

## SEVENTEENTH DAY

St. Paul, Minnesota, Monday, February 25, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Patricia Wolander.

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

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

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. Berg, Bernhagen, Davis, Langseth, Mehrkens, Sieloff and Stumpf were excused from the Session of today.

The following member was excused from today's Session for a brief period of time:

Mr. Lessard.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

February 20, 1985

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

The following appointment to the Minnesota Higher Education Facilities

Authority is hereby respectfully submitted to the Senate for confirmation as required by law:

Carol A. Blomberg, Rt. 1, Box 95A, Nashwauk, Itasca County, has been appointed by me, effective February 11, 1985, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Education.)

February 21, 1985

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

The following appointments to the Minnesota Pollution Control Agency are hereby respectfully submitted to the Senate for confirmation as required by law:

Carol Lee Baudler, 309 - 4th Ave. N.W., Austin, Mower County, has been appointed by me, effective January 28, 1985, for a term expiring the first Monday in January, 1989.

Bill Walker, Itasca Star Rt., Park Rapids, Becker County, has been appointed by me, effective January 28, 1985, for a term expiring the first Monday in January, 1989.

(Referred to the Committee on Agriculture and Natural Resources.)

Sincerely,  
Rudy Perpich, Governor

February 22, 1985

Patrick E. Flahaven  
Secretary of the Senate

Dear Sir:

The Subcommittee on Committees made the following appointment:

Pursuant to Minnesota Statutes 1984

Section 1.34: Advisory Committee of the Minnesota-Wisconsin Boundary Area Commission - effective February 21, 1985, Mr. Wegscheid replaced Mr. Storm.

Sincerely,  
Roger D. Moe  
Chairman  
Subcommittee on Committees

February 6, 1985

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. 90.

Sincerely,  
Rudy Perpich, Governor

February 6, 1985

The Honorable David Jennings  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1985 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1985	Date Filed 1985
90		Resolution No. 1	February 6	February 6

Sincerely,  
Joan Anderson Growe  
Secretary of State

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 100.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 21, 1985

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 98.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 21, 1985

### FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H.F. No. 98: A bill for an act relating to retirement; expanding the availability of certain appropriations for actuarial services.

Referred to the Committee on Governmental Operations.

### REPORTS OF COMMITTEES

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

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

S.F. No. 319: A bill for an act relating to the state board of investment; clarifying powers and duties; amending Minnesota Statutes 1984, sections 11A.14, subdivision 5; 11A.17, subdivision 13; and 11A.24, subdivisions 2, 3, and 4.

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

Page 2, line 2, after "(8)" insert "*The permanent school fund established under the Minnesota Constitution, article XI, section 8;*

*(9) The supplemental investment fund established under section 11A.17;*

*(10) The variable annuity investment fund established under section 11A.19; and*

*(11)"*

Page 2, line 2, delete " ; and "

Page 2, lines 3 and 4, delete the new language

Page 2, lines 7 and 8, reinstate the stricken language

Page 2, line 12, before "account" insert "fixed return"

Page 2, line 19, strike "accounts" and insert "fixed return account"

Page 2, line 23, after the period, insert "*At the end of each fiscal year the state board may determine for the bond account the period over which the established rate is to apply to funds so invested depending on the average yield and maturity of the securities purchased.*"

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. 276: A bill for an act relating to notaries; providing procedures for various notarial acts; enacting the uniform law on notarial acts; proposing coding for new law in Minnesota Statutes, chapter 358; repealing Minnesota Statutes 1984, sections 358.32 to 358.40.

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

Page 1, line 10, delete "9" and insert "10"

Page 1, line 23, after "a" insert "written"

Page 1, line 24, after "declaration" insert "upon oath or affirmation" and before "statement" insert "written"

Page 1, line 24, delete everything after "true" and insert a period

Page 1, delete line 25 and insert "*A verification upon oath or affirmation includes a signature under oath required by rule 33 of the rules of civil procedure of the district court.*"

Page 8, delete section 10 and insert:

"Sec. 10. [358.50] [DECLARATION UNDER PENALTY OF

PERJURY.]

Subdivision 1. [WRITTEN DECLARATION AUTHORIZED.] Notwithstanding any law to the contrary, any matter that is required to be supported, evidenced, established, or proved by verification upon oath or affirmation by the person making the verification may with like force and effect be supported, evidenced, established, or proved by a written statement that the matter is true under penalty of perjury. The written statement shall contain the date and county of execution within this state or any other state permitting declarations under penalty of perjury.

The written statement may be in substantially the following form:

"I declare under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_(date)\_\_\_\_\_ (county)\_\_\_\_\_ (state)"

Subd. 2. [EXCEPTION.] This section does not apply to a deposition, or a self-proved will under section 524.2-504, or an antenuptial contract under section 519.11, or an oath of office, or an oath required to be taken before a specified official other than a notary public, or to any instrument to be recorded in the office of the county recorder or to be filed in the office of the registrar of titles, or to acknowledgments as defined under section 1.

Sec. 11. Minnesota Statutes 1984, section 609.48, subdivision 1, is amended to read:

Subdivision 1. [ACTS CONSTITUTING.] Whoever makes a false material statement ~~which he does not believe~~ believing it to be true in any of the following cases is guilty of perjury and may be sentenced as provided in subdivision 4:

- (1) In or for an action, hearing or proceeding of any kind in which the statement is required or authorized by law to be made under oath or affirmation; or
- (2) In any writing which is required or authorized by law to be under oath or affirmation; or
- (3) In any declaration under penalty of perjury under section 10; or
- ~~(3)~~ (4) In any other case in which the penalties for perjury are imposed by law and no specific sentence is otherwise provided."

Page 8, line 21, delete "TIME OF TAKING EFFECT" and insert "EFFECTIVE DATE"

Page 8, line 22, delete "This act takes effect" and insert "Sections 1 to 10 are effective" and before the period, insert ", and apply to notarial acts performed on or after the effective date"

Page 8, line 22, after the period, insert "Section 11 is effective August 1, 1985, and applies to crimes committed on or after that date."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing that matters to be verified by oath or affirmation may be declared under penalty of perjury; imposing a penalty; amending Minnesota Statutes 1984, section 609.48, subdivision 1;"

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. 331: A bill for an act relating to health; permitting the county coroner to remove the pituitary gland from a body under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 390.

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

Delete everything after the enacting clause and insert:

"Section 1. [390.36] [CORONER REMOVAL OF PITUITARY GLAND DURING AUTOPSY.]

*A county coroner who performs an autopsy under section 390.11, 390.32, or any other general or local law relating to county coroners or medical examiners, may remove the pituitary gland from the body and give it to the national pituitary agency, or any other agency or organization, for research, unless (1) this would alter a gift made under sections 525.921 to 525.93; or (2) the next of kin of the decedent notifies the coroner that he or she objects to the removal of the gland."*

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. 311: A bill for an act relating to health; authorizing an additional rural doctor for the Springfield service area.

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

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

S.F. No. 290: A bill for an act relating to human services; increasing the personal needs allowance for medical assistance recipients; amending Minnesota Statutes 1984, section 256B.35, subdivision 1.

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

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

S.F. No. 332: A bill for an act relating to human services; requiring con-

tribution by the parent of a child for full assistance expenditures; amending Minnesota Statutes 1984, section 256.87, subdivision 1.

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

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

S.F. No. 450: A bill for an act relating to taxation; providing for collection of outstate liabilities; changing certain time limitations; changing tax lien provisions; providing for certain disclosures; changing entry for confessions of judgment; amending Minnesota Statutes 1984, sections 270.06; 270.063; 270.66, subdivision 1; 270.68, subdivisions 1 and 4; 270.69, subdivisions 1, 2, 3, and 4; 270.70, subdivisions 1 and 13; 290.49, subdivision 7; 290.58; 290.92, subdivisions 6 and 23; 296.15, subdivision 6; 297A.34, subdivision 5; 297A.42, subdivision 2; repealing Minnesota Statutes 1984, section 270.69, subdivision 5.

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

Page 5, after line 13, insert:

“Sec. 3. [270.65] [DATE OF ASSESSMENT; DEFINITION.]

*For purposes of chapters 270, 290, 296, and 297A, the term “date of assessment” means the date a return was filed or the date a return should have been filed, whichever is later; or, in the case of taxes determined by the commissioner, “date of assessment” means the date of the order assessing taxes; or, in the case of an amended return filed by the taxpayer, the assessment date is the date the return was filed with the commissioner.”*

Page 5, line 21, after “tax” delete the new language

Page 5, line 22, delete the new language

Page 6, line 6, after “tax” delete the new language

Page 6, line 7, delete the new language

Page 8, line 26, after “tax” delete the new language

Page 8, line 27, delete the new language

Page 9, line 25, after “tax” delete the new language

Page 9, line 26, delete the new language

Page 10, line 2, after “tax” delete the new language

Page 10, line 3, delete the new language

Page 10, line 19, after “tax” delete the new language

Page 10, line 20, delete the new language

Page 11, line 25, before “assessment” insert “date of”

Page 16, line 3, after “subdivision” delete the new language

Page 16, line 4, delete the new language

Page 16, line 27, after "tax" delete the new language

Page 16, line 28, delete the new language

Page 19, line 26, after "fees" delete the new language and insert a period

Page 19, delete line 27

Page 20, line 18, before "assessment" insert "date of"

Page 21, delete line 5

Page 21, line 6, delete "Sections 6, 7, 8, and 16 are" and insert "This act is,"

Page 21, line 7, delete "16" and insert "17"

Page 21, line 12, delete "July 1, 1985" and insert "the day after enactment"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after "2;" insert "proposing coding for new law in Minnesota Statutes, chapter 270;"

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 referred

S.F. No. 472: A bill for an act relating to taxation; modifying certain procedures relating to taxpayer appeals; requiring apportionment of levies in specific situations; changing the tax treatment of certain exempt property; clarifying the calculation of property tax credits; clarifying the tax treatment of certain pipelines; modifying provisions relating to the payment of property taxes; allowing for sales of sample packs of cigarettes containing 25 cigarettes; clarifying procedures relating to the sale of cigarettes to American Indians; altering the eligibility for confessions of judgment; providing for the recording of state deeds; modifying the deed stamp tax procedure; clarifying the computation of gross earnings tax for taconite railroads; clarifying labor credit provisions; clarifying process of taconite aid guarantee phase out; clarifying cost of doing business provisions for cigarette wholesalers; requiring payment of current taxes before conveyance of registered land; allowing for memorializing of state deeds on certificates of title; clarifying cancellation of contract for deed provisions; amending Minnesota Statutes 1984, sections 270.076, subdivision 2; 270.11, subdivision 7; 270.12, subdivision 3; 272.01, subdivision 2, and by adding a subdivision; 272.02, subdivision 1; 273.123, subdivision 5; 273.13, subdivision 4; 273.138, subdivision 5; 273.33, subdivisions 1 and 2; 279.01, subdivision 1; 279.37, subdivision 1; 282.01, subdivision 6; 282.014; 282.301; 282.33, subdivision 1; 282.36; 287.25; 294.22; 297.03, subdivision 10; 297.041; 298.02, subdivision 1; 298.225; 325D.32, subdivisions 10 and 11; 473H.10, subdivision 3; 508.47, subdivision 1; 508.71, subdivision 4; 559.21, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 273; repealing Minnesota Statutes 1984, sections 273.19; 297.02, subdivision 2;



and 477A.04.

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

Page 1, after line 40, insert:

“Section 1. Minnesota Statutes 1984, section 270.06, is amended to read:

270.06 [POWERS AND DUTIES.]

It shall be the duty of the commissioner of revenue and he shall have power and authority:

(1) To have and exercise general supervision over the administration of the assessment and taxation laws of the state, over assessors, town, county, and city boards of review and equalization, and all other assessing officers in the performance of their duties, to the end that all assessments of property be made relatively just and equal in compliance with the laws of the state;

(2) To confer with, advise and give the necessary instructions and directions to local assessors and local boards of review throughout the state as to their duties under the laws of the state;

(3) To direct proceedings, actions, and prosecutions to be instituted to enforce the laws relating to the liability and punishment of public officers and officers and agents of corporations for failure or negligence to comply with the provisions of the laws of this state governing returns of assessment and taxation of property, and to cause complaints to be made against local assessors, members of boards of equalization, members of boards of review, or any other assessing or taxing officer, to the proper authority, for their removal from office for misconduct or negligence of duty;

(4) To require county attorneys to assist in the commencement of prosecutions in actions or proceedings for removal, forfeiture and punishment for violation of the laws of this state in respect to the assessment and taxation of property in their respective districts or counties;

(5) To require town, city, county, and other public officers to report information as to the assessment of property, collection of taxes received from licenses and other sources, and such other information as may be needful in the work of the department of revenue, in such form and upon such blanks as he may prescribe;

(6) To require individuals, copartnerships, companies, associations, and corporations to furnish information concerning their capital, funded or other debt, current assets and liabilities, earnings, operating expenses, taxes, as well as all other statements now required by law for taxation purposes;

(7) To summon witnesses to appear and give testimony, and to produce books, records, papers and documents relating to any tax matter which he may have authority to investigate or determine. Provided, that any summons which does not identify the person or persons with respect to whose tax liability the summons is issued may be served only if (a) the summons relates to the investigation of a particular person or ascertainable group or class of persons, (b) there is a reasonable basis for believing that such person or group or class of persons may fail or may have failed to comply with any tax law administered by the commissioner, (c) the information sought to be obtained

from the examination of the records (and the identity of the person or persons with respect to whose liability the summons is issued) is not readily available from other sources, (d) the summons is clear and specific as to the information sought to be obtained, and (e) the information sought to be obtained is limited solely to the scope of the investigation. Provided further that the party served with a summons which does not identify the person or persons with respect to whose tax liability the summons is issued shall have the right, within 20 days after service of the summons, to petition the district court for the judicial district in which lies the county in which that party is located for a determination as to whether the commissioner of revenue has complied with all the requirements in (a) to (e), and thus, whether the summons is enforceable. If no such petition is made by the party served within the time prescribed, the summons shall have the force and effect of a court order;

(8) To cause the deposition of witnesses residing within or without the state, or absent therefrom, to be taken, upon notice to the interested party, if any, in like manner that depositions of witnesses are taken in civil actions in the district court, in any matter which he may have authority to investigate or determine;

(9) To investigate the tax laws of other states and countries and to formulate and submit to the legislature such legislation as he may deem expedient to prevent evasions of assessment and taxing laws, and to secure just and equal taxation and improvement in the system of assessment and taxation in this state;

(10) To consult and confer with the governor upon the subject of taxation, the administration of the laws in regard thereto, and the progress of the work of the department of revenue, and to furnish the governor, from time to time, such assistance and information as he may require relating to tax matters;

(11) To transmit to the governor, on or before the third Monday in December of each even-numbered year, and to each member of the legislature, on or before November 15 of each even numbered year, the report of the department of revenue for the preceding years, showing all the taxable property in the state and the value of the same, in tabulated form;

(12) To inquire into the methods of assessment and taxation and ascertain whether the assessors faithfully discharge their duties, particularly as to their compliance with the laws requiring the assessment of all property not exempt from taxation;

(13) To exercise and perform such further powers and duties as may be required or imposed upon the commissioner of revenue by law;

(14) The commissioner of revenue may promulgate rules and regulations for the administration and enforcement of the property tax. Such rules and regulations shall have the force and effect of law;

(15) To execute and administer any agreement with the secretary of the treasury of the United States regarding the exchange of information and administration of the tax laws of both the United States and the state of Minnesota;

(16) To administer and enforce the provisions of sections 325.64 to 325.76, the Minnesota Unfair Cigarette Sales Act."

Page 2, line 3, after the stricken "due" insert "*unless the payment is waived or otherwise adjusted by an order of the court*"

Pages 4 to 6, delete sections 4 and 5

Page 19, line 23, reinstate the stricken language and insert "*or*" and delete "*pellets*" and insert "*concentrates, whichever is shipped*"

Page 19, line 27, after "concentrates" insert "*or iron ore*"

Page 20, line 6, after "at" insert "*four times*" and strike "same"

Pages 20 and 21, delete section 23

Page 21, after line 36, insert:

"Sec. 22. Minnesota Statutes 1984, section 298.01, subdivision 1, is amended to read:

Subdivision 1. Every person engaged in the business of mining or producing iron ore or other ores in this state shall pay to the state of Minnesota an occupation tax equal to ~~15.5~~ 15 percent of the valuation of all ores ~~except taconite, semi-taconite and iron sulphides mined or produced after December 31, 1971 and iron ores mined or produced after December 31, 1984~~. Said tax shall be in addition to all other taxes provided for by law and shall be due and payable from such person on or before June 15 of the year next succeeding the calendar year covered by the report thereon to be filed as hereinafter provided."

Page 22, line 10, strike "(a)" and strike "underground" and insert "*all*" and strike "or that tonnage of"

Page 22, strike lines 11 and 12

Page 22, line 13, strike the old language

Page 22, line 34, strike ", as applied to underground and"

Page 22, strike lines 35 and 36

Page 23, strike lines 6 to 34

Page 24, after line 26, insert:

"Sec. 25. Minnesota Statutes 1984, section 298.28, subdivision 1, is amended to read:

Subdivision 1. [DISTRIBUTION FROM GENERAL FUND.] The proceeds of the taxes collected under section 298.24, except the tax collected under section 298.24, subdivision 2, shall, upon certificate of the commissioner of revenue to the general fund of the state, be paid by the commissioner of revenue as follows:

(1) 2.5 cents per gross ton of merchantable iron ore concentrate, hereinafter referred to as "taxable ton," to the city or town in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. If the mining, quarrying, and concentration, or different steps in either thereof are carried on in more than one taxing district, the commissioner shall apportion equitably the proceeds of the part of the tax going to cities and towns among such subdivisions upon the basis of attributing 40 percent of the proceeds of the tax to the operation of mining or

quarrying the taconite, and the remainder to the concentrating plant and to the processes of concentration, and with respect to each thereof giving due consideration to the relative extent of such operations performed in each such taxing district. His order making such apportionment shall be subject to review by the tax court at the instance of any of the interested taxing districts, in the same manner as other orders of the commissioner.

(2) 12.5 cents per taxable ton, less any amount distributed under clause (8), *paragraph (a)*, to the taconite municipal aid account in the apportionment fund of the state treasury, to be distributed as provided in section 298.282.

(3) 29 cents per taxable ton plus the increase provided in paragraph (c) to qualifying school districts to be distributed as follows:

(a) Six cents per taxable ton to the school districts in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. The commissioner shall follow the apportionment formula prescribed in clause (1).

(b) 23 cents per taxable ton, less any amount distributed under part (d), shall be distributed to a group of school districts comprised of those school districts wherein the taconite was mined or quarried or the concentrate produced or in which there is a qualifying municipality as defined by section 273.134 in direct proportion to school district tax levies as follows: each district shall receive that portion of the total distribution which its certified levy for the prior year, computed pursuant to sections 124A.03, 124A.06, subdivision 3a, 124A.08, subdivision 3a, 124A.10, subdivision 3a, 124A.12, subdivision 3a, 124A.14, subdivision 5a, and 275.125, comprises of the sum of certified levies for the prior year for all qualifying districts, computed pursuant to sections 124A.03, 124A.06, subdivision 3a, 124A.08, subdivision 3a, 124A.10, subdivision 3a, 124A.12, subdivision 3a, 124A.14, subdivision 5a, and 275.125. For purposes of distributions pursuant to this part, certified levies for the prior year computed pursuant to sections 124A.03, 124A.06, subdivision 3a, 124A.08, subdivision 3a, 124A.10, subdivision 3a, 124A.12, subdivision 3a, 124A.14, subdivision 5a, and 275.125 shall not include the amount of any increased levy authorized by referendum pursuant to section 124A.03, subdivision 2.

(c) On July 15, in years prior to 1988, an amount equal to the increase derived by increasing the amount determined by clause (3)(b) in the same proportion as the increase in the steel mill products index over the base year of 1977 as provided in section 298.24, subdivision 1, clause (a), shall be distributed to any school district described in clause (3)(b) where a levy increase pursuant to section 124A.03, subdivision 2, is authorized by referendum, according to the following formula. On July 15, 1988 and subsequent years, the increase over the amount established for the prior year shall be determined according to the increase in the implicit price deflator as provided in section 298.24, subdivision 1, paragraph (a). Each district shall receive the product of:

(i) \$150 times the pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), enrolled in the second previous school year, less the product of two mills times the district's taxable valuation in the second previous year; times

(ii) the lesser of:

(A) one, or

(B) the ratio of the amount certified pursuant to section 124A.03, subdivision 2, in the previous year, to the product of two mills times the district's taxable valuation in the second previous year.

If the total amount provided by clause (3)(c) is insufficient to make the payments herein required then the entitlement of \$150 per pupil unit shall be reduced uniformly so as not to exceed the funds available. Any amounts received by a qualifying school district in any fiscal year pursuant to clause (3)(c) shall not be applied to reduce foundation aids which the district is entitled to receive pursuant to section 124A.02 or the permissible levies of the district. Any amount remaining after the payments provided in this paragraph shall be paid to the commissioner of finance who shall deposit the same in the taconite environmental protection fund and the northeast Minnesota economic protection trust fund as provided in section 298.28, subdivision 1, clause 10.

(d) There shall be distributed to any school district the amount which the school district was entitled to receive under section 298.32 in 1975.

(4) 19.5 cents per taxable ton to counties to be distributed as follows:

(a) 15.5 cents per taxable ton shall be distributed to the county in which the taconite is mined or quarried or in which the concentrate is produced, less any amount which is to be distributed pursuant to part (b). The commissioner shall follow the apportionment formula prescribed in clause (1).

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, one cent per taxable ton of the tax distributed to the counties pursuant to part (a) and imposed on and collected from such taxpayer shall be distributed by the commissioner of revenue to the county in which the power plant is located.

(c) Four cents per taxable ton shall be paid to the county from which the taconite was mined, quarried or concentrated to be deposited in the county road and bridge fund. If the mining, quarrying and concentrating, or separate steps in any of those processes are carried on in more than one county, the commissioner shall follow the apportionment formula prescribed in clause (1).

(5) (a) 17.75 cents per taxable ton, less any amount required to be distributed under part (b), to the taconite property tax relief account in the apportionment fund in the state treasury, to be distributed as provided in sections 273.134 to 273.136.

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, .75 cent per taxable ton of the tax imposed and collected from such taxpayer shall be distributed by the commissioner of revenue to the county and school district in which the power plant is located as follows: 25 percent to the county and 75 percent to the school district.

(6) One cent per taxable ton to the state for the cost of administering the tax imposed by section 298.24.

(7) Three cents per taxable ton shall be deposited in the state treasury to the credit of the iron range resources and rehabilitation board account in the special revenue fund for the purposes of section 298.22. The amount determined in this clause shall be increased in 1981 and subsequent years prior to 1988 in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1 and shall be increased in 1988 and subsequent years according to the increase in the implicit price deflator as provided in section 298.24, subdivision 1. The amount distributed pursuant to this clause shall be expended within or for the benefit of a tax relief area defined in section 273.134. No part of the fund provided in this clause may be used to provide loans for the operation of private business unless the loan is approved by the governor and the legislative advisory commission.

(8) (a) .20 cent per taxable ton shall be paid to the range association of municipalities and schools, for the purpose of providing an area wide approach to problems which demand coordinated and cooperative actions and which are common to those areas of northeast Minnesota affected by operations involved in mining iron ore and taconite and producing concentrate therefrom, and for the purpose of promoting the general welfare and economic development of the cities, towns and school districts within the iron range area of northeast Minnesota.

(b) 1.5 cents per taxable ton shall be paid to the northeast Minnesota economic protection trust fund.

(9) the amounts determined under clauses (4)(a), (4)(c), (5), and (8)(b) shall be increased in 1979 and subsequent years prior to 1988 in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1. Those amounts shall be increased in 1988 and subsequent years in the same proportion as the increase in the implicit price deflator as provided in section 298.24, subdivision 1.

(10) the proceeds of the tax imposed by section 298.24 which remain after the distributions in clauses (1) to (9) and parts (a) and (b) of this clause have been made shall be divided between the taconite environmental protection fund created in section 298.223 and the northeast Minnesota economic protection trust fund created in section 298.292 as follows: Two-thirds to the taconite environmental protection fund and one-third to the northeast Minnesota economic protection trust fund. The proceeds shall be placed in the respective special accounts in the general fund.

(a) There shall be distributed to each city, town, school district, and county the amount that they received under section 294.26 in calendar year 1977; provided, however, that the amount distributed in 1981 to the unorganized territory number 2 of Lake County and the town of Beaver Bay based on the between-terminal trackage of Erie Mining Company will be distributed in 1982 and subsequent years to the unorganized territory number 2 of Lake County and the towns of Beaver Bay and Stony River based on the miles of track of Erie Mining Company in each taxing district.

(b) There shall be distributed to the iron range resources and rehabilitation board the amounts it received in 1977 under section 298.22.

On or before October 10 of each calendar year each producer of taconite or iron sulphides subject to taxation under section 298.24 (hereinafter called "taxpayer") shall file with the commissioner of revenue an estimate of the amount of tax which would be payable by such taxpayer under said law for such calendar year; provided such estimate shall be in an amount not less than the amount due on the mining and production of concentrates up to September 30 of said year plus the amount becoming due because of probable production between September 30 and December 31 of said year, less any credit allowable as hereinafter provided. The commissioner of revenue shall annually on or before October 10 report an estimated distribution amount to each taxing district and the officers with whom such report is so filed shall use the amount so indicated as being distributable to each taxing district in computing the permissible tax levy of such county or city in the year in which such estimate is made, and payable in the next ensuing calendar year, except that one cent per taxable ton of the amount distributed under clause (4)(c) shall not be deducted in calculating the permissible levy. In any calendar year in which a general property tax levy subject to sections 275.50 to 275.59 has been made, if the taxes distributable to any such county or city are greater than the amount estimated by the commissioner to be paid to any such county or city in such year, the excess of such distribution shall be held in a special fund by the county or city and shall not be expended until the succeeding calendar year, and shall be included in computing the permissible levies under sections 275.50 to 275.59, of such county or city payable in such year. If the amounts distributable to any such county or city after final determination by the commissioner of revenue under this section are less than the amounts by which a taxing district's levies were reduced pursuant to this section, such county or city may issue certificates of indebtedness in the amount of the shortage, and may include in its next tax levy, in excess of the limitations of sections 275.50 to 275.59 an amount sufficient to pay such certificates of indebtedness and interest thereon, or, if no certificates were issued, an amount equal to such shortage.

There is hereby annually appropriated to such taxing districts as are stated herein, to the taconite property tax relief account and to the taconite municipal aid account in the apportionment fund in the state treasury, to the department of revenue, to the iron range resources and rehabilitation board, to the range association of municipalities and schools, to the taconite environmental protection fund, and to the northeast Minnesota economic protection trust fund, from any fund or account in the state treasury to which the money was credited, an amount sufficient to make the payment or transfer. The payment of the amount appropriated to such taxing districts shall be made by the commissioner of revenue on or before May 15 annually.

Sec. 26. Minnesota Statutes 1984, section 299.01, subdivision 1, is amended to read:

Subdivision 1. There shall be levied and collected upon all royalty received during each calendar year for permission to explore, mine, take out and remove ore ~~other than taconite, semi-taconite and iron sulphides~~ from land in this state, a tax of ~~15-5 15~~ percent ~~after December 31, 1971~~.

Sec. 27. Minnesota Statutes 1984, section 299.012, subdivision 1, is amended to read:

Subdivision 1. For the purpose of increasing the utilization of low grade,

underground, and high labor cost ores and taconites, the royalty tax levied by virtue of section 299.01, ~~subdivisions 1 and 2,~~ on royalty received because of the production of ores in any calendar year from land forming part of any mine which was in production during said year, shall be reduced by a credit in an amount which will make the net effective tax rate thereon equal to the net effective rate of the occupation tax imposed pursuant to section 298.01, because of the production of ores during such calendar year from the mine of which such land forms a part, after the application of the credits against such occupation tax allowed under section 298.02; provided, if such mine produced ore in such calendar year, but the ore produced had no valuation for occupation tax purposes because of the allowable deductions equaling or exceeding the value of the ore produced, the credit allowed hereunder shall be three-fourths of eleven percent, ~~as applied to underground, taconite, semi-taconite and other iron ore operations, and six-tenths of eleven percent as applied to all other operations,~~ of the royalty received. Any person making payments of royalty taxes in advance of the final determination of such taxes, may assume for the purposes of section 299.08, that the net rate of the tax for the calendar year in question shall be the last full year's net effective occupation tax rate known at the time of the first payment of royalty tax during the current calendar year."

Page 24, line 27 to page 26, line 3, delete sections 26 and 27

Page 27, line 7, delete "1" and insert "4"

Page 27, delete lines 8 to 20 and insert:

"Subd. 4. [SURVEY; REQUISITES; FILING; COPIES.] The registered land survey shall correctly show the legal description of the parcel of unplatted land represented by said registered land survey and the outside measurements of the parcel of unplatted land and of all tracts delineated therein, the direction of all lines of said tracts to be shown by angles or bearings or other relationship to the outside lines of said registered land survey, and the surveyor shall place stakes in the ground at appropriate corners, and all tracts shall be lettered consecutively beginning with the letter "A". None of said tracts or parts thereof may be dedicated to the public by said registered land survey. Except in counties having microfilming capabilities, a reproduction copy of the registered land survey shall be delivered to the county auditor. The registered land survey shall be on paper, mounted on cloth, shall be a black on white drawing, the scale to be not smaller than one inch equals 200 feet, and shall be certified to be a correct representation of said parcel of unplatted land by a registered surveyor. The mounted drawing shall be exactly 17 inches by 14 inches and not less than 2 1/2 inches of the 14 inches shall be blank for binding purposes, and such survey shall be filed in triplicate with the registrar of titles upon the payment of a fee of \$15. Before filing, however, any such survey shall be approved in the manner required for the approval of subdivision plats, which approval shall be endorsed thereon or attached thereto.

*At the time of filing, a certificate from the treasurer that current taxes have been paid must be presented before the survey is accepted by the registrar for filing.*

In counties having microfilming capabilities, the survey may be prepared on sheets of suitable mylar or on linen tracing cloth by photographic process



or on material of equal quality. Notwithstanding any provisions of subdivision 5 to the contrary, no other copies of the survey need be filed.

The registrar shall furnish to any person a copy of said registered land survey, duly certified by him, for a fee of \$7.50, which shall be admissible in evidence."

Page 28, delete section 31

Page 28, delete lines 15 to 17 and insert:

*"(a) Minnesota Statutes 1984, sections 298.01, subdivision 2; and 299.01, subdivision 2, are repealed.*

*(b) Minnesota Statutes 1984, section 325D.41 is repealed."*

Page 28, line 20, before "Sections" insert "Section 1 is effective July 1, 1985." and delete "1 to 13 and 32, paragraph (a)," and insert "2 to 12"

Page 28, line 22, delete "14 to 31 and 32, paragraph (b)" and insert "13 to 21 and 28 to 30"

Page 28, line 23, after the period, insert "Sections 22 to 27 and 31, paragraph (a), are effective for ores produced after December 31, 1984. Section 31, paragraph (b), is effective December 31, 1985."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "discontinuing enforcement of the unfair cigarette sales act;"

Page 1, lines 4 and 5, delete "changing the tax treatment of certain exempt property;"

Page 1, after line 16, insert "modifying the taconite production tax distribution; reducing occupation and royalty tax rates for certain ore;"

Page 1, delete line 18

Page 1, line 19, delete "cigarette wholesalers;"

Page 1, line 22, delete everything after the semicolon

Page 1, line 23, delete "provisions;"

Page 1, line 23, after "sections" insert "270.06;"

Page 1, line 25, delete everything after the semicolon

Page 1, line 26, delete "subdivision;"

Page 1, line 32, delete "297.041" and insert "298.01, subdivision 1" and delete "325D.32," and insert "298.28, subdivision 1; 299.01, subdivision 1; 299.012, subdivision 1"

Page 1, line 33, delete "subdivisions 10 and 11"

Page 1, line 34, delete "1" and insert "4"

Page 1, lines 34 and 35, delete "559.21, by adding a subdivision;"

Page 1, lines 37 and 38, delete "273.19; 297.02, subdivision 2;"

Page 1, line 38, after the semicolon insert "298.01, subdivision 2; 299.01, subdivision 2; 325D.41;"

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 the following appointment as reported in the Journal for February 7, 1985:

**MINNESOTA ENVIRONMENTAL QUALITY BOARD**  
Caryl Edward Buchwald

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. Merriam from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for January 28, 1985:

**MINNESOTA ENVIRONMENTAL QUALITY BOARD**  
Martha C. Brand

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

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

**SECOND READING OF SENATE BILLS**

S.F. Nos. 319, 276, 331, 450 and 472 were read the second time.

**MOTIONS AND RESOLUTIONS**

Mr. Diessner moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 31. The motion prevailed.

Mr. Mehrkens moved that the name of Mr. Gustafson be added as a co-author to S.F. No. 116. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 226. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Knaak be added as a co-author to S.F. No. 525. The motion prevailed.

Mr. Spear moved that the name of Mr. Dahl be added as a co-author to S.F. No. 527. The motion prevailed.

Mr. Wegscheid moved that the names of Messrs. Isackson and Davis be added as co-authors to S.F. No. 546. The motion prevailed.

Mr. Freeman moved that the name of Mr. Pehler be added as a co-author to S.F. No. 556. The motion prevailed.

Mr. Anderson moved that the name of Mr. Frank be added as a co-author to S.F. No. 559. The motion prevailed.

Mr. Chmielewski moved that the name of Mrs. Lantry be added as a co-author to S.F. No. 565. The motion prevailed.

Mr. Johnson, D.E. moved that his name be stricken as a co-author to S.F. No. 569. The motion prevailed.

Mr. Peterson, C.C. moved that the names of Messrs. Novak and Dahl be added as co-authors to S.F. No. 571. The motion prevailed.

Mr. Wegscheid moved that the names of Mr. Merriam and Mrs. McQuaid be added as co-authors to S.F. No. 572. The motion prevailed.

Messrs. Bertram; Peterson, C.C.; Stumpf and Isackson introduced—

Senate Resolution No. 28: A Senate resolution expressing the sense of the Senate that current imports of live hogs from Canada should be rolled back to 1981 levels.

Referred to the Committee on Rules and Administration.

Mr. Pehler moved that House Concurrent Resolution No. 3 be taken from the table. The motion prevailed.

House Concurrent Resolution No. 3: A House concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

BE IT RESOLVED by the House of Representatives of the State of Minnesota, the Senate concurring:

(1) The House of Representatives and the Senate shall meet in joint convention on Tuesday, March 19, 1985, in the chamber of the House of Representatives to elect members to the Board of Regents of the University of Minnesota.

(2) The Education Committee of the Senate and the Education Committee of the House of Representatives, in a joint meeting, are appointed to submit a slate of nominations and to report the slate at the meeting of the joint convention.

Mr. Pehler moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

### CONFIRMATION

Mr. Merriam moved that the report from the Committee on Agriculture and Natural Resources, reported February 21, 1985, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Merriam moved that the foregoing report be now adopted. The motion prevailed.

Mr. Merriam moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported February 21, 1985, the Senate, having given its advice, do now consent to and confirm the appointment of:

**MINNESOTA POLLUTION CONTROL AGENCY  
DIRECTOR**

Thomas J. Kalitowski, 7456 Quadrant Ave. S., Hastings, Washington County, effective May 14, 1984, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

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

**CALENDAR**

S.F. No. 252: A bill for an act relating to corporations; providing for the shareholder vote required to amend articles of incorporation in certain cases; amending Minnesota Statutes 1984, section 302A.135, subdivision 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 102: A bill for an act relating to natural resources; terms of payment in county timber sales; amending Minnesota Statutes 1984, section 282.04, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 207: A bill for an act relating to crimes; defining sports book-making; amending Minnesota Statutes 1984, sections 299C.065, subdivision 1; and 609.75, subdivision 7.

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 1, as follows:

Those who voted in the affirmative were:

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

Mr. Pogemiller voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 279: A bill for an act relating to natural resources; eliminating the mandatory shooting by conservation officers of dogs pursuing deer; restricting the shooting by others; increasing the penalty for owners of dogs that kill deer; amending Minnesota Statutes 1984, sections 100.29, subdivision 19; and 347.01.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Dicklich; Johnson, D.J. and Knaak voted in the negative.

So the bill passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

### CONFIRMATION

Mr. Spear moved that the report from the Committee on Judiciary, re-

ported February 12, 1985, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Spear moved that the foregoing report be now adopted. The motion prevailed.

Mr. Spear moved that in accordance with the report from the Committee on Judiciary, reported February 12, 1985, the Senate, having given its advice, do now consent to and confirm the appointment of:

#### DEPARTMENT OF HUMAN RIGHTS COMMISSIONER

Linda Collins Johnson, 740 River Dr., St. Paul, Ramsey County, effective August 1, 1984, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

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

#### CONSENT CALENDAR

S.F. No. 375: A bill for an act relating to insurance; authorizing domestic companies to purchase or sell certain futures contracts; amending Minnesota Statutes 1984, section 61A.28, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

#### RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

#### MOTIONS AND RESOLUTIONS - CONTINUED

#### APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that

the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 122: Messrs. Moe, D.M.; Wegscheid; Spear; Renneke and Knaak.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

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

### 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. 148, 125, 291, 106 and 244, which the committee recommends to pass.

S.F. No. 177, which the committee recommends to pass with the following amendment offered by Mr. Petty:

Page 1, after line 9, insert:

“Section 1. Minnesota Statutes 1984, section 260.156, is amended to read:

260.156 [CERTAIN OUT-OF-COURT STATEMENTS ADMISSIBLE.]

An out-of-court statement made by a child under the age of ten years, or a child over the age of ten years who is mentally impaired, as defined under section 609.341, subdivision 6, 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 and the reliability of the person to whom the statement is made 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.”

Page 7, line 10, delete “2 to 7” and insert “1 to 8”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after “sections” insert “260.156;”

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Nelson, Pehler, Mehrkens, Ms. Reichgott and Mr. Ramstad introduced—

S.F. No. 573: A bill for an act relating to education; extending the instructional effectiveness models to all districts; appropriating money; amending Minnesota Statutes 1984, section 121.609, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Taylor, Ramstad, Storm, Gustafson and Ms. Olson introduced—

S.F. No. 574: A bill for an act relating to state government; making the budget reserve account a segregated fund; retaining investment earnings in the account; allowing the commissioner of finance to borrow from the account; appropriating money; amending Minnesota Statutes 1984, section 16A.15, subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Bertram, Jude, Laidig, Mrs. Kronebusch and Mr. Dahl introduced—

S.F. No. 575: A resolution memorializing the United States Congress to propose an amendment to the United States Constitution to protect human life.

Referred to the Committee on Judiciary.

Messrs. Peterson, R.W.; Frederickson; Taylor; Merriam and Moe, D.M. introduced—

S.F. No. 576: A bill for an act relating to state departments and agencies; regulating initial fees and fee adjustments for agency services; amending Minnesota Statutes 1984, section 16A.128.

Referred to the Committee on Governmental Operations.

Mr. Peterson, R.W. introduced—

S.F. No. 577: A bill for an act relating to education; exempting certain school district tax and aid anticipation certificates from public sale requirements; amending Minnesota Statutes 1984, section 124.76, subdivision 2.

Referred to the Committee on Education.

Mrs. Adkins, Messrs. Mehrkens, Purfeerst, Stumpf and Bernhagen introduced—

S.F. No. 578: A bill for an act relating to motor vehicles; taxation; defining



terms; reclassifying pickup trucks used in the business of farming for tax purposes; amending Minnesota Statutes 1984, sections 168.011, subdivisions 7 and 17; and 168.013, subdivision 1a.

Referred to the Committee on Transportation.

Messrs. Wegscheid, Luther, Storm, Anderson and Merriam introduced—

S.F. No. 579: A bill for an act relating to liquor; authorizing issuance of off-sale wine licenses to food stores; regulating sales; prohibiting the same person from being licensed as both liquor wholesaler and retailer; amending Minnesota Statutes 1984, sections 340.07, subdivision 13, and by adding a subdivision; 340.11, subdivisions 13 and 14; 340.13, by adding a subdivision; and 340.14, subdivisions 1 and 3.

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

Messrs. Schmitz and Wegscheid introduced—

S.F. No. 580: A bill for an act relating to the city of Lakeville; appropriating money to return a forfeiture.

Referred to the Committee on Local and Urban Government.

Messrs. Wegscheid, Petty, Luther, Solon and Laidig introduced—

S.F. No. 581: A bill for an act relating to commerce; authorizing certain investments in obligations of or guaranteed by the United States and certain other authorized securities; amending Minnesota Statutes 1984, sections 50.14, subdivision 2; 475.66, by adding a subdivision; and 501.125, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 11A.

Referred to the Committee on Governmental Operations. Mr. Schmitz questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Pehler, Ms. Peterson, D.C.; Mr. Ramstad, Ms. Olson and Mr. Peterson, R.W. introduced—

S.F. No. 582: A bill for an act relating to education; establishing a health awareness program in public elementary and secondary schools; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

Messrs. Spear, Petty, Ms. Reichgott, Messrs. Luther and Ramstad introduced—

S.F. No. 583: A bill for an act relating to crimes; making certain trespasses and assaults a gross misdemeanor; providing for the admissibility of certain evidence in domestic abuse prosecutions; amending Minnesota Statutes 1984, sections 609.224 and 609.605; proposing coding for new law in Minnesota Statutes, chapter 634.

Referred to the Committee on Judiciary.

Messrs. Dahl; Laidig; Moe, R.D.; Freeman and Solon introduced—

S.F. No. 584: A bill for an act relating to commerce; granting motor fuel retailers the option to purchase from wholesalers other than the refiner; proposing coding for new law in Minnesota Statutes, chapter 80C.

Referred to the Committee on Economic Development and Commerce.

Messrs. Dahl and Novak introduced—

S.F. No. 585: A bill for an act relating to education; authorizing the payment of referendum levy equalization aid to school districts; amending Minnesota Statutes 1984, section 124A.01; proposing coding for new law in Minnesota Statutes, chapter 124A.

Referred to the Committee on Education.

Messrs. Berg and Wegscheid introduced—

S.F. No. 586: A bill for an act relating to liquor; allowing certain liquor establishments outside the metropolitan area to be open during certain hours on Sunday; amending Minnesota Statutes 1984, section 340.14, subdivision 5.

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

Mr. Pehler introduced—

S.F. No. 587: A bill for an act relating to the organization and operation of state government; removing the Minnesota municipal board's contested case procedures exemption; amending Minnesota Statutes 1984, section 14.03, subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Dieterich, Willet, Waldorf and Renneke introduced—

S.F. No. 588: A bill for an act relating to the University of Minnesota; appropriating money for road improvements in the city of Falcon Heights.

Referred to the Committee on Finance. Mr. Purfeerst questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mrs. Adkins introduced—

S.F. No. 589: A bill for an act relating to public health; prohibiting the use of lead in solder in certain instances; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services.

Ms. Berglin, Mr. Diessner, Mrs. Lantry, Messrs. Benson and Storm introduced—

S.F. No. 590: A bill for an act relating to health; authorizing the legislative commission on long-term health care to study cost containment strategies; amending Minnesota Statutes 1984, section 256B.504, subdivision 1.

Referred to the Committee on Health and Human Services.

Messrs. Luther; Peterson, R.W.; Spear; Jude and Knaak introduced—

S.F. No. 591: A bill for an act relating to attachments; providing procedures for the prejudgment seizure of property; amending Minnesota Statutes 1984, sections 570.01; 570.02; 570.08; 570.11; 570.12; and 570.14; repealing Minnesota Statutes 1984, sections 570.013; 570.03; 570.04; 570.05; 570.06; 570.07; 570.09; 570.093; and 570.13; proposing coding for new law in Minnesota Statutes, chapter 570.

Referred to the Committee on Judiciary.

Mr. Frank introduced—

S.F. No. 592: A bill for an act relating to mental health; revising the language of statutes concerning persons with mental illness and mental retardation and revising the language of statutes concerning state treatment facilities; amending Minnesota Statutes 1984, sections 147.021, subdivision 1; 243.55, subdivision 3; 245.072; 245.52; 245.70, subdivision 1; 245.71; 245.821, subdivision 1; 245.825, subdivision 1; 246.01; 246.013; 246.014; 246.13; 246.23; 246.234; 246.41; 246.50; 246.51; 246.511; 246.52; 246.53; 246.54; 246.55; 246.56; 246.57; 252.025; 252.05; 252.06; 252.07; 252.09; 252.10; 252.21; 252.22; 252.23; 252.24; 252.25; 252.27; 252.275; 252.28; 252.291; 252.30; 252.31; 252.32; 253.015; 253.10; 253.19; 253.20; 253.21; 253.25; 253.26; 256.01, subdivisions 2 and 5; 256.91; 256.93, subdivision 1; 256B.02, subdivisions 2 and 8, and by adding a subdivision; 256B.092; 256B.36; 256B.501; 256E.03, subdivision 2; 256E.06, subdivision 2a; 260.092; 260.36; 284.05; 299F.77; 447.42; 447.45; 501.27; and 517.03; proposing coding for new law in Minnesota Statutes, chapter 252.

Referred to the Committee on Health and Human Services.

Mr. Frederickson introduced—

S.F. No. 593: A bill for an act relating to the city of New Ulm; permitting the establishment of special service districts; providing taxing and other financial authority for New Ulm.

Referred to the Committee on Local and Urban Government.

Mr. Frederickson, by request, introduced—

S.F. No. 594: A bill for an act relating to courts; providing that the office of clerk of district court is elective; amending Minnesota Statutes 1984, section 485.01.

Referred to the Committee on Judiciary.

Messrs. Ramstad and Dahl introduced—

S.F. No. 595: A bill for an act relating to human services; requiring a

six-month residency in Minnesota for general assistance; proposing coding for new law in Minnesota Statutes, chapter 256D.

Referred to the Committee on Health and Human Services.

Messrs. Ramstad, Frederick and Gustafson introduced—

S.F. No. 596: A bill for an act relating to unemployment compensation; regulating benefit eligibility related to receipt of severance pay; amending Minnesota Statutes 1984, section 268.08, subdivision 3.

Referred to the Committee on Employment.

Mr. Taylor introduced—

S.F. No. 597: A bill for an act relating to the city of North Mankato; permitting the establishment of a port authority; authorizing the port authority to exercise the powers of a municipal housing and redevelopment authority.

Referred to the Committee on Local and Urban Government.

Messrs. Davis, Dahl, Wegscheid and DeCramer introduced—

S.F. No. 598: A bill for an act relating to commerce; requiring the repair, refund, or replacement of new motor vehicles used for agricultural purposes; amending Minnesota Statutes 1984, section 325F.665, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. McQuaid, Messrs. Johnson, D.E.; Wegscheid and Laidig introduced—

S.F. No. 599: A bill for an act relating to hazardous waste; establishing a hazardous substance compensation trust account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B.

Referred to the Committee on Judiciary.

Mrs. Lantry, Messrs. Benson, Petty, Ms. Berglin and Mr. Spear introduced—

S.F. No. 600: A bill for an act relating to human services; establishing a family subsidy program for families with children with developmental disabilities; amending Minnesota Statutes 1984, section 252.32; repealing Minnesota Statutes 1984, section 252.27, subdivision 4.

Referred to the Committee on Health and Human Services.

Messrs. Davis, Wegscheid, Mrs. Adkins and Mr. DeCramer introduced—

S.F. No. 601: A bill for an act relating to state departments and agencies; transferring authority for administration of the rural rehabilitation corporation trust liquidation act from the state executive council to the commissioner of energy and economic development; creating a governor's rural development council; amending Minnesota Statutes 1984, section 9.36; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Nelson, Ms. Olson, Messrs. Pehler, Mehrkens and Ms. Reichgott introduced—

S.F. No. 602: A bill for an act relating to education; extending the use of summer educational improvement revenue allowance to the entire year; appropriating money; amending Minnesota Statutes 1984, section 124A.033, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Peterson, C.C. and Berg introduced—

S.F. No. 603: A bill for an act relating to public safety; regulating transportation of firearms and bows; amending Minnesota Statutes 1984, section 100.29, subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Peterson, C.C. introduced—

S.F. No. 604: A bill for an act relating to taxation; allowing deferred payments of first half property taxes on agricultural homesteads in 1985; providing for loans of state funds to taxing districts; appropriating money.

Referred to the Committee on Taxes and Tax Laws.

Mr. Berg introduced—

S.F. No. 605: A bill for an act relating to Independent School District No. 208, Evansville; authorizing a permanent fund transfer.

Referred to the Committee on Education.

Ms. Peterson, D.C.; Messrs. Hughes; Nelson; Merriam and Renneke introduced—

S.F. No. 606: A bill for an act relating to education; requiring school districts to provide special instruction and services for handicapped children under the age of four and their families; requiring certain agencies and political subdivisions to maintain certain services and funding levels for young handicapped children and their families until agreements are reached; appropriating money; amending Minnesota Statutes 1984, sections 120.03; 120.17, subdivisions 1, 2, 3, 3a, and by adding subdivisions; 124.17, subdivision 1; 124.223; and 124.32, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Petty, Luther, Solon and Storm introduced—

S.F. No. 607: A bill for an act relating to financial institutions; authorizing interstate acquisition and formation of banks between this state and certain states on a reciprocal basis; proposing coding for new law in Minnesota Statutes, chapter 48.

Referred to the Committee on Economic Development and Commerce.

Ms. Berglin questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

#### ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:45 a.m., Tuesday, February 26, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate