1998	1872				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1503 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F.No.
1503	1438				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1503 be amended as follows:

Page 3, delete lines 6 and 7

And when so amended H.F. No. 1503 will be identical to S.F. No. 1438, and further recommends that H.F. No. 1503 be given its second reading and substituted for S.F. No. 1438, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1813 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F.No.
1813	1793				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1813 be amended as follows:

Page 2, delete lines 4 and 5

And when so amended H.F. No. 1813 will be identical to S.F. No. 1793, and further recommends that H.F. No. 1813 be given its second reading and substituted for S.F. No. 1793, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1528 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1528	1516				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1528 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1528 and insert the language after the enacting clause of S.F. No. 1516, as amended by the Committee on Taxes and Tax Laws, adopted by the Senate March 15, 1984; further, delete the title of H.F. No. 1528 and insert the title of S.F. No. 1516, as amended.

And when so amended H.F. No. 1528 will be identical to S.F. No. 1516, and further recommends that H.F. No. 1528 be given its second reading and substituted for S.F. No. 1516, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1670 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F.No.
1670	1733				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1670 be amended as follows:

Page 2, delete lines 20 to 28 and insert:

“Subd. 1a. State ~~and other public employees~~ and their spouses and other people ~~who work in buildings owned or leased by the state~~ shall also be eligi-

ble for the employee transportation program established through this section; provided, however, that the driver and substitute driver of every van pool are state employees; and provided, further, that state employees constitute a majority of the members of every van pool. Available space in van pools must, whenever possible, be filled by state employees."

Page 2, after line 36, insert:

"Sec. 4. [REPEALER.]

Minnesota Statutes 1982, section 16.756, subdivision 5, is repealed."

Amend the title as follows:

Page 1, line 5, after "2" insert "; and repealing Minnesota Statutes 1982, section 16.756, subdivision 5"

And when so amended H.F. No. 1670 will be identical to S.F. No. 1733, and further recommends that H.F. No. 1670 be given its second reading and substituted for S.F. No. 1733, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1975 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1975	1912				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1975 be amended as follows:

Page 2, after line 26, insert:

"Sec. 2. Minnesota Statutes 1983 Supplement, section 162.081, subdivision 4, is amended to read:

Subd. 4. [PURPOSES.] Money apportioned to a county from the town road account must be distributed to the treasurer of each town within the county, according to a distribution formula adopted by the county board. The formula must take into account each town's levy for road and bridge purposes, its population and town road mileage, and other factors as the county board deems advisable in the interests of achieving equity among the towns. Distribution of town road funds to the treasurer of the towns must be made within 30 days of the receipt of the funds by the county treasurer. Distribution of funds to town treasurers in a county which has not adopted a distribution formula under this subdivision must be made according to a formula prescribed by the commissioner by rule. A formula adopted by a county board or by the commissioner must provide that a town, in order to be eligible for

distribution of funds from the town road account in a calendar year, must have levied in the previous year for road and bridge purposes at least two mills on the dollar of the assessed value of the town.

Money distributed to a town under this subdivision may be expended by the town only for the construction ~~and~~, reconstruction, *and maintenance* of town roads within the town."

Page 2, line 27, delete "2." and insert "3."

Pages 2 and 3, delete section 3 and insert:

"Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment. Section 3 is effective upon the regrading and surfacing of the roadway at which time it shall become a part of the county road system of Traverse County."

Amend the title as follows:

Page 1, line 4, after the semicolon insert "allowing town road funds to be used for maintenance;"

Page 1, line 6, before the period insert "and Minnesota Statutes 1983 Supplement, section 162.081, subdivision 4."

And when so amended H.F. No. 1975 will be identical to S.F. No. 1912, and further recommends that H.F. No. 1975 be given its second reading and substituted for S.F. No. 1912, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1819 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1819	2002				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1819 be amended as follows:

Page 1, line 19, delete "immediately upon" and insert "within 30 days of"

And when so amended H.F. No. 1819 will be identical to S.F. No. 2002, and further recommends that H.F. No. 1819 be given its second reading and substituted for S.F. No. 2002, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1509 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1509	1968				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1509 be amended as follows:

Page 2, after line 28, insert:

“Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment.”

And when so amended H.F. No. 1509 will be identical to S.F. No. 1968, and further recommends that H.F. No. 1509 be given its second reading and substituted for S.F. No. 1968, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1915 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1915	1877				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1915 be amended as follows:

Page 1, line 13, after “any” insert “*statutory or home rule charter*” and after “city” strike the comma

Page 1, line 13, strike “other municipal corporation or”

Page 1, line 14, strike “governmental subdivision of the state,” and insert “*town*”

Page 1, line 15, strike “such municipality” and insert “*the city or town*”

Page 1, line 16, strike everything after “merchant”

Page 1, line 17, strike everything before “the” and insert a period

Page 1, line 19, strike “thereto”

Page 1, lines 19 to 21, delete the new language and insert “*to any regulation by the city or town except that if the city or town enacts a licensing*”

requirement a transient merchant shall not be required to obtain a license under section 329.11"

And when so amended H.F. No. 1915 will be identical to S.F. No. 1877, and further recommends that H.F. No. 1915 be given its second reading and substituted for S.F. No. 1877, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1371 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.
		1371	1325		

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1936 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.
1936	1796				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1985 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.
		1985	1866		

and that the above Senate File be indefinitely postponed.

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

Mr. Chmielewski from the Committee on Employment, to which was referred the following appointment as reported in the Journal for March 8, 1984:

WORKERS' COMPENSATION COURT OF APPEALS

Mahlon F. Hanson

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

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

Mr. Pehler from the Committee on Education, to which were referred the following appointments as reported in the Journal for March 8, 1984:

STATE BOARD OF EDUCATION

John B. Buckanaga
Jewell Lewis

DEPARTMENT OF EDUCATION COMMISSIONER

Ruth Randall

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

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

Mr. Schmitz from the Committee on Local and Urban Government, to which were referred the following appointments as reported in the Journal for March 28, 1984:

METROPOLITAN COUNCIL

Marcia Bennett
Joan M. Campbell
Philip C. Carruthers
Carol Flynn
Raymond J. Joachim
Michael William McLaughlin
Patrick J. Scully
Gertrude Ulrich

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

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

Mr. Schmitz from the Committee on Local and Urban Government, to which were referred the following appointments as reported in the Journal for March 8, 1984:

METROPOLITAN COUNCIL

Liz (Mary E.) Anderson
Dirk DeVries
Mary M. Hauser
Josephine D. Nunn
Carol Wold Sindt
Charles W. Wiger
Alton J. Gasper

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

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

Mr. Lessard from the Committee on Veterans and General Legislation, to which were referred the following appointments as reported in the Journal for March 8, 1984:

BOARD OF THE ARTS

Siah Armajani
Katherine B. Murphy
Carole Risselada Achterhof
Karen M. Ransom
Karen B. Gray
Ludmilla Sahlstrom

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

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

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

H.F. No. 432: A bill for an act relating to soil and water conservation; prohibiting in certain counties practices which cause accelerated erosion or sedimentation; prescribing penalties; proposing new law coded in Minnesota Statutes, chapter 40.

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

Delete everything after the enacting clause and insert:

“Section 1. [PURPOSE.]

It is the purpose of this act to prevent the degradation of lands, streams, and rivers, and to protect and promote the health, safety, and general welfare of the people.

Sec. 2. [40.19] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY, SCOPE.] The definitions in this section apply to sections 1 to 7.

Subd. 2. [EXCESSIVE SOIL LOSS.] "Excessive soil loss" means soil loss resulting from erosion that is more rapid than the gradual erosion of land used by man when all reasonable soil and water conservation practices have been applied. "Excessive soil loss" may be evidenced by sedimentation on adjoining land or in any body of water. Soil loss is excessive if it is greater than the soil loss tolerance for each soil type described in the United States Soil Conservation Service Field Office technical guide.

Subd. 3. [CONSERVATION PRACTICES.] "Conservation practices" means practices and standards containing a definition, purpose, and conditions under which the practice applies including design requirements, and specifications containing a statement of details required for installing a conservation practice, including kinds, quality, and quantity of work and materials needed to meet the standards.

Subd. 4. [CONSTRUCTION ACTIVITY.] "Construction activity" means any physical disturbance of the land by man related to construction activities that may result in sedimentation of adjacent lands or waters. These activities include clearing, grading, excavating, transporting, and filling lands.

Subd. 5. [EROSION.] "Erosion" means any process that wears away the surface of the land by the action of water, ice, wind, or gravity.

Subd. 6. [LAND OCCUPIER.] "Land occupier" means any legal entity that holds title to, or is in possession of any lands, whether as owner, lessee, renter, tenant, or otherwise. "Land occupier" includes both the owner and the occupier of the land if they are not the same.

Subd. 7. [SEDIMENTATION.] "Sedimentation" means the process or action of depositing a solid mineral or organic material that is or has been moved by erosion from its site of origin to another land or water.

Subd. 8. [SOIL LOSS LIMIT.] "Soil loss limit" means the maximum amount of soil loss from erosion of a particular type of soil, expressed in tons per acre per year, that will be permitted by county regulations.

Subd. 9. [SOIL CONSERVATION PRACTICE.] "Soil conservation practice" means a permanent or temporary vegetative or structural measure that controls erosion. A permanent practice should have an effective life greater than ten years and includes grassed waterways, terraces, field wind-breaks, water control structures, grade stabilization structures, sediment retention structures, strip-cropping, and other practices approved by the state soil and water conservation board. Temporary practices include conservation tillage, contour farming, grasses and legumes in rotation, emergency tillage, and other practices approved by the state soil and water conservation board.

Subd. 10. [TECHNICAL GUIDE.] "Technical guide" means the guide

developed by USDA Soil Conservation Service and adopted by soil and water conservation districts containing technical information including methods and procedures to measure various types of soil loss and erosion, and conservation practice standards and specifications required in the application of soil and water conservation practices.

Sec. 3. [40.20] [COUNTY SOIL LOSS CONTROL.]

Each county, statutory or home rule charter city, or town that has planning and zoning authority under sections 366.10 to 366.19, 394.21 to 394.37, or 462.351 to 462.365, may adopt a soil loss ordinance consistent with the model ordinance in section 4. Ordinances adopted by local government units within the metropolitan area defined in section 473.121 must be consistent with local water management plans adopted under section 473.879. A local government unit that adopts a soil loss ordinance may enter an agreement with the soil and water conservation district board, that allows the soil and water conservation district board to administer local government unit functions and perform the duties of the local government unit.

Sec. 4. [40.21] [ADOPTION OF RULES BY THE STATE BOARD; PERIODIC REVIEW.]

Subdivision 1. [RULES.] The state soil and water conservation board, in consultation with counties, soil and water conservation districts, and other appropriate agencies, shall adopt rules to guide counties in erosion control. The rules must specify a model ordinance that specifies the technical and administrative procedures for a county, statutory or home rule charter city, or town to implement soil loss and erosion control. The model ordinance is the minimum regulation that may be adopted by each local government unit. The rules must describe administrative procedures required of the state soil and water conservation board for carrying out the provisions of sections 3 to 6.

Subd. 2. [PERIODIC REVIEW.] At least once every two years the state soil and water conservation board shall review the rules after consulting with counties, local government units, soil and water conservation districts, and appropriate agencies to ensure continued applicability and relevance of the rules. The rules may be revised if necessary by the state soil and water conservation board.

Sec. 5. [40.22] [EXCESSIVE SOIL LOSS PROHIBITED.]

Subdivision 1. [PROHIBITED ACTIVITIES.] A person may not cause, conduct, contract for, or authorize an activity that causes excessive soil loss.

Subd. 2. [AGRICULTURAL LAND.] A land occupier of agricultural land is not violating subdivision 1 if the land occupier is using sound soil conservation practices and farming methods that prevent excessive soil loss.

Subd. 3. [WOODLAND.] A land occupier who uses wooded land for pasture must ensure that proper management is used to prevent excessive soil loss due to overgrazing or cattle paths.

Subd. 4. [EROSION CONTROL PLAN FOR CONSTRUCTION ACTIVITIES.] A person engaged in a construction activity that will disturb over one acre of land must submit to the local soil and water conservation district by 30 days before the construction activity is to begin a proposed sedimentation control plan that will prevent excessive soil loss or sedimentation on

adjoining land or in water.

Subd. 5. [EXCESSIVE SOIL LOSS; APPLICATION.] Soil loss is excessive if it is greater than the provisions of section 2, subdivision 2, or a more restrictive ordinance adopted by the local government unit. The county or local government unit shall enforce this section.

Sec. 6. [40.23] [APPLICATION FOR COST-SHARING FUNDS.]

Except in the case of a construction activity, no land occupier shall be required to establish soil and water conservation practices unless state cost-sharing funds have been specifically approved for that land and have been actually made available to the land occupier in an amount equal to at least 75 percent of the cost of the permanent soil and water conservation practices on a voluntary basis and a 50 percent cost-share if implementation commenced after the board resolution as set forth in section 7. The state soil and water conservation board shall review these requirements at least once each year, and may authorize districts in any particular case to provide a higher percentage of public cost sharing than is required by this section. To aid in this determination, the state board may consider the location of the affected area in relation to the priority areas as established in the district annual and long-range plans. Evidence that an application for state cost-sharing funds has been submitted to the soil and water conservation district shall constitute commencement of the work within the meaning of section 7.

Sec. 7. [40.24] [ENFORCEMENT.]

Subdivision 1. [COMPLAINT.] An elected local government official or district board member may submit a written complaint to the county attorney if conditions exist that indicate there is excessive soil loss from a tract of land that affects another tract of land or body of water. The written complaint must contain the name and address of the landowner, the location of the tract of land with the excessive soil loss, other land or water that is affected by the excessive soil loss, and a description of the nature of the excessive soil loss and resulting sedimentation. The county attorney may submit the complaint to the district for soil loss determination.

Subd. 2. [DISTRICT DETERMINATION OF SOIL LOSS.] (a) Upon request by the county attorney the district shall determine the average soil loss in tons per acre per year of the tract of land cited in the complaint.

(b) The district shall submit a report to the county attorney that states the average soil loss in tons per acre per year for each tract of land and if that soil loss exceeds the amounts allowed in section 5, subdivision 5. If the soil loss is excessive the report must include the existing management and soil conservation practices and alternative practices that will prevent excessive soil loss or reduce the soil loss to the most practicable extent. If the report shows that the soil loss from the tract of land is excessive and alternative practices are available to reduce the soil loss the county attorney shall submit the complaint and the report to the county board.

(c) The district may enter public or private land to make an inspection for the determination of soil loss or to complete the report. The landowners must be notified of the time of the inspections and be given an opportunity to be present when the inspection is made.

Subd. 3. [COUNTY BOARD INSPECTION; RESOLUTION.] (a) Upon

receipt of the complaint and district report from the county attorney the county board shall make an inspection of the land cited in the complaint to determine if the land is managed properly. The county board may enter public or private land to make an inspection for the determination. The county board must notify landowners of the time of the inspection and give them an opportunity to be present when the inspection is made.

(b) If the county board determines that the land is managed properly the complaint must be dismissed. If the county board determines that the land is not being managed properly the board shall adopt a resolution that describes alternative management practices; requires the owner within one year, or for a person engaged in construction activity within a time limit set by the county board, after receiving the resolution to commence practices or measures to reduce soil loss to the most practicable extent or prevent excessive soil loss, or, except for a person engaged in a construction activity, submit a completed application for cost-sharing funds; and require that the practices or measures must be completed, or satisfactory progress to complete the practice or measures be made, not later than one year after cost-sharing funds are available, or two years after receiving the resolution.

(c) If the county board determines that a person engaged in a construction activity is causing excessive soil loss the board shall adopt a resolution that requires a person to commence practices to reduce soil loss within the time limit set by the county board.

(d) The resolution must be delivered by personal service or certified mail to the landowner cited in the complaint.

Subd. 4. [DISTRICT ASSISTANCE.] At the request of a landowner receiving a resolution under subdivision 3, the district shall assist in the planning, design, and application of practices necessary to reduce soil loss to the amounts allowed in section 5, subdivision 5, or to the greatest practicable extent. The district shall give the landowner a high priority for technical and cost-sharing assistance.

Subd. 5. [CIVIL PENALTY.] A landowner or a person engaged in construction activity who fails to commence or complete actions, or make satisfactory progress to complete actions, required in the county board resolution or obstructs inspections is subject to a civil penalty up to \$1,000. The county attorney shall bring the action. This civil penalty is not an exclusive penalty. Other actions allowed by law may be brought to enforce this section.

Subd. 6. [ATTORNEY AND GOVERNING BODY OF LOCAL GOVERNMENT UNITS.] The city attorney or town attorney may perform the duties of a county attorney and the governing body of any city or town may perform the duties of a county board if the city or town adopts a soil loss ordinance and the land in the complaint is located within the city or town.

Sec. 8. [40.27] [PENALTY.]

A violation of this act is a petty misdemeanor.

Sec. 9.

The provisions of sections 7 and 8 are not applicable without the adoption of an ordinance by the county or local government unit."

And when so amended the bill do pass and be re-referred to the Committee

on Finance. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1622, 1469, 1943, 2043, 2128, 1821, 1491, 1318, 1807, 1320, 1833, 1762, 2146, 1298, 2003, 1572, 1668, 2040, 1561, 1417, 1683 and 1978 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1760, 1156, 1279, 1620, 1107, 1621, 1338, 1912, 2141, 1998, 1503, 1813, 1528, 1670, 1975, 1819, 1509, 1915, 1371, 1936 and 1985 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Freeman moved that the names of Messrs. Moe, R.D.; Sieloff and Willet be added as co-authors to S.F. No. 1843. The motion prevailed.

Mr. Peterson, D.L. moved that the name of Ms. Olson be added as a co-author to S.F. No. 1814. The motion prevailed.

Mr. Dicklich moved that S.F. No. 2127 be withdrawn from the Committee on Judiciary and returned to its author. The motion prevailed.

Mr. Willet moved that S.F. No. 1844 be withdrawn from the Committee on Finance and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Purfeerst moved that H.F. No. 533 be taken from the table and placed on General Orders. The motion prevailed.

CALENDAR

H.F. No. 1877: 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, 7, 8, 9, 10, and by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 41 and nays 21, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Luther	Pogemiller	Ulland
Berglin	Frank	Moe, D. M.	Purfeerst	Vega
Bertram	Freeman	Moe, R. D.	Reichgott	Waldorf
Chmielewski	Hughes	Nelson	Samuelson	Wegscheid
Dahl	Jude	Novak	Schmitz	Willet
Davis	Knaak	Pehler	Sieloff	
DeCramer	Kroening	Peterson, C.C.	Solon	
Dicklich	Lantry	Peterson, D.C.	Stumpf	
Diessner	Lessard	Petty	Taylor	

Those who voted in the negative were:

Anderson	Brataas	Kamrath	Mehrkens	Storm
Belanger	Frederick	Knutson	Merriam	
Benson	Frederickson	Kronebusch	Olson	
Berg	Isackson	Laidig	Ramstad	
Bernhagen	Johnson, D.E.	McQuaid	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 1656: A bill for an act relating to communications; providing conditions for extension of cable communications service outside the boundaries of a core service unit; amending Minnesota Statutes 1982, section 238.17, subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 97: A bill for an act relating to the environment; requiring notice of intent to develop uranium; creating a uranium policy and regulation development committee; requiring an environmental analysis and reports to the legislature; requiring meetings and public participation; imposing a penalty; proposing new law coded in Minnesota Statutes, chapter 116C.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1843: A bill for an act relating to courts; providing for the appointment of chief judge and assistant chief judge for each judicial district; clarifying the administrative authority of the chief judge; amending Minnesota Statutes 1982, section 484.69, subdivisions 1 and 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Benson, Dieterich and Merriam voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1750: A bill for an act relating to commerce; providing for the classification of crime reports of the department of commerce; including certain financial institutions within the definition of broker-dealer of securities; broadening the securities transaction exemption for corporate transactions; providing for the receipt of applications for renewal of real estate broker and salesperson licenses; establishing certain fees relating to the regulation of real estate brokers and salespersons; providing for real estate salesperson licensing requirements after examination; clarifying a certain definition relating to recovery from the real estate education, research, and recovery fund; limiting recovery to cases involving judgments against licensed individuals; providing for the depositing of funds under the unclaimed property statutes; regulating sales of unclaimed property; appropriating money; amending Minnesota Statutes 1982, sections 13.81, subdivision 1; 13.82, subdivision 1; 80A.14, subdivision 4; 80A.15, subdivision 2; 80A.30, subdivision 2; 82.17, subdivision 3; 82.20, subdivisions 8 and 9; 82.21, subdivision 1; 82.22, subdivisions 2 and 5; 345.32; 345.47, subdivision 1; 345.48; 345.49; Minnesota Statutes 1983 Supplement, sections 82.22, subdivisions 6 and 13; and 82.34, subdivision 7; proposing new law coded in Minnesota Statutes, chapter 345.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Merriam and Pogemiller voted in the negative.

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H.F. No. 1944: A bill for an act relating to financial institutions; qualifying obligations of the African Development Bank for public and private investment; amending Minnesota Statutes 1982, sections 11A.24, subdivision 2; 50.14, by adding a subdivision; and 61A.28, subdivision 2; Minnesota Statutes 1983 Supplement, section 60A.11, subdivision 14.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2148: A bill for an act relating to local government; permitting a land transfer between Ramsey County and the city of Shoreview.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2145: A bill for an act relating to Olmsted County; allowing contracts for solid waste management property, facilities, and services to be let without advertisement for bids.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the resolution passed and its title was agreed to.

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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2016: A bill for an act relating to the office of the secretary of state; providing for the simplification of various filings with that office; eliminating or transferring certain filings; eliminating the requirement of publication after incorporation; amending Minnesota Statutes 1982, sections 35.14; 62C.06, subdivision 3; 62G.08, subdivision 2; 66A.08, subdivision 4; 72A.43, subdivisions 1 and 2; 121.212, subdivision 3; 169.966, subdivision 7; 272.483; 315.15; 315.20, subdivisions 2 and 3; 315.23, subdivision 2; 315.32; 315.365, subdivision 2; 325D.67, subdivisions 5 and 6; 365.46; 379.05; 507.10; Minnesota Statutes 1983 Supplement, sections 507.09; and 648.39, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Knutson voted in the negative.

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

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

S.F. Nos. 1411, 1466, 1474, 1589, 1112 and 1590, which the committee recommends to pass.

S.F. No. 1628, which the committee recommends to pass, subject to the following motions:

Mr. Chmielewski moved to amend S. F. No. 1628 as follows:

Pages 1 and 2, delete sections 1 to 4

Page 3, delete line 10 and insert "*the governing body of each town and municipality in the county*"

Page 3, line 11, delete "*populations*"

Pages 4 and 5, delete sections 6 to 8

Page 5, line 26, delete "*Sections 1 to 8 are*" and insert "*Section 1 is*"

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to public welfare; requiring certain counties to plan for the dispersal of residential facilities; amending Minnesota Statutes 1982, section 245.812, subdivision 7."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 35, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kamrath	Olson	Schmitz
Benson	Frederick	Knutson	Peterson, D.L.	Sieloff
Bertram	Frederickson	Lessard	Ramstad	Taylor
Brataas	Isackson	McQuaid	Renneke	Ulland
Chmielewski	Johnson, D.E.	Mehrkens	Samuelson	

Those who voted in the negative were:

Anderson	Frank	Lantry	Pehler	Spear
Berglin	Freeman	Luther	Peterson, C.C.	Storm
Bernhagen	Hughes	Merriam	Peterson, D.C.	Stumpf
Dahl	Jude	Moe, D. M.	Petty	Vega
Davis	Knaak	Moe, R. D.	Pogemiller	Waldorf
DeCramer	Kroening	Nelson	Purfeerst	Wegscheid
Dieterich	Laidig	Novak	Reichgott	Willet

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

Mr. Sieloff moved to amend S.F. No. 1628 as follows:

Page 2, line 20, reinstate the stricken "*, unless such additional conditions*"

Page 2, line 21, reinstate the stricken "are" and insert "*reasonably*" and reinstate the stricken "necessary to"

Page 2, line 24, before the period, insert "*provide adequate offstreet parking*"

Page 5, line 11, reinstate the stricken ", unless the additional conditions are" and after the reinstated "are" insert "*reasonably*"

Page 5, line 12, reinstate the stricken "necessary to"

Page 5, line 17, before the period, insert "*provide adequate offstreet parking*"

The motion prevailed. So the amendment was adopted.

H.F. No. 1408, which the committee recommends to pass with the following amendment offered by Mr. Pehler:

Amend H.F. No. 1408, as amended pursuant to Rule 49, adopted by the Senate March 29, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 1446.)

Page 1, line 23, before the period, insert "*providing services as defined in section 174.22, subdivision 7*"

Page 4, line 32, before the period, insert "*providing services as defined in section 174.22, subdivision 7*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1332, which the committee recommends to pass with the following amendment offered by Mr. Frederickson:

Page 1, line 21, after the period, insert:

"The provisions of section 126.21, chapter 363, and any other laws relating to discrimination based on race, color, creed, religion, national origin, or sex, shall apply to the corporation."

The motion prevailed. So the amendment was adopted.

H.F. No. 1382, which the committee reports progress, subject to the following motions:

Mr. Spear moved to amend H.F. No. 1382, as amended pursuant to Rule 49, adopted by the Senate March 29, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 1354.)

Page 2, line 33, delete "*June 1, 1985*" and insert "*January 1, 1986*"

The motion prevailed. So the amendment was adopted.

Mr. Laidig moved to amend H.F. No. 1382, as amended pursuant to Rule 49, adopted by the Senate March 29, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 1354.)

Page 3, line 20, strike "Any"

Page 3, lines 21 to 36, strike the old language and delete the new language

Amend the title as follows:

Page 1, line 5, delete "resentencing affected inmates" and insert "removing the provision that durational reductions in guideline sentences will be retroactive"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 38 and nays 20, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knaak	Pehler	Sieloff
Anderson	Frank	Kroening	Peterson, D.L.	Storm
Belanger	Frederick	Kronebusch	Purfeerst	Taylor
Benson	Frederickson	Laidig	Ramstad	Ulland
Bernhagen	Isackson	McQuaid	Reichgott	Waldorf
Bertram	Johnson, D.E.	Mehrkens	Renneke	Wegscheid
Chmielewski	Jude	Merriam	Samuelson	
Dahl	Kamrath	Olson	Schmitz	

Those who voted in the negative were:

Berglin	Dieterich	Moe, D. M.	Peterson, C.C.	Pogemiller
Davis	Freeman	Moe, R. D.	Peterson, D.C.	Spear
Dicklich	Lantry	Nelson	Peterson, R.W.	Vega
Diessner	Luther	Novak	Petty	Willet

The motion prevailed. So the amendment was adopted.

Mr. Laidig then moved to amend H.F. No. 1382, as amended pursuant to Rule 49, adopted by the Senate March 29, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 1354.)

Page 3, line 5, before "the" insert "(a)"

Page 3, line 6, strike "modifying"

Page 3, line 7, strike "and improving" and insert "*considering proposed modifications and improvements of*"

Page 3, lines 7 to 20 delete the new language

Page 3, after line 36 insert:

"(b) *No modification to the guidelines may become effective until approved as provided in section 5.*"

Sec. 5. [244.12] [LEGISLATIVE REVIEW OF GUIDELINE MODIFICATIONS.]

Subdivision 1. [REPORT ON MODIFICATIONS.] The sentencing guidelines commission shall submit an annual report specifying proposed modifications of the sentencing guidelines to the chairmen of the committees on judiciary in the house and senate.

Subd. 2. [APPROVAL BY LAW.] If the proposed modifications are not approved by law, the proposed modifications have no effect."

Page 4, line 7, delete "5" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "providing for the"

Page 1, line 3, after the semicolon, insert "providing that no modifications of the sentencing guidelines will go into effect unless approved by the legislature;"

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

Page 1, line 9, before the period, insert "; proposing new law coded in Minnesota Statutes, chapter 244"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Frank	Kamrath	Olson	Storm
Belanger	Frederick	Kroening	Peterson, D.L.	Taylor
Benson	Frederickson	Kronebusch	Purfeerst	Ulland
Bernhagen	Isackson	Laidig	Ramstad	Wegscheid
Bertram	Johnson, D.E.	McQuaid	Renneke	
Dahl	Jude	Mehrkins	Sieloff	

Those who voted in the negative were:

Berglin	Freeman	Moe, D. M.	Peterson, R. W.	Stumpf
Davis	Hughes	Moe, R. D.	Petty	Vega
DeCramer	Knaak	Nelson	Pogemiller	
Dicklich	Lantry	Novak	Reichgott	
Diessner	Luther	Peterson, C.C.	Schmitz	
Dieterich	Merriam	Peterson, D.C.	Spear	

The motion prevailed. So the amendment was adopted.

H.F. No. 1382 was then progressed.

Mr. Moe, R.D. moved that the report of the Committee of the Whole, as kept by the Secretary, be now adopted.

Mr. Moe, D.M. requested that the report on S.F. No. 1466 be divided out.

Mr. Moe, R.D. moved that the report of the Committee of the Whole, with the exception of the report on S.F. No. 1466, be adopted. The motion prevailed.

The question was taken on the adoption of the report on S.F. No. 1466.

The roll was called, and there were yeas 43 and nays 18, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kamrath	Olson	Schmitz
Anderson	Dicklich	Knaak	Pehler	Sieloff
Belanger	Diessner	Kroening	Peterson, C.C.	Storm
Benson	Frederick	Kronebusch	Peterson, D.L.	Stumpf
Bernhagen	Frederickson	Laidig	Purfeerst	Taylor
Bertram	Freeman	Lessard	Ramstad	Waldorf
Chmielewski	Isackson	McQuaid	Reichgott	Willet
Dahl	Johnson, D.E.	Mehrkins	Renneke	
Davis	Jude	Nelson	Samuelson	

Those who voted in the negative were:

Berglin	Lantry	Moe, R. D.	Petty	Vega
Dieterich	Luther	Novak	Pogemiller	Wegscheid
Frank	Merriam	Peterson, D.C.	Spear	
Hughes	Moe, D. M.	Peterson, R. W.	Ulland	

The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Freeman, Hughes, Jude, Vega and Samuelson introduced—

S.F. No. 2195: A bill for an act relating to taxation; providing that 1985 local government aid paid to a city shall be no less than its 1984 payment; amending Minnesota Statutes 1983 Supplement, section 477A.0131, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Peterson, C.C. introduced—

S.F. No. 2196: A resolution memorializing the United States Veterans Administration to allow greater flexibility in the use of federal funds for veterans care facilities and programs.

Referred to the Committee on Veterans and General Legislation.

Mr. Peterson, C.C. introduced—

S.F. No. 2197: A resolution memorializing the United States Congress to allow greater flexibility in the use of federal funds for veterans care facilities and programs.

Referred to the Committee on Veterans and General Legislation.

Mr. Freeman introduced—

S.F. No. 2198: A bill for an act relating to marriage dissolution; providing for marital property division; prohibiting assignment of pension benefits or rights acquired upon dissolution or annulment; amending Minnesota Statutes 1982, section 518.58.

Referred to the Committee on Judiciary.

Mr. Freeman introduced—

S.F. No. 2199: A bill for an act relating to health; requiring disclosure of certain medical data or medical information for the purpose of a lawful investigation; amending Minnesota Statutes 1982, sections 13.42, subdivision 2; 144.335; and 254A.09.

Referred to the Committee on Judiciary.

Mr. Bernhagen introduced—

S.F. No. 2200: A bill for an act relating to taxation; sales and use; providing for timely payment of sales and use taxes; amending Minnesota Statutes 1982, section 297A.27, subdivision 1, as amended.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Stumpf and Moe, R.D. introduced—

S.F. No. 2201: A bill for an act relating to taxation; extending the disaster credit to certain agricultural homesteads; amending Minnesota Statutes 1982, section 273.123.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Petty, Pogemiller and Ms. Berglin introduced—

S.F. No. 2202: A bill for an act relating to firefighters; establishing the firefighters standards board; providing for training of firefighters; appropriating money; proposing new law coded in Minnesota Statutes, chapter 299F.

Referred to the Committee on Governmental Operations.

Mr. Nelson introduced—

S.F. No. 2203: A bill for an act relating to natural resources and agriculture; allowing compensation to owners of crops damaged by deer; amending Minnesota Statutes 1982, section 3.737, by adding subdivisions.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Johnson, D.J.; Pehler; Novak; Jude and Peterson, C.C. introduced—

S.F. No. 2204: A bill for an act relating to taxation; providing a deduction for joint income tax filers; amending Minnesota Statutes 1983 Supplement, section 290.089, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Ulland introduced—

S.F. No. 2205: 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 Taxes and Tax Laws.

Mr. Wegscheid introduced—

S.F. No. 2206: A bill for an act relating to health; prohibiting discrimination by health maintenance organizations against optometrists; providing penalties; amending Minnesota Statutes 1982, section 62D.12, by adding a subdivision.

Referred to the Committee on Health and Human Services.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Tuesday, April 10, 1984. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate