

### THIRTY-SECOND DAY

St. Paul, Minnesota, Tuesday, April 2, 1985

The Senate met at 12:45 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Arnold H. Heumann.

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

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

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 and Peterson, R.W. were excused from the Session of today.

### 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. 198 and 483.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 1, 1985

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. 118: A bill for an act relating to public employee labor relations;

regulating public employee mediation; regulating mediation and strikes concerning teachers; providing for arbitration awards in principal and assistant principal disputes; providing penalties; amending Minnesota Statutes 1984, sections 179A.14, subdivision 1; 179A.15; 179A.16, subdivision 7; 179A.17, subdivision 1; 179A.18, subdivisions 2 and 3; and 179A.20, subdivision 3.

Senate File No. 118 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 1, 1985

Mr. Nelson moved that the Senate do not concur in the amendments by the House to S.F. No. 118, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 287: A bill for an act relating to the city of Hibbing; fixing the terms of mayor and city council members.

Senate File No. 287 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 1, 1985

### CONCURRENCE AND REPASSAGE

Mr. Dicklich moved that the Senate concur in the amendments by the House to S.F. No. 287 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 287: A bill for an act relating to the city of Hibbing; fixing the terms of mayor and city council members; providing that the annual audit of the public utilities commission may be made by a certified public accountant; amending Laws 1949, chapter 422, section 3, subdivision 11.

Was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

**MESSAGES FROM THE HOUSE - CONTINUED**

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. 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.

Senate File No. 331 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 1, 1985

Mrs. Adkins moved that the Senate do not concur in the amendments by the House to S.F. No. 331, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 94, 216, 422, 186, 698, 702, 738, 786, 143, 227, 539, 256, 446, 470, 648, 58, 230, 730, 894, 928, 951, 953, 1037, 65, 327, 454, 759, 381, 415, 440, 1065, 315, 771 and 1216.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 1, 1985

**FIRST READING OF HOUSE BILLS**

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

H.F. No. 94: A bill for an act relating to agriculture; changing certain soil and water conservation priorities; amending Minnesota Statutes 1984, sections 40.036, subdivisions 1 and 3; repealing Minnesota Statutes 1984, sections 40.036, subdivisions 4, 5, and 6; and 40.038, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 101, now on General Orders.

H.F. No. 216: A bill for an act relating to financial institutions; credit unions; specifying certain powers; amending Minnesota Statutes 1984, section 52.04, subdivision 1; repealing Minnesota Statutes 1984, section 52.04, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 229, now on General Orders.

H.F. No. 422: A bill for an act relating to the city of West Saint Paul; changing the municipal election day and extending the terms of certain elected officials.

Referred to the Committee on Rules and Administration for comparison

with S.F. No. 434, now on the Consent Calendar.

H.F. No. 186: A bill for an act relating to mental health services; authorizing interstate contracts for mental health services; proposing coding for new law in Minnesota Statutes, chapter 245.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 146, now on General Orders.

H.F. No. 698: A bill for an act relating to intoxicating liquor; authorizing the city of North Mankato to issue one short-term, on-sale liquor license.

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

H.F. No. 702: A bill for an act relating to human services; requiring notice to the designated agency in certain proceedings pertaining to persons committed as mentally ill and dangerous; authorizing the commissioner to transfer persons committed as mentally ill and dangerous between regional centers under certain circumstances; amending Minnesota Statutes 1984, sections 253B.14; 253B.18, subdivisions 4b, 5, and 6; and 253B.23, subdivision 7.

Referred to the Committee on Health and Human Services.

H.F. No. 738: A bill for an act relating to taxation; eliminating the excise tax rates for farm wineries; reducing the excise tax credit for certain malt beverages and extending the credit to beverages produced outside Minnesota; amending Minnesota Statutes 1984, sections 340.435, subdivisions 1 and 5; 340.47, subdivision 2; repealing Minnesota Statutes 1984, sections 340.436; and 340.47, subdivision 2a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 777, now on General Orders.

H.F. No. 786: A bill for an act relating to state departments and agencies; transferring authority to make certain appointments to various commissioners; reducing size of alcohol and drug abuse advisory council; abolishing the cable communications board and the telecommunications council; amending Minnesota Statutes 1984, sections 1.22; 4.31, subdivision 5; 14.02, subdivision 4; 16B.20, subdivision 2; 16B.33, subdivision 2; 35.02, subdivision 1; 40.03, subdivision 1; 84B.11, subdivision 1; 115.74, subdivision 1; 116C.41, subdivision 2; 116L.03; 121.82, subdivision 1; 121.83; 129B.01, subdivision 1; 144A.19, subdivision 1; 147.01, subdivisions 1 and 2; 148.03; 148.181; 148.52; 148.90, subdivision 2; 150A.02, subdivision 1; 151.03; 153.02; 154.22; 156.01, subdivisions 1 and 2; 161.1419, subdivision 2; 250.05, subdivision 2; 254A.04; 270.41; 326.04; 326.17; 326.241, subdivision 1; 343.01, subdivision 3; 386.63, subdivision 1; 611.215, subdivision 1; and 626.841; amending Laws 1984, chapter 654, article 2, section 151, subdivision 2; repealing Minnesota Statutes 1984, sections 3.29, subdivisions 1 to 11; 16C.01; 238.01; 238.02, subdivision 4; 238.04 to 238.06; 238.08, subdivision 2; 238.09; 238.10; 238.11, subdivision 1; 238.12, subdivision 3; and 238.13 to 238.17.

Referred to the Committee on Governmental Operations.

H.F. No. 143: A bill for an act relating to utilities; providing that gas and

electric utilities may not seek compensation from landlords for delinquent bills incurred through a service agreement solely with the tenant; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

H.F. No. 227: A bill for an act relating to horse racing; providing for racing days at county fairs; amending Minnesota Statutes 1984, section 240.14, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 239, now on General Orders.

H.F. No. 539: A bill for an act relating to utilities; excepting certain public utility pipelines from county and environmental quality board regulation; making changes in future public utilities commission membership; authorizing settlement in cases of proposed general rate increases by public utilities upon review and approval by public utilities commission; authorizing department of public service to consolidate prehearing discovery activities of attorney general regarding utility rate changes; eliminating depreciation as factor in commission determination of fair rate of return for utility; allowing certain advertising expense of utility to be considered for rate purposes; abolishing intervention cost reimbursement in rate proceedings; increasing cost limitation for utility to acquire use of additional operating unit before commission authorization is required; amending Minnesota Statutes 1984, sections 116I.01, subdivision 3; 216A.03, subdivision 1; 216B.16, subdivisions 1a, 2, 6, and 8; and 216B.50, subdivision 1; repealing Minnesota Statutes 1984, section 216B.16, subdivision 10; and 237.075, subdivision 10.

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

H.F. No. 256: A bill for an act relating to motor vehicles; defining terms; regulating van-type motor homes; amending Minnesota Statutes 1984, sections 168.011, subdivision 25, and by adding subdivisions; and 168.27, subdivisions 2 and 10.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 406, now on General Orders.

H.F. No. 446: A bill for an act relating to real estate; providing conditions for certain transportation department land sales; providing conditions for certain county land sales; amending Minnesota Statutes 1984, sections 161.23, subdivision 2, and by adding subdivisions; and 373.01, subdivision 1.

Referred to the Committee on Local and Urban Government.

H.F. No. 470: A bill for an act relating to education; authorizing the establishment of joint vocational technical districts; providing for a governing board; authorizing post-secondary and adult vocational programs, secondary educational programs, and secondary services; providing for separate bargaining units, limitations on reinstatements, and certain other labor issues; transferring all school district real and personal property to the joint district; authorizing the joint district to levy for certain purposes; providing for intention of state funding of construction; providing for bonded indebtedness, fund

transfers, and debt service; amending Minnesota Statutes 1984, sections 136C.02, subdivisions 6 and 8, and by adding a subdivision; 136C.41, by adding a subdivision; and 136C.44; proposing coding for new law in Minnesota Statutes, chapter 136D.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 518, now on General Orders.

H.F. No. 648: 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; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1984, section 9.36.

Referred to the Committee on Governmental Operations.

H.F. No. 58: A bill for an act relating to the town of Moorhead; allowing the town certain powers.

Referred to the Committee on Local and Urban Government.

H.F. No. 230: A bill for an act relating to state lands; authorizing the sale of certain surplus state land in Dakota county to the city of Hastings.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 284, now on General Orders.

H.F. No. 730: A bill for an act relating to petroleum products; setting standards for heating fuel, diesel fuel, and kerosene; providing testing authority for the weights and measures division of the department of public service; amending Minnesota Statutes 1984, sections 296.01, subdivision 4, and by adding subdivisions; and 296.05, subdivisions 2 and 4; repealing Minnesota Statutes 1984, section 296.05, subdivision 3a.

Referred to the Committee on Energy and Housing.

H.F. No. 894: A bill for an act relating to utilities; defining independent telephone company; amending Minnesota Statutes 1984, section 237.01, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 843, now on the Consent Calendar.

H.F. No. 928: A bill for an act relating to the registration of snowmobiles; correcting an erroneous repealer; amending Minnesota Statutes 1984, section 84.82, by adding a subdivision; repealing Minnesota Statutes 1984, section 84.82, subdivision 9.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 726.

H.F. No. 951: A bill for an act relating to the Minnesota historical society; authorizing local heritage preservation commissions; amending Minnesota Statutes 1984, section 471.193.

Referred to the Committee on Veterans and General Legislation.

H.F. No. 953: A bill for an act relating to the city of Hermantown; permitting the city to fix the size of its public utilities commission.

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

H.F. No. 1037: A bill for an act relating to utilities; exempting small, qualifying energy facilities from the certificate of need process; amending Minnesota Statutes 1984, section 216B.243, subdivision 8.

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

H.F. No. 65: A bill for an act relating to taxation; sales and use; eliminating accelerated payment of liability; amending Minnesota Statutes 1984, section 297A.27, subdivision 1; repealing Minnesota Statutes 1984, section 297A.275.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 327: A bill for an act relating to transportation; defining "trees" and "hedges" for purposes of removal from highway right of way; amending Minnesota Statutes 1984, section 160.22, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 646.

H.F. No. 454: A bill for an act relating to motor vehicles; providing defense to charge of operating motor vehicle without valid registration; amending Minnesota Statutes 1984, sections 168.09, by adding a subdivision; and 168.11, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 657, now on General Orders.

H.F. No. 759: A bill for an act relating to elections; changing certain procedures and deadlines related to absentee ballots; changing the municipal election filing deadline; amending Minnesota Statutes 1984, sections 203B.17, subdivision 2; 203B.21, subdivision 3; 204B.35, subdivision 4; and 205.13, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 231, now on General Orders.

H.F. No. 381: A bill for an act relating to elections; changing voting hours in towns; amending Minnesota Statutes 1984, sections 204C.04; and 204C.05, subdivision 1.

Referred to the Committee on Elections and Ethics.

H.F. No. 415: A bill for an act relating to elections; permitting certain reports to be made by certified mail; amending Minnesota Statutes 1984, section 10A.20, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 486, now on General Orders.

H.F. No. 440: A bill for an act relating to retirement; making various changes in laws governing public retirement funds; amending Minnesota Statutes 1984, sections 3.85, subdivisions 11 and 12; 353.657, subdivision 2a; 354.44, subdivision 6; 354A.35, subdivision 1; 356.20, subdivision 4; 356.215, subdivision 4; 356.216; and 356.70.

Referred to the Committee on Governmental Operations.

H.F. No. 1065: A bill for an act relating to local government; permitting the municipal board to require meetings to discuss disputed issues; amending Minnesota Statutes 1984, section 414.01, by adding a subdivision.

Referred to the Committee on Local and Urban Government.

H.F. No. 315: A bill for an act relating to local government; removing the restriction on the number of mills certain towns may levy to provide fire protection for special fire protection districts; authorizing the city of Carlton to issue general obligation bonds to finance the acquisition and betterment of a new fire hall and permitting participation by other local government units; amending Minnesota Statutes 1984, section 368.85, subdivision 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 282, now on General Orders.

H.F. No. 771: A bill for an act relating to health; stating legislative intent for abortion services; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services.

H.F. No. 1216: A bill for an act relating to agriculture; clarifying the meaning of lender in the Minnesota emergency farm operating loans act; amending Laws 1985, chapter 4, section 3, subdivision 8.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1199, now on the Calendar.

## REPORTS OF COMMITTEES

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

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

S.F. No. 356: A bill for an act relating to education; providing for a program to educate farmers in certain methods relating to alcohol fuel; appropriating money.

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

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

S.F. No. 168: A bill for an act relating to education; establishing criteria for a post-secondary student to be considered independent of parental support; clarifying the intent of scholarships and grants-in-aid; amending Minnesota Statutes 1984, sections 136A.101, by adding a subdivision; 136A.121, subdivisions 4 and 5; and Laws 1983, chapter 258, section 41.

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

Page 1, delete lines 14 to 22 and insert "*has the meaning given it under the*



*Higher Education Act of 1965 and the Code of Federal Regulations, and any amendments thereof."*

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

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

S.F. No. 1000: A bill for an act relating to the state university system; declaring its mission; proposing coding for new law in Minnesota Statutes, chapter 136.

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

Delete everything after the enacting clause and insert:

"Section 1. [136.021] [MISSION OF STATE UNIVERSITIES.]

*Subdivision 1. [SYSTEM.] The mission of the state university system is to provide higher education for the residents of Minnesota that is geographically and economically accessible and to provide research and public services that are related to higher education.*

*The state university board shall maintain universities, as provided in section 136.03, in identified service regions of the state. They shall offer a wide range of high quality baccalaureate programs for liberal arts and professional education and shall establish and maintain graduate programs.*

*Subd. 2. [INDIVIDUAL UNIVERSITIES.] The state university board shall require that each university have its own mission statement that shall be related to the needs of its service region. The mission statements shall provide that each state university will serve as a cultural resource for its region and shall address methods to cooperate with other higher education institutions within its region."*

Delete the title and insert:

"A bill for an act relating to education; establishing the mission of the state university system; requiring each state university to have its own mission statement; proposing coding for new law in Minnesota Statutes, chapter 136."

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

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

S.F. No. 943: A bill for an act relating to education; providing various activities to study and improve teacher education; appropriating money; amending Minnesota Statutes 1984, sections 124.19, subdivision 1; 125.05, subdivision 1; and 125.185, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 136A.

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

Delete everything after the enacting clause and insert:

**“Section 1. [136A.90] [DATA ABOUT TEACHER EDUCATION STUDENTS AND GRADUATES.]**

*The higher education coordinating board, after consultation with the board of teaching, shall collect and publish annual data from teacher education programs about the characteristics of students admitted to and graduating from the programs. The reporting format shall be established by the higher education coordinating board assisted by representatives from teacher education programs.*

**Sec. 2. [TASK FORCE ON TEACHER EDUCATION PROGRAMS.]**

*Subdivision 1. [ESTABLISHMENT.] The higher education coordinating board and the board of teaching shall jointly appoint a task force on teacher education programs. The task force shall review changes in programs that are needed to adapt them to state educational priorities, changing roles for teachers, and economic and social trends that will affect educational needs. Members shall include representatives of the commissioner of education, board of teaching, higher education coordinating board, teachers, school boards, administrators, and teacher education students and faculty.*

*Subd. 2. [DUTIES.] The task force shall make recommendations to the higher education coordinating board, the board of teaching, and institutions with teacher education programs about changes that would meet contemporary and anticipated conditions. The task force shall also make recommendations to the board of teaching about program outcomes and outcome measures to be used in the evaluation and approval of teacher education programs. The measures shall assure program graduates are capable of performing effectively as teachers. In developing its proposals, the task force shall consider and coordinate efforts under Minnesota Statutes, sections 121.608, 121.609, 129B.32 to 129B.35, 129B.42 to 129B.47, and learning improvement initiatives of the department of education.*

*Subd. 3. [REPORTS.] The task force shall submit its report to the higher education coordinating board and the board of teaching by November 1, 1986. The higher education coordinating board and the board of teaching shall submit the task force report to the education committees of the legislature with recommendations of the boards by January 1, 1987.*

*Subd. 4. [RULES.] The board of teaching shall review its rules for approving teacher education programs and consider implementation of the task force recommendations.*

*Subd. 5. [STAFF ASSISTANCE AND COMPENSATION.] The higher education coordinating board and the board of teaching shall provide staff assistance to the task force. Compensation of task force members shall be according to section 15.059, subdivision 3.*

*Subd. 6. [TERMINATION.] The task force shall terminate on June 30, 1987.*

**Sec. 3. [APPROPRIATIONS; BOARD OF TEACHING.]**

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

*Subd. 2. [DATA COLLECTION.] For collection and publication of data*

*about students and graduates of teacher education programs there is appropriated:*

\$25,000 . . . . . 1986.

**Subd. 3. [TASK FORCE ON TEACHER EDUCATION PROGRAMS.]**  
*For operation and support to the task force on teacher education programs there is appropriated:*

\$150,000 . . . . . 1986.

*The sum shall be available until June 30, 1987."*

Delete the title and insert:

"A bill for an act relating to education; requiring collection and publication of data about students and graduates of teacher education programs; establishing a task force on teacher education programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A."

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

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

S.F. No. 1041: A bill for an act relating to post-secondary education; excluding the value of a family farm and its equipment from consideration for student financial assistance in certain cases; proposing coding for new law in Minnesota Statutes, chapter 136A.

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

Delete everything after the enacting clause and insert:

**"Section 1. [FARM LAND VALUATION FOR FINANCIAL AID FOR THE 1985-1986 AND 1986-1987 SCHOOL YEARS.]**

**Subdivision 1. [LIMIT ON VALUATION.]** *In determining eligibility for and the amount of a state scholarship or grant-in-aid, the value per acre of a family farm shall not exceed the average value per acre of farm land in the county in which the farm is located. For a farm located in more than one county, the value to be used is the value of farm land in the county in which the largest portion of the farm is located. The average value per acre shall be as established by the agriculture extension service of the University of Minnesota for the year preceding the year in which application for a scholarship or grant-in-aid is made.*

**Subd. 2. [ADMINISTRATION.]** *The higher education coordinating board shall notify by mail each dependent and independent applicant for aid for the 1985-1986 school year whose permanent mailing address is not within a city of the first or second class and who reported owning business or farm assets or parental business or farm assets. The notice shall inform an applicant that limitations on the value of farm land have been established by law and that the applicant may reapply for aid or for additional aid. Any materials to reapply shall be included with the notice. The board may establish a reasonable date by which reapplication is to be made.*

*For applications for aid for the 1986-1987 school year, the board shall*

include detailed information about limitations on farm land valuation in the application instructions.

*Subd. 3. [STUDENTS NOT ELIGIBLE.] This section shall not apply to a student for whom the initial determination of financial need expects no contribution from farm or business assets.*

**Sec. 2. [METHODOLOGY USED TO DETERMINE NEED FOR FINANCIAL AID.]**

*According to the provisions of section 3.97, subdivision 7, the legislative auditor is requested to review the method used to determine the need a student has for financial aid for post-secondary education. The review shall include the effect of the present method on students and parents who have various types of assets and modest income, such as farmers, small business owners, home owners without large mortgages, and others. Alternate methods of calculating parental contributions that are more closely related to income shall be considered by the auditor. A report of the review and recommendations shall be submitted to the legislature by January 1, 1986.*

**Sec. 3. [EFFECTIVE DATE.]**

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

Delete the title and insert:

*"A bill for an act relating to education; establishing a limitation on the value of farm land for awarding scholarships and grants; requesting the legislative auditor to conduct a study of the methodology used to determine need for financial aid."*

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

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

S.F. No. 1279: A bill for an act relating to housing; providing for a product standard for formaldehyde in building materials used in the construction of housing units; amending Minnesota Statutes 1984, section 325F.18, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 325F; repealing Minnesota Statutes 1984, sections 144.495; and 325F.18, subdivision 5.

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 1984, section 144.495, is amended to read:

**144.495 [FORMALDEHYDE RULES.]**

*The legislature finds that building materials containing urea formaldehyde may emit unsafe levels of formaldehyde in newly constructed housing units. The product standards prescribed in section 4 are intended to provide indoor air levels of formaldehyde that do not exceed 0.4 parts per million. If the commissioner of health determines that the standards prescribed in section 4*

result in indoor air levels of formaldehyde that exceed 0.4 parts per million, the commissioner may adopt different building materials product standards to ensure that the 0.4 parts per million level is not exceeded. Within 30 days after April 24, 1980 The commissioner of health shall determine if a significant health problem is presented by the use of building materials that emit formaldehyde gases. If he determines that such a problem exists he shall promulgate rules pursuant to chapter 14, including emergency rules, establishing standards governing the sale of building materials and housing units that contain products made with urea formaldehyde may adopt rules under chapter 14 to establish product standards as provided in this section. The rules of the commissioner governing ambient air levels of formaldehyde, Minnesota Rules, parts 4620.1600 to 4620.2100, are repealed, except that the rule of the commissioner relating to new installations of urea formaldehyde foam insulation in residential housing units remains in effect.

Sec. 2. Minnesota Statutes 1984, section 325F.18, subdivision 1, is amended to read:

Subdivision 1. (a) No manufacturer shall sell any building materials and no builder shall sell or lease to the initial occupant a housing unit, other than a unit of manufactured housing, containing urea formaldehyde unless the manufacturer or builder has made the following written disclosure to any purchaser of the materials or housing unit or lessee of the housing unit: **"WARNING. THIS PRODUCT (HOUSING UNIT) CONTAINS THE CHEMICAL FORMALDEHYDE. FOR SOME PEOPLE FORMALDEHYDE MAY CAUSE HEALTH PROBLEMS, SUCH AS IRRITATION OF THE EYES, NOSE AND THROAT, SNEEZING, COUGHING, HEADACHES, SHORTNESS OF BREATH, OR CHEST OR STOMACH PAINS. CHILDREN UNDER THE AGE OF TWO, ELDERLY PEOPLE, PEOPLE WITH BREATHING PROBLEMS OR PEOPLE WITH ALLERGIES MAY HAVE MORE SERIOUS DIFFICULTIES. IF YOU HAVE QUESTIONS ABOUT PROBLEMS YOU MAY HAVE WITH FORMALDEHYDE, CONSULT A DOCTOR."**

**"IMPORTANT HEALTH NOTICE.**

**SOME OF THE BUILDING MATERIALS USED IN THIS HOME (OR THESE BUILDING MATERIALS) EMIT FORMALDEHYDE. EYE, NOSE, AND THROAT IRRITATION, HEADACHE, NAUSEA AND A VARIETY OF ASTHMA-LIKE SYMPTOMS, INCLUDING SHORTNESS OF BREATH, HAVE BEEN REPORTED AS A RESULT OF FORMALDEHYDE EXPOSURE. ELDERLY PERSONS AND YOUNG CHILDREN, AS WELL AS ANYONE WITH A HISTORY OF ASTHMA, ALLERGIES, OR LUNG PROBLEMS, MAY BE AT GREATER RISK. RESEARCH IS CONTINUING ON THE POSSIBLE LONG-TERM EFFECTS OF EXPOSURE TO FORMALDEHYDE.**

**REDUCED VENTILATION RESULTING FROM ENERGY EFFICIENCY STANDARDS MAY ALLOW FORMALDEHYDE AND OTHER CONTAMINANTS TO ACCUMULATE IN THE INDOOR AIR. HIGH INDOOR TEMPERATURES AND HUMIDITY RAISE FORMALDEHYDE LEVELS. WHEN A HOME IS TO BE LOCATED IN AREAS SUBJECT TO EXTREME SUMMER TEMPERATURES, AN AIR-CONDITIONING SYSTEM CAN BE USED TO CONTROL INDOOR TEM-**

PERATURE LEVELS.

*IF YOU HAVE ANY QUESTIONS REGARDING THE HEALTH EFFECTS OF FORMALDEHYDE, CONSULT YOUR DOCTOR OR LOCAL HEALTH DEPARTMENT."*

*(b) No manufacturer shall sell or lease a manufactured home containing urea formaldehyde unless the manufacturer has made the written disclosure prescribed in Code of Federal Regulations, title 24, section 3280.309 (1984).*

Sec. 3. Minnesota Statutes 1984, section 325F.18, subdivision 1a, is amended to read:

Subd. 1a. For the purposes of this section "building materials" means any urea formaldehyde-containing material used in the construction or insulation or renovation of a housing unit or a nonresidential building, but does not include:

(1) draperies, carpeting, furniture and furnishings not normally permanently affixed to a housing unit; and

(2) noncellular insulation.

Sec. 4. Minnesota Statutes 1984, section 325F.18, subdivision 4, is amended to read:

Subd. 4. The manufacturer of a product ~~or builder of a housing unit~~ that contains ~~materials made with~~ urea formaldehyde, shall pay the reasonable cost of repair or relocation if the consumer can document that the ~~housing unit contains a significant ambient air level of formaldehyde product used in constructing the consumer's residence did not meet the product standard established in section 3,~~ and in addition has documented medical records of illness related to formaldehyde and a statement from a physician that the consumer must vacate the premises. The party who has received the claim has the right to test the ambient air level of the housing unit at reasonable times.

If within 30 days after the presentation of the items set forth above the manufacturer ~~or builder~~ and the consumer do not agree on a remedy the consumer may bring suit to recover the reasonable cost of repair or relocation plus reasonable attorneys' fees. Notwithstanding the remedy under this subdivision, the consumer may bring an action for personal injury, if any, if the action is commenced within one year from ~~the presentation of the items required by this subdivision~~ the consumer's receipt of the order of a physician to vacate the premises due to an illness related to formaldehyde.

Sec. 5. [325F.181] [FORMALDEHYDE PRODUCT STANDARD.]

All plywood and particleboard used in newly constructed housing units, including manufactured homes, or sold to the public for use as building materials, shall comply with the product standards in Code of Federal Regulations, title 24, sections 3280.308 and 3280.406 (1984). All medium density fiberboard used in newly constructed housing units, including manufactured homes, or sold to the public for use as building materials, shall comply with the product standard for particleboard in Code of Federal Regulations, title 24, section 3280.308 (1984), notwithstanding the fact that medium density fiberboard is not specifically covered by that regulation. The product standards prescribed in this section may be modified by rule by the commissioner

*of health only as provided in section 144.495.*

Sec. 6. [STUDY.]

*The commissioner of health shall study the feasibility of developing product standards for, or otherwise regulating, the materials exempted from the definition of building materials in section 325F.18, subdivision 1a. The commissioner shall report to the legislature by January 1, 1987.*

Sec. 7. [REPEALER.]

*Minnesota Statutes 1984, section 325F.18, subdivision 5, is repealed.*

Sec. 8. [EFFECTIVE DATE.]

*Sections 1 to 7 are effective June 30, 1985."*

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections 144.495; and" and after "I" insert ", 1a,"

Page 1, line 8, delete "sections 144.495; and" and insert "section"

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. 86: A bill for an act relating to agriculture; changing requirements for certain adulterated milk or cream; providing a penalty; amending Minnesota Statutes 1984, section 32.21.

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 1984, section 32.21, is amended to read:

32.21 [PURCHASE OR SALE OF UNWHOLESOME OR ADULTERATED MILK OR AND CREAM PROHIBITED.]

No person shall sell or knowingly buy unwholesome or adulterated milk or cream. Milk or cream that has not been well cooled and aerated; or to which a preservative has been added; milk drawn from cows kept in crowded conditions or in places not well ventilated or lighted; or which from any cause are filthy or insanitary; or from unclean or diseased cows; or those fed with garbage or any filthy, decayed, putrid, or unwholesome animal or vegetable substance; milk drawn from cows within 15 days before, or five days after calving; and milk or cream which has been kept in any place where bad air exists; and cream taken from unwholesome or adulterated milk, shall be deemed unwholesome and adulterated within the meaning of sections 32.21 and 32.22. Except where otherwise provided by law, milk from which any normal ingredient has been abstracted, or milk containing any substance not a normal constituent thereof, or containing less than three and one-fourth percent of butterfat, and cream in which there is less than 18 percent of butterfat, or which contains any foreign thickening or coloring substance, or any abnormal ingredient whatsoever, shall

be deemed adulterated; nor shall any article of food be manufactured from unwholesome or adulterated milk or cream except as provided in section ~~32.22.~~

*Subdivision 1. [PURCHASE AND SALE PROHIBITION.] A person may not sell or knowingly buy adulterated milk or cream.*

*Subd. 2. [MANUFACTURER OF FOOD FOR HUMAN CONSUMPTION FROM ADULTERATED MILK OR CREAM PROHIBITED.] An article of food for human consumption may not be manufactured from adulterated milk or cream, except as provided in section 32.22.*

*Subd. 3. [ADULTERATED MILK OR CREAM.] For purposes of this section and section 32.22, milk or cream is adulterated if:*

- (1) milk is drawn in a filthy or unsanitary place;*
- (2) milk is drawn from unhealthy or diseased cows;*
- (3) milk is drawn from cows that are fed garbage or an unwholesome animal or vegetable substance;*
- (4) milk is drawn from cows within 15 days before calving, or five days after calving;*
- (5) milk or cream contains a substance that is not a normal constituent of the milk or cream, except as allowed in this chapter;*
- (6) milk contains water in excess of that normally present in milk; or*
- (7) milk or cream contains antibiotics or other bacterial inhibitory substances in amounts above the actionable levels established by rule or under section 32.415.*

*Subd. 4. [PENALTIES.] (a) A person, other than a milk producer, who violates this section is guilty of a misdemeanor.*

*(b) A milk producer may not change milk plants within 30 days, without permission of the commissioner, after receiving notification from the commissioner under paragraph (c) that the milk producer has violated this section.*

*(c) A milk producer who violates this section shall be subject to a civil penalty of \$100. The commissioner must notify the person violating this section by certified mail stating:*

- (1) the milk producer violating this section is on probation for one year after the date of violation; and*
- (2) the \$100 civil penalty is suspended unless the milk producer violates this section during the probation period, including changing milk plants within 30 days after the violation.*
- (d) A milk producer who violates this section a second time within a 12-month period is subject to a \$200 civil penalty. The commissioner must notify the milk producer violating this section stating:*

- (1) the milk producer is still on probation;*
- (2) the \$200 civil penalty is suspended, unless the milk producer violates this section during the probation period, including changing milk plants within 30 days after the violation; and*



(3) the consequences of a third violation.

(e) A milk producer who violates this section three or more times within a 12-month period is subject to a fine of \$300.

(f) Penalties collected under this section shall be deposited in the milk inspection service account created in section 32.394, subdivision 9."

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. 658: A bill for an act relating to wild animals; altering certain provisions regarding taking and possession, and penalties related thereto; amending Minnesota Statutes 1984, sections 97.55, subdivision 4; 98.46, subdivision 5; 98.52, by adding subdivisions; and 100.29, subdivision 8.

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 1984, section 97.55, subdivision 16, is amended to read:

Subd. 16. Every person who illegally buys or sells game fish, big game, or small game, when the total amount of the sale or sales is \$300 or more, is guilty of a gross misdemeanor punishable by a fine of not less than \$700 \$3,000 nor more than \$10,000 or by imprisonment in the county jail for not less than 90 days or more than one year or by both such fine and imprisonment. A license to take wild animals possessed by the violator immediately becomes null and void and the violator forfeits all rights to take any wild animals in any manner for a period of three years after the date of conviction."

Page 2, line 16, delete "shipments"

Page 2, line 16, delete "nonresidents" and insert "transportation or shipment"

Pages 2 and 3, delete section 3

Page 3, delete section 5 and insert:

"Sec. 4. Minnesota Statutes 1984, section 100.29, subdivision 8, is amended to read:

Subd. 8. It shall be unlawful to hunt or trap, or assist therein, in any zone open for the taking of deer with the use of firearms, during such open season, unless the visible portion of the hunter's or trapper's cap and outer garments, above the waist excluding sleeves if any and excluding gloves, shall be bright red or blaze orange or covered therewith, but must include either a blaze orange cap or at least 100 square inches of blaze orange on the outer garments above the waist on both front and back. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square.

Sec. 5. [REPEALER.]

*Minnesota Statutes 1984, section 97.55, subdivision 4, is repealed."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "4" and insert "16"

Page 1, line 6, after "adding" delete "subdivisions" and insert "a subdivision" and after "8" insert "; repealing Minnesota Statutes 1984, section 97.55, subdivision 4"

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. 1097: A bill for an act relating to parks, open space and recreation; authorizing the issuance of state bonds and expenditure of the proceeds to acquire and better regional recreational open space lands by the metropolitan council and metropolitan area local governmental units; authorizing expenditures for acquisition and betterment of state parks, recreation areas, trails, forests, fishing management lands, wildlife management areas, scientific and natural areas, wild, scenic, and recreational rivers, canoe and boating routes, and public water access; appropriating money.

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

Page 2, line 23, after "and" insert "recreational"

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. 880: A resolution memorializing the United States Department of Energy of Minnesota's opposition to the siting of a high-level radioactive waste disposal site in Minnesota pursuant to the Nuclear Waste Policy Act of 1982.

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

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

S.F. No. 45: A bill for an act relating to drainage; recodifying the drainage law with some modifications; appropriating money; imposing penalties; proposing coding for new law as Minnesota Statutes, chapter 106A; repealing Minnesota Statutes 1984, chapter 106.

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

Page 1, line 26, delete everything after the period

Page 2, delete line 1

Page 2, line 20, delete "*land*" and insert "*property*"

Page 3, line 3, delete "SUBDIVISION" and insert "SUBDIVISIONS" and delete "*subdivision*" and insert "*subdivisions*"

Page 3, line 8, delete "*property owners*"

Page 3, line 12, after "*published*" insert "*at least*"

Page 3, line 13, delete "*that is published and*"

Page 3, line 23, after "WELFARE" insert "OR PUBLIC BENEFIT"

Page 3, line 32, delete the second "*of*" and insert "*under*"

Page 4, line 15, delete "*in public waters*"

Page 4, line 18, after "*determined*" insert "*to be*"

Page 5, line 19, after "(2)" insert "*the present and anticipated*"

Page 5, lines 19 and 20, delete "*and overall land use before and after construction*"

Page 5, after line 21, insert:

"(3) *the present and anticipated land use within the drainage system;*"

Renumber the clauses in sequence

Page 6, after line 7, insert:

"Sec. 4. [106A.021] [DITCHES MUST BE PLANTED WITH PERMANENT GRASS.]

*Subdivision 1. [SPOIL BANKS MUST BE SPREAD AND GRASS PLANTED.] In any proceeding to establish, construct, improve, or do any work affecting a public drainage system under any law that appoints viewers to assess benefits and damages, the authority having jurisdiction of the proceeding shall order spoil banks to be spread consistent with the plan and function of the drainage system. The authority shall order that permanent grass, other than a noxious weed, be planted on the banks and on a strip 16-1/2 feet in width or to the crown of the leveled spoil bank, whichever is the greater, on each side of the top edge of the channel of the ditch. The acreage and additional property required for the planting must be acquired by the authority having jurisdiction.*

*Subd. 2. [RESEEDING AND HARVESTING GRASS.] The authority having jurisdiction over the repair and maintenance of the drainage system shall supervise all necessary reseeding. The permanent grass must be maintained in the same manner as other drainage system repairs. Harvest of the grass from the grass strip in a manner not harmful to the grass or the drainage system is the privilege of the fee owner or assigns. The county drainage inspector shall establish regulations for the fee owner and assigns to harvest the grass.*

*Subd. 3. [AGRICULTURAL PRACTICES PROHIBITED.] Agricultural practices, other than those required for the maintenance of a permanent growth of grass, are not permitted on any portion of the property acquired for*

*planting."*

Page 6, line 8, delete "106A.021" and insert "106A.025"

Page 6, line 32, delete ", with" and insert "and"

Page 7, line 17, delete "106A.025" and insert "106A.031"

Page 7, line 20, delete "state line" and insert "boundary"

Page 8, line 9, delete "106A.031" and insert "106A.035"

Page 8, line 18, delete "106A.035" and insert "106A.041"

Page 8, line 25, delete "106A.041" and insert "106A.045" and delete "BOARD OR COURT" and insert "DRAINAGE AUTHORITY"

Page 8, line 30, delete "until" and insert "to"

Page 8, line 34, delete "106A.045" and insert "106A.051"

Page 9, line 1, after "proceeding" insert "or construction"

Page 9, line 14, delete "106A.051" and insert "106A.055"

Page 9, line 16, after "If" insert "after" and delete "to establish a drainage system" and delete "been"

Page 9, line 17, delete everything before "a survey" and insert "begun"

Page 9, line 18, after "made" insert "and a proceeding to establish a drainage system has been dismissed or the drainage system has not been established"

Page 9, line 21, after the first "parties" insert "according to this section"

Page 9, line 29, delete "106A.055" and insert "106A.061"

Page 9, line 34, delete "106A.061" and insert "106A.065"

Page 9, line 35, delete "all" and after "have" insert "an aggregate"

Page 9, line 36, after "cost" insert "of"

Page 10, line 3, delete "in the county"

Page 10, after line 4, insert:

"Sec. 14. [106A.071] [COUNTY ATTORNEY.]

*The county attorney shall represent the county in all drainage proceedings and related matters without special compensation. A county attorney, the county attorney's assistant, or any attorney associated with the county attorney in business, may not otherwise appear in any drainage proceeding for any interested person."*

Page 10, line 5, delete "106A.065" and insert "106A.075" and delete "BY"

Page 10, line 6, delete "BRIDGES AND CULVERTS"

Page 10, line 8, after "obstructed" insert ", including"

Page 10, line 10, delete "or otherwise"

Page 10, line 13, delete "cause" and insert "the board"

Page 10, line 15, delete "*show cause to*" and insert "*appear before*"

Page 10, line 16, delete "*an*" and insert "*the*"

Page 10, line 18, delete "*and must be notified*" and insert "*unless the owner proves otherwise*" and delete "*The notice to*"

Page 10, line 19, after "*be*" insert "*notified*" and delete "*not less than*" and insert "*at least*" and delete "*date*"

Page 10, line 20, delete "*set to show cause*" and insert "*hearing*"

Page 10, line 28, delete "*and file*" and insert a period and before "*in*" insert "*must be filed*"

Page 10, line 30, delete "*public or other*"

Page 10, line 31, delete "*corporation*" and insert "*party*"

Page 11, line 1, delete "*106A.071*" and insert "*106A.081*"

Page 11, line 8, delete "*in any way*"

Page 11, line 11, delete "*or alter*" and before "*markings*" insert "*alter*"

Pages 11 to 13, delete sections 15 to 18 and insert:

"Sec. 17. [106A.085] [ENFORCEMENT.]

*Subdivision 1. [WARRANTS AND ARRESTS.] The commissioner, director of the fish and game division, game refuge patrolmen, and conservation officers may execute and serve warrants, and arrest persons detected in actual violation of sections 1 to 92 as provided in section 97.50, subdivision 1.*

*Subd. 2. [PROSECUTION.] The county attorney shall prosecute all criminal actions arising under this chapter."*

Page 13, line 25, delete "*106A.095*" and insert "*106A.091*"

Page 13, line 32, after "*requirements*" insert "*and criteria*"

Page 13, line 33, delete everything after "*I,*"

Page 13, line 34, delete "*section*"

Page 14, line 7, before "*appealed*" insert "*order to be*" and delete "*order*"

Page 15, line 10, delete "*106A.101*" and insert "*106A.095*"

Page 15, line 12, delete "*to*"

Page 15, delete line 13

Page 15, line 14, delete "*are pending*"

Page 15, line 16, after "*system*" insert "*to the district court of the county where the drainage proceedings are pending*"

Page 15, line 17, after "*auditor*" insert "*within 30 days after the order is filed*"

Page 16, after line 19, insert:

"Sec. 20. [106A.101] [DRAINAGE PROCEEDING AND CONSTRUC-

## TION RECORDS.]

*Subdivision 1. [DOCUMENTS ARE PUBLIC RECORDS.] All maps, plats, charts, drawings, plans, specifications, and other documents that have been filed, received in evidence, or used in connection with a drainage proceeding or construction are subject to the provisions on public records in section 15.17.*

*Subd. 2. [RECORD REQUIREMENTS.] All maps, plats, profiles, plans, and specifications prepared and used in relation to a proceeding must:*

- (1) be uniform;*
- (2) have each sheet bound and marked to identify the proceeding by the drainage system number;*
- (3) show the name of the person preparing the sheet;*
- (4) show the date the sheet was prepared; and*
- (5) conform to rules and standards prescribed by the director of the division of waters.*

*Subd. 3. [INDEX OF PROCEEDINGS AND RECORDS.] The auditor shall keep all orders, exhibits, maps, charts, profiles, plats, plans, specifications, and records of the proceedings. These records may not be removed except when the board makes a written order to remove them. The auditor shall keep an accurate index of the proceedings and related documents in a bound book.*

*Subd. 4. [ENGINEER'S DOCUMENTS.] All original plats, profiles, records, and field books made by the engineer during the proceedings or the construction of a drainage system are public records and the property of the drainage authority. These public records must be filed with the auditor under the direction of the drainage authority when construction is completed or when the engineer stops acting for the drainage system, whichever is earlier.*

*Subd. 5. [FILING AND STORAGE FACILITIES.] County boards shall provide the auditor with necessary filing and storage facilities to protect the files and records of all proceedings. The county boards may provide for the copying and filing of the documents and records of proceedings by photographic devices as provided for public records under section 15.17. In the event of loss of the originals, the photographic copies are originals after authentication by the auditor.*

*Subd. 6. [RECORDS ARE PRIMA FACIE EVIDENCE.] The record of proceedings under this chapter and of orders made by the drainage authority or the district court in the proceedings, or a certified copy of a record or order, is prima facie evidence of the facts stated in the record or order and of the regularity of all proceedings prior to the making of the order."*

Page 16, line 30, delete "in" and insert "of property that" and after "system" insert "passes over"

Page 16, line 32, delete "not less than"

Page 16, line 33, delete the first "in" and insert "that"

Page 16, line 34, after "petition" insert "passes over,"

Page 16, line 35, before "*proposed*" insert "*area that the*" and delete "*area*" and insert "*passes over*"

Page 17, line 2, delete "*the authorized agent of*"

Page 17, line 3, delete "*having jurisdiction over*" and insert "*, when*"

Page 17, line 4, after "*system*" insert "*is in their jurisdiction*"

Page 17, line 7, delete "*area*" and insert "*property*" and delete "*is*"

Page 17, line 8, delete "*located*" and insert "*passes over*"

Page 17, line 23, delete "*The bond that is filed*" and insert "*One or more petitioners must file a bond*" and delete "*must be*"

Page 17, line 24, delete "*and be*" and insert "*that is*"

Page 17, line 26, delete "*be*" and insert "*that is*"

Page 17, line 31, delete "*BOND;*" and delete "*PENALTY*"

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

Page 18, delete lines 13 to 19 and insert:

"*Subd. 2. [DEFINITION.] In this section "improvement" means the til-ing, enlarging, extending, straightening, or deepening of an established and constructed drainage system including construction of ditches to reline or replace tile and construction of tile to replace a ditch.*

*Subd. 3. [LIMIT OF EXTENSION.] An improvement may only extend a drainage system downstream to a more adequate outlet and the extension may not exceed one mile."*

Page 18, line 30, delete "*improvement*" and insert "*petition*"

Page 18, line 32, delete "*the drainage system*" and insert "*property the improvement is located on*"

Page 18, line 34, delete "*and corporate*"

Page 19, line 2, delete "*other*" and insert "*another*"

Page 19, line 8, delete "*and*"

Page 19, line 10, delete the period and insert "*; and*"

Page 19, line 11, delete "*(e) The petition must*" and insert "*(5)*"

Page 19, line 28, delete "*is*"

Page 19, line 29, delete "*out of*" and insert "*needs*"

Page 20, line 6, delete "*is out of*" and insert "*needs*"

Page 20, line 13, delete "*85*" and insert "*86*"

Renumber the subdivisions in sequence

Page 21, line 16, delete everything after "*auditor*" and insert a period

Page 21, line 17, delete "*board.*"

Page 21, line 18, delete "*joint county*"

Page 21, line 19, delete "*any part of*" and delete "*is*" and insert "*are*"

Page 22, line 9, after "by" insert "at least"

Page 22, line 10, before "26" insert "at least"

Page 22, line 29, delete "LATERAL"

Page 23, line 6, delete "that" and insert "if they"

Page 23, line 11, after the period, insert "After the proceeding is dismissed any other action on the proposed drainage system must begin with a new petition."

Page 23, line 17, after "auditor" insert "of the county with the largest area of property in the drainage system"

Page 25, line 24, delete "and wetlands under section 105.37"

Page 26, line 1, after "held" insert "at least"

Page 28, line 4, delete "and" and insert ". The drainage authority in consultation with the auditor shall"

Page 28, line 6, before "auditor" insert "drainage authority after consulting with the"

Page 28, line 29, before "The" insert "(a)"

Page 29, line 1, after "(3)" insert "the"

Page 29, after line 3, insert:

"(b) If the proceedings are dismissed, any other action on the proposed drainage system must begin with a new petition."

Page 30, line 26, before the period, insert "until they are filed with the auditor"

Page 33, line 3, before "The" insert "If required under section 37,"

Page 33, line 8, after "recommend" insert ":(1)"

Page 33, line 9, delete "or" and insert ":(2)"

Page 33, line 11, delete the first "and" and insert "or (3)" and delete "or a portion"

Page 35, line 1, before "and" insert a comma

Page 35, line 19, after "GOVERNMENT" insert "PROPERTY"

Page 37, line 12, after "report," insert "the drainage authority after consulting with"

Page 38, line 13, after "hearing" insert "notice"

Page 38, line 16, delete "5" and insert "7"

Page 39, line 2, delete "called to order" and insert "reconvened" and after "as" insert "is"

Page 39, line 15, delete "RE-EXAMINATION" and insert "REEXAMINATION"

Page 39, line 18, delete "re-examine" and insert "reexamine"

Page 39, lines 22 in both places and 23, delete "re-examination" and insert



"reexamination"

Page 41, after line 32, insert:

*"Subdivision 1. [COMMISSIONER MUST RECOGNIZE DRAINAGE OUTLET PROCEEDINGS WHEN PURCHASING WETLANDS.] If the commissioner purchases wetlands under section 97.481, the commissioner must recognize that when a majority of landowners or owners of a majority of the land in the watershed, petition for a drainage outlet, the state should not interfere with or unnecessarily delay the drainage proceedings if the proceedings are conducted according to this chapter."*

Page 42, line 1, after "without" insert ":(I)"

Page 42, line 2, before the period, insert "or (2) for a drainage system that is located entirely within one county and the property for the outlet is located in another county, express authority must be obtained from the district court where the drainage system is located"

Page 42, line 8, delete "Upon filing the petition" and insert "When the petition is filed, the drainage authority in consultation with"

Page 42, line 11, delete "ten" and insert "30"

Page 42, line 24, delete "construed without"

Renumber the subdivisions in sequence

Page 44, line 9, delete "Upon the filing of" and insert "When" and before the comma, insert "is filed"

Page 44, line 10, before "auditor" insert "drainage authority in consultation with the"

Page 44, line 19, delete the period and insert a comma

Page 44, line 25, after the semicolon, insert "and"

Page 45, line 11, delete "other law" and insert "section 574.26"

Page 45, line 13, delete "statute" and insert "section 574.26"

Page 45, line 16, delete "together"

Page 45, line 24, delete "persons" and insert "person"

Page 45, line 25, delete "subdivisions" and insert "subdivision" and delete "injury by" and insert "damages from"

Page 45, line 32, delete "the statutory provisions" and insert "section 574.24"

Page 45, lines 34 and 35, delete "any injured" and insert "a"

Page 45, line 35, before the period, insert "that is damaged"

Page 46, line 5, delete "will be" and insert "is"

Page 47, line 7, delete "and" and insert a period and delete "be required to"

Page 47, line 8, delete "a period of"

Page 47, line 10, delete "contractor's" and after "part" insert "of the"

*contractor*" and delete the second "*the*" and insert "*this*"

Page 47, line 11, delete everything after "*requirement*" and insert a period

Page 47, delete lines 12 and 13

Page 47, lines 30 and 31, delete "*has been*" and insert "*is*"

Page 47, line 31, delete "*by*" and insert "*within*"

Page 48, line 1, after "*given*" insert "*notice*" and delete "*days' notice of*" and insert "*days before the*"

Page 48, line 23, after "*the*" insert "*drainage authority reserves the*" and delete "*is reserved*" and insert a period

Page 48, delete line 24

Page 48, line 35, delete "*The*"

Page 48, line 36, delete "*auditor with*" and delete "*or the*" and insert "*and the auditor of each affected county*"

Page 49, line 1, delete "*auditors*" and delete "*name*" and insert "*names*" and delete "*the affected*" and insert "*their respective*"

Page 49, delete line 2

Page 49, line 3, delete everything before "*to*"

Page 50, line 7, delete "*that*"

Page 50, line 8, after "*(1)*" insert "*that*"

Page 50, line 11, after "*time*" insert "*of*"

Page 50, line 14, delete the first comma

Page 50, line 15, delete the comma

Page 50, line 22, after "*with*" insert "*the*"

Page 50, line 32, delete the period and insert a comma

Page 51, line 8, delete "*re-examined*" and insert "*reexamined*"

Page 51, line 9, after the comma, insert "*it shall refer*"

Page 51, line 10, delete "*must be referred*" and delete "*re-examine*" and insert "*reexamine*"

Page 51, line 15, after "*that*" insert a colon and begin a paragraph with "*(1)*"

Page 51, line 16, delete the comma and insert a semicolon and begin a paragraph with "*(2)*"

Page 51, line 25, delete "*may*" and insert "*has full authority to*"

Page 51, line 27, delete "*19*" and insert "*18*"

Page 53, lines 4 and 5, delete "*POLITICAL SUBDIVISIONS*" and insert "*CITIES*"

Page 53, line 5, delete "*construction costs of*" and insert "*cost of constructing*"

Page 53, line 8, delete "*political subdivisions*" and insert "*statutory or home rule charter cities*"

Page 53, line 9, delete "*political*"

Page 53, line 10, delete "*corporations*" in both places and insert "*cities*" in both places

Page 54, line 20, after "*requesting*" insert "*that*"

Page 55, line 2, delete "*are authorized to*" and insert "*may*"

Page 55, line 5, after "*to*" insert "*:(1)*"

Page 55, line 6, after "*petitioners*" insert a semicolon and delete the comma and insert "*(2)*"

Page 55, line 18, begin a paragraph with "*(1)*"

Page 55, line 19, begin a paragraph with "*(2)*"

Page 55, line 20, begin a paragraph with "*(3)*"

Page 55, line 21, begin a paragraph with "*(4)*"

Page 55, line 23, begin a paragraph with "*(5)*"

Page 55, line 24, delete everything after the period

Page 55, line 25, before "*auditor*" insert "*The application must be filed with the*"

Page 56, line 13, delete "*notify, by mail,*" and insert "*mail a notice of the default to*"

Page 56, line 33, delete "*from*"

Page 56, line 34, after "*work*" insert a comma and after "*counties*" insert a comma

Page 57, line 18, delete "*the terms of*"

Page 59, line 15, delete the semicolon and insert "*AND*"

Page 59, line 36, delete "*annum*" and insert "*year*"

Page 61, line 2, delete "*annum*" and insert "*year*"

Page 62, after line 1, insert:

*"Subd. 6. [ASSESSMENTS ON WILDLIFE LANDS TO BE PAID FROM WILDLIFE ACQUISITION FUND.] An assessment against state land acquired for wildlife habitat shall be paid from the wildlife acquisition fund as provided in section 97.484."*

Renumber the subdivisions in sequence

Page 62, line 14, begin a paragraph with "*When*"

Page 62, line 31, delete "*with*" and insert "*who has*"

Page 62, line 32, delete "*and no payments*"

Page 62, line 33, delete "*of principal in default*"

Page 62, line 34, before the period, insert "*if the payments of principal and*"

*interest on the property are not in default"*

Page 64, line 6, delete "*exceeding*" and insert "*to exceed*" and delete "*annum*" and insert "*year*"

Page 64, line 16, after "*issue*" insert a comma

Page 64, line 17, delete "*prior to*" and insert "*before*"

Page 64, line 29, after the semicolon, insert "*and*"

Page 64, line 31, delete the semicolon and insert a comma and after "*or*" insert "*to require the issuance of definitive*"

Page 64, delete line 32

Page 64, line 35, delete "*annum*" and insert "*year*"

Page 64, line 36, delete "*prior to*" and insert "*before*"

Page 65, line 8, delete "*must be*" and insert "*are*"

Page 65, line 9, delete "*that*" and insert "*who*"

Page 65, line 10, delete "*the bondholder's*" and insert "*their*"

Page 65, line 11, delete "*being*" and insert "*; these bondholders must be*"

Page 65, line 17, delete "*may*" and insert "*must*"

Page 65, lines 17 and 18, delete "*not less than*" and insert "*at least*"

Page 65, line 35, delete "*to*" and delete "*temporary drainage*" and insert "*other*"

Page 66, line 4, after the third "*bonds*" insert a comma

Page 66, line 6, delete "*funds are*" and insert "*money is*"

Page 66, line 14, after "*in*" insert "*an*"

Page 66, line 24, delete "*to those funds*" and after "*with*" insert "*interest at a rate of*"

Page 66, line 25, delete "*annum interest*" and insert "*year*"

Page 67, line 9, after "*state*" insert "*in detail, for each of the several drainage systems*"

Page 67, line 11, delete "*1*" and insert "*2*" and after the semicolon, insert "*and*"

Page 67, line 14, delete "*; and*" and insert a period

Page 67, delete lines 15 to 17

Page 67, line 32, delete "*not more than*"

Page 68, line 2, delete "*the provisions*"

Page 68, line 3, delete "*of*" and delete "*applicable*"

Page 68, line 23, after "*or*" insert "*construction, or*"

Page 68, line 24, delete "*as*" and insert "*to*"

Page 68, line 32, after "*of*" insert "*the*"

Page 69, after line 7, insert:

"Sec. 77. [106A.651] [DRAINAGE SYSTEM ACCOUNT.]

*Subdivision 1. [FUNDS FOR DRAINAGE SYSTEM COSTS.] The board shall provide funds to pay the costs of drainage systems.*

*Subd. 2. [DRAINAGE SYSTEM ACCOUNT.] The auditor shall keep a separate account for each drainage system. The account must be credited with all money from the sale of bonds and bond premiums and all money received from interest, liens, assessments, and other sources for the drainage system. The account must be debited with every item of expense made for the drainage system.*

*Subd. 3. [INVESTMENT OF SURPLUS FUNDS.] If a drainage system account or the common drainage bond redemption fund has a surplus over the amount required for payment of obligations presently due and payable from the account or fund, the board may invest any part of the surplus in bonds or certificates of indebtedness of the United States or of the state.*

*Subd. 4. [DORMANT DRAINAGE SYSTEM ACCOUNT TRANSFERRED TO GENERAL REVENUE FUND.] If a surplus has existed in a drainage system account for a period of 20 years or more and there have not been any expenditures from the account during the period, the board, by a unanimous resolution, may transfer the surplus remaining in the drainage system account to the county general revenue fund of the county."*

Page 69, line 8, delete "106A.651" and insert "106A.655"

Page 69, delete lines 9 and 10

Page 69, lines 24 and 32, delete "annum" and insert "year"

Renumber the subdivisions in sequence

Page 70, delete section 78

Page 71, line 9, delete "from time to time"

Page 71, after line 10, insert:

*"Subd. 2. [REPAIR OF TOWN DITCHES.] The town board has the power of a drainage authority to repair a town drainage system located within the town."*

Page 71, line 23, delete "in which a" and insert "that has had"

Page 71, line 24, delete "is made"

Page 71, line 26, delete "or" and insert "and home rule charter and statutory"

Renumber the subdivisions in sequence

Page 71, line 33, before "system" insert "drainage"

Page 71, line 36, delete "The"

Page 72, delete line 1

Page 72, line 2, before "The" insert "For each drainage system that the board designates and requires the drainage inspector to examine,"

Page 72, line 13, delete "*the provisions of*"

Page 72, line 14, delete "*and sections 82 to 86*"

Page 73, line 8, delete "*an affected*" and insert "*a*" and after "*county*" insert "*that has made repairs*"

Page 74, line 16, delete "*is out of*" and insert "*needs*"

Page 74, line 25, delete "*make*" and insert "*prepare*"

Page 74, line 30, after "*authority*" delete the comma and insert a period

Page 74, line 31, delete "*and*" and insert "*The drainage authority in consultation with the auditor shall*"

Page 75, line 2, after "*made*" insert "*if*"

Page 75, lines 3 and 7, delete "*if*"

Page 75, line 7, after "*owners*" insert "*of*"

Page 75, line 9, after the comma, insert "*and*"

Page 75, line 11, delete the comma

Page 75, line 16, delete "*make*" and insert "*prepare*"

Page 75, line 19, delete "*made*" and insert "*prepared*"

Page 75, line 28, delete "*repair*"

Page 75, line 29, delete "*done*" and insert "*repaired*"

Page 76, line 15, delete "*87*" and insert "*88*" and after "*otherwise*" insert a comma

Page 76, line 25, after "*authority*" delete the comma and insert a period

Page 76, line 26, delete "*and*" and insert "*The drainage authority in consultation with the auditor shall, by order,*" and delete "*, by order,*"

Page 77, line 11, delete "*and each municipality*" and insert "*, political subdivision*"

Page 77, lines 12, 15, 23, and 28, delete "*corporation*" and insert "*entity*"

Page 77, lines 15, 22, and 28, delete "*municipality*" and insert "*political subdivision*"

Page 77, line 29, delete "*85*" and insert "*86*"

Page 77, after line 29, insert:

"Sec. 85. [106A.725] [COST OF REPAIR.]

*All fees and costs incurred for proceedings relating to the repair of a drainage system, including inspections, engineering, viewing, and publications, are costs of the repair and must be assessed against the property and entities benefited."*

Page 77, line 30, delete "*106A.725*" and insert "*106A.731*"

Page 78, line 11, delete "*annum*" and insert "*year*"

Page 78, line 16, delete "*and is*" and insert "*. The assessment and interest*"

are"

Page 78, line 18, after "for" insert "the"

Page 78, line 23, delete "is" and insert "are"

Page 78, line 29, after "equipment" insert a comma

Page 79, line 2, delete "106A.731" and insert "106A.735"

Page 79, line 4, delete the first comma

Page 79, line 15, after the period, insert "Assessments must be made pro rata according to the determined benefits. Assessments may be made payable, by order, in equal annual installments. The auditor shall file a tabular statement as provided in section 86, subdivision 4, with the county recorder."

Page 79, line 16, delete "this chapter" and insert "section 86"

Page 79, delete lines 17 to 21

Page 79, line 22, delete "(b)" and insert "Subd. 2. [TRANSFER OF DRAINAGE SYSTEM.]"

Page 79, line 30, delete "106A.735" and insert "106A.741"

Page 79, line 34, delete "which" and insert "that"

Page 80, line 17, delete "and" and insert ". The viewers shall"

Page 80, line 21, delete "shall have" and insert "has"

Page 80, line 31, delete "19" and insert "18"

Page 81, delete lines 4 to 8

Page 81, line 9, delete "106A.741" and insert "106A.745"

Page 81, line 13, delete "106.501" and insert "24"

Page 81, line 19, delete "commenced prior to" and insert "started before"

Page 81, line 27, delete both commas

Page 81, line 32, delete "90 or 91" and insert "91 or 92"

Page 82, line 8, after the comma, insert "the drainage authority in consultation with"

Page 82, line 26, before "order" insert "date of the"

Page 83, line 10, delete everything after "(a)" and insert "When the petition is filed, the drainage authority in consultation with"

Page 83, line 19, delete "water" and insert "waters" and delete "has" and insert "have"

Page 83, delete lines 28 to 33

Page 83, line 34, delete "(d)" and insert "(c)"

Page 84, after line 3, insert:

"Subd. 4. [EFFECT OF REMOVING PROPERTY FROM DRAINAGE SYSTEM.] The property that has been removed from the drainage system is

*not affected by the drainage system at any later proceeding for the repair or improvement of the drainage system and a drainage lien or assessment for repairs or improvements may not be made against the property that has been removed on or after the date of the order."*

Page 84, line 4, delete "(e)" and insert "Subd. 5. [LIENS AND ASSESSMENTS ON PROPERTY REMOVED OR ABANDONED.]"

Page 84, lines 4 and 7, delete "subdivision" and insert "section"

Page 85, line 1, delete "Upon the"

Page 85, line 2, delete "filing of" and insert "When" and after "petition" insert "is filed" and after the first comma, insert "the drainage authority in consultation with"

Page 86, after line 2, insert:

"Sec. 93. Minnesota Statutes 1984, section 40.072, subdivision 3, is amended to read:

Subd. 3. [PRELIMINARY PROGRAM PLANS; APPLICATION FOR FEDERAL OR OTHER AID; COOPERATION WITH OTHER AGENCIES; REPORT AND RECOMMENDATIONS TO THE COUNTY BOARD; ADOPTION OF IMPROVEMENT WORK PLAN.] After adoption of the resolution recommending the improvement work unit and program as provided in subdivision 2, with amendments thereto, if any, the board or boards, when the board or boards of county commissioners by resolution so directs, may make or cause to be made such further surveys and studies as may be necessary and thereupon make or cause to be made a preliminary general plan for carrying out the program for the improvement work unit as set forth in the resolution or any part thereof, with cost estimates therefor. The board or boards, at the direction of the county board or boards, may make application for federal aid, state aid, or aid available from any other source for the works embraced in the program or any part thereof under Public Law 566 or any act amendatory thereof or supplementary thereto or any other applicable federal or state law, and may take all steps necessary to determine whether such aid will be available and the amount thereof. The board may consider how the cost of the works of improvement or any part thereof above prospective federal or other aid may be met from the funds of the district or from the proceeds of assessments on benefited property or otherwise, and make estimates therefor. If the cooperation or joint action of any adjacent soil and water conservation district or any other public agency is desirable for any purpose under the program or in connection therewith, the board, at the direction of the county board or boards, may negotiate with the authorities concerned for such cooperation or joint action as authorized in this chapter, and acts amendatory thereof, or as otherwise provided by law. Upon completion of the foregoing steps as far as necessary, the board or boards may make and file a report, summarizing its findings thereon and its recommendations for further action on the program or any part thereof. The board or boards shall make the plan together with the preliminary general plan for the improvement work unit available to the county board or boards and to all other public agencies and persons concerned, and may give such publicity thereto as the district board deems advisable. The report shall contain substantially the same engineering information required by section



112.49, subdivisions 1 and 2. The board or boards shall transmit a copy of the report and preliminary plan to any regional development agency created by Minnesota law for the region in which each project is located, and in those cases where the plan involves a project for which a permit is required from the commissioner of natural resources under chapter 105, or for which proceedings will be instituted under ~~chapter 106~~ sections 1 to 92, to the commissioner of natural resources and to the water resources board. The water resources board shall review the report and plan and, if it concludes that the plan is inconsistent with systematic administration of state water policy, shall report its conclusion to the board or boards and the commissioner of natural resources within 60 days after receiving the report and plan. Thereafter the board or boards may modify and retransmit the report and preliminary plan to the water resources board, or may request a hearing on the report and plan before the water resources board. The water resources board shall hear the matter in the same manner, and follow the same procedures, as provided in sections 105.76 to 105.79, for the hearing of cases where it consents to intervention proceedings. Except where the water resources board concludes that the report and plan are inconsistent with state water policy, the district board or boards, with the approval of the county board or boards, may adopt and sponsor the improvement work unit and a program of work for the unit.

Sec. 94. Minnesota Statutes 1984, section 40.072, subdivision 4, is amended to read:

Subd. 4. [ACTION ON WORK PROJECT PURSUANT TO REPORT; PETITION AND HEARING.] The county board or boards, acting jointly under section 471.59, may take action on a project within the improvement work unit for construction or installation of works of improvement or part thereof pursuant to the recommendations in the report only upon a petition for a project signed by at least 25 percent of the owners of the land over which the proposed improvement work passes or upon which it is located, or by the owners of at least 30 percent of the area of such land, describing such land and requesting the county board or joint county board to hold a hearing on the practicability and desirability of carrying out the project in accordance with the preliminary plan and the recommendations in the report of the district board or boards. If the report specifies that any part of the cost of the project is to be paid from the proceeds of assessments on benefited property, one or more of the petitioners, upon the filing of the petition and before any action is taken thereon, shall file a bond to the county or counties acting jointly conditioned as provided by section ~~406.041~~ 22 in the case of a county drainage system, to be approved by the chairman of the board. The county board or joint county board shall set a time and place for the hearing on the petition, and cause notice thereof to be given as provided in section ~~406.401~~ 33, subdivision 1. If upon the hearing the county board or joint county board finds that the carrying out of the project as requested in the petition will be feasible, in accordance with the recommendations of the report, and in furtherance of the objectives and purposes therein set forth, and that the estimated cost will not exceed the funds which may reasonably be expected to be available for payment thereof, the county board or joint county board may adopt a resolution so determining and directing further action on the project as hereinafter provided. By such resolution the county board or joint county board shall determine the amount to be paid from the respective sources of available or potentially available funds, including federal aid, district funds, assessments on benefited property, and other funds, if any. The amount payable from district funds may be commensurate with but shall not exceed the value of the

general public benefit of the project to the district as determined by the board or boards.

Sec. 95. Minnesota Statutes 1984, section 40.072, subdivision 5, is amended to read:

Subd. 5. [ACTION ON PROJECT WITHOUT ASSESSMENTS.] If no part of the project cost is to be paid from assessments on benefited property, the county board or joint county board may proceed with complete surveys and detailed plans and specifications and make its order establishing the project. The order shall contain findings substantially conforming to those required by section ~~406.204~~ 49, *subdivision 2*. Notice summarizing the findings and order shall be served upon those persons entitled to receive notice of a county drainage project pursuant to section ~~406.174~~ 46, in the manner therein provided unless such notice is waived in writing by each person entitled to receive such notice. The waiver of notice shall be filed with the county auditor. Unless an appeal is taken within 30 days after the notice is given, the county board or joint county board may proceed to acquire necessary rights or property, procure materials, let contracts, and take any other steps appropriate to complete the project. The county board or joint county board may delegate its duties and powers under this subdivision to the district board or joint district board provided that the district board or joint district board shall not exercise the power of eminent domain.

Sec. 96. Minnesota Statutes 1984, section 40.072, subdivision 6, is amended to read:

Subd. 6. [ACTION ON PROJECT WITH ASSESSMENTS.] If any part of the cost of the project is to be paid from the proceeds of assessments on benefited property, viewers shall be appointed as provided in section ~~406.141~~ 42, and shall report as required by sections ~~406.151~~ and ~~406.161~~ sections 43, 44, and 45. The board or joint board of county commissioners shall direct the petitioners or, with its consent, the board or joint board of supervisors, to provide such engineering services as may be necessary to produce final plans adequate for the construction of the proposed improvement. The county board or joint county board shall then give notice of and conduct a final hearing substantially in accordance with sections ~~406.174~~ 46 to ~~406.194~~ 49 inclusive, as in the case of a county drainage proceeding, so far as these sections are consistent with this chapter, and acts amendatory thereof. If it is determined that the total benefits to property are not as much as the amount payable from the proceeds of assessments as specified in the report of the board or boards under subdivision 3, the petition shall be dismissed and further action on the project discontinued except as hereinafter provided, unless the county board or joint county board shall determine that the deficiency may be met by increasing the amount payable from district funds or other funds, subject to the limitations hereinbefore prescribed, in which case further action for completion of the project may be taken as herein provided. If it is determined that the total benefits to property are as much as or more than the amount payable from the proceeds of assessments as specified in the report and that the other applicable requirements of law have been complied with, the county board or joint county board shall by order containing such findings establish the project as reported or amended and adopt and confirm the viewers' report as made or amended. If the total amount of benefits to be assessed upon property pursuant to the viewers' report as so

adopted and confirmed is greater than the amount specified as payable from such assessments in the report of the board or boards under subdivision 3, the county board or joint county board may reduce the amounts payable from other sources of funds accordingly in such proportions as it may determine. Further action shall be taken thereon as provided in ~~chapter 106 sections 1 to 92~~, so far as appropriate, except that each tract of land affected shall be assessed for the full amount of benefits, less damages, if any, as shown by the viewers' report as adopted and confirmed, unless the total amount of such benefits, less damages, exceeds the total actual cost of the project to be paid from the proceeds of assessments, in which case such cost shall be prorated for assessment purposes as provided in ~~section 106.341 67~~. Upon filing of the viewers' report as provided in this section the county board of each county affected shall provide funds to meet its proportionate share of the total cost of the improvement, as shown by the report and order of the county board or joint county board, and for such purposes is authorized to issue bonds of the county in such amount as may be necessary in the manner provided in ~~section 106.411 74~~.

The provision of ~~section 106.411 74~~ requiring the county board to let a contract for construction before issuing bonds shall not be applicable to bonds issued to provide the funds required to be furnished by this section.

The county board or joint county board, pursuant to agreement with the district board or boards, may by resolution direct the district to undertake, construct, install, maintain, and operate the work of improvement upon terms mutually agreed upon. However, if it is necessary to acquire property by eminent domain, the county, or the counties acting jointly, shall exercise the power of eminent domain and shall convey the property to the district or districts pursuant to the agreement.

If, pursuant to an agreement, the responsibility for a work of improvement is vested in a district or districts, the respective county treasurers shall transmit the proceeds of all related assessments or bond issues, when collected, to the treasurer of the district, who shall credit the same to the proper funds under the direction of the district board.

Sec. 97. Minnesota Statutes 1984, section 40.072, subdivision 9, is amended to read:

Subd. 9. [REPAIR.] The term "repair" used in this section means restoring the project works of improvement or any part thereof as nearly as practicable to the same condition as when originally constructed or subsequently improved.

After the construction of a project has been completed and accepted by the board of the county or district having authority over the project, the board shall maintain the same or such part thereof as lies within its jurisdiction and provide the repairs required to render it efficient to answer its purpose. This board shall have, exercise, and perform the powers and duties of the ~~county board drainage authority under section 106.471 sections 80 to 89~~, except as follows. If this board is a board of a soil and water conservation district, the financing of repairs which require assessments and bond issues shall be the responsibility of the county board or joint county board in a manner similar to that provided for the financing of the cost of original construction of the project and as provided in ~~section 106.471 sections 80 to 89~~, so far as appro-

priate.

Sec. 98. Minnesota Statutes 1984, section 40.073, is amended to read:

40.073 [APPEALS.]

Any person aggrieved by an order of the board or joint board of county commissioners in any proceedings undertaken pursuant to section 40.072, subdivisions 5 or 6, may appeal to the district court upon the grounds and in the manner provided by ~~section 406.631~~ *sections 18 and 19*, for a county drainage proceeding. Notices required by ~~section 406.631~~ *sections 18 and 19*, to be filed with the county auditor shall also be filed with the board or joint board of supervisors. No appeal shall be permitted from an order of the board or joint board of county commissioners or the board or joint board of supervisors made pursuant to section 40.072, subdivisions 5 or 6 which dismisses a petition or refuses to establish a project.

Sec. 99. Minnesota Statutes 1984, section 88.43, subdivision 2, is amended to read:

Subd. 2. [BENEFITS; ASSESSMENT; LIEN.] If any clearing or other improvement of land made by any town or city benefits any person, or benefits some and damages others, then the amount of both such benefits and damages shall be ascertained in the same manner as provided by law with respect to damages in condemnation proceedings by right of eminent domain. All provisions of law relating to the determination of the amount of damages in condemnation proceedings shall apply to the determination of the value of benefits under this section, as far as practicable. Any benefits so found shall be assessed against, and be a lien upon, the real property so benefited and shall be noted upon the public records and collected upon the same terms and in substantially the same manner as now provided by law for the collection of ditch and drainage assessments pursuant to ~~chapter 406~~ *sections 1 to 92*.

Sec. 100. Minnesota Statutes 1984, section 97.484, is amended to read:

97.484 [ASSESSMENTS TO BE PAID FROM FUND.]

Any assessments against the State of Minnesota under the provisions of ~~sections 406.381, or 406.671 and 406.672~~ *3, subdivision 2; 5; 44, subdivision 1; or section 70*, shall be paid from moneys in the Wildlife Acquisition Fund herein created on all such lands or properties heretofore or hereafter acquired for wildlife habitat.

Sec. 101. Minnesota Statutes 1984, section 97.50, subdivision 1, is amended to read:

Subdivision 1. [POWERS.] The commissioner, director, game refuge patrolmen, and conservation officers are authorized to:

(1) execute and serve all warrants and processes issued by any court having jurisdiction under any law relating to wild animals, wild rice, use of water, conservation, protection or control of public waters, state-owned dams or other works affecting public waters or water pollution, in the same manner as a constable or sheriff;

(2) arrest, without a warrant, any person detected in the actual violation of any provisions of chapters 84, 97 to 102, 105 and ~~406~~ *sections 1 to 92*, and

section 609.68; and

(3) take the person before any court in the county in which the offense was committed and make proper complaint.

When a person who is arrested for any violation of the provisions of law listed in clause (2), which is punishable as a misdemeanor, is not taken into custody and immediately taken before a court, the arresting officer shall prepare, in quadruplicate, written notice to appear before a court. The notice shall be in the form and has the effect of a summons and complaint. It shall contain the name and address of the person arrested, the offense charged, and the time and the place he is to appear before the court. This place must be before a court which has jurisdiction within the county in which the offense is alleged to have been committed.

In order to secure release, without being taken into custody and immediately taken before the court, the arrested person must give his written promise to appear before the court by signing, in quadruplicate, the written notice prepared by the arresting officer. The officer shall retain the original of the notice and deliver the copy marked "SUMMONS" to the person arrested. The officer shall then release the person from custody.

On or before the return day, the officer shall return the notice or summons to the court before whom it is returnable. If the person summoned fails to appear on the return day, the court shall issue a warrant for his arrest. Upon his or her arrest, proceedings shall be had as in other cases.

Sec. 102. Minnesota Statutes 1984, section 105.42, subdivision 1, is amended to read:

Subdivision 1. It shall be unlawful for the state, any person, partnership, association, private or public corporation, county, municipality or other political subdivision of the state, to construct, reconstruct, remove, abandon, transfer ownership, or make any change in any reservoir, dam or waterway obstruction on any public water; or in any manner, to change or diminish the course, current or cross-section of any public waters, wholly or partly within the state, by any means, including but not limited to, filling, excavating, or placing of any materials in or on the beds of public waters, without a written permit from the commissioner previously obtained. Application for such permit shall be in writing to the commissioner on forms prescribed by him. No permit shall be required for work in altered natural watercourses which are part of drainage systems established pursuant to ~~chapters 106 and sections 1 to 92 and chapter 112~~ when the work in the waters is undertaken pursuant to those chapters.

This section does not apply to any public drainage system lawfully established under the provisions of ~~chapter 106 sections 1 to 92~~ which does not substantially affect any public waters.

The commissioner, subject to the approval of the county board, shall have power to grant permits under such terms and conditions as he shall prescribe, to establish, construct, maintain and control wharfs, docks, piers, levees, breakwaters, basins, canals and hangars in or adjacent to public waters of the state except within the corporate limits of cities.

Sec. 103. Minnesota Statutes 1984, section 105.471, is amended to read:

105.471 [VENUE OF ACTIONS AGAINST COMMISSIONER;  
DRAINAGE AND CLASSIFICATION OF PUBLIC WATERS.]

Notwithstanding any other law to the contrary, any action for declaratory judgment that is commenced under chapter 555 by or against the commissioner to determine the validity of the commissioner's final decision regarding the classification of any waters of the state as public waters pursuant to sections 105.38 to 105.391, or the drainage of waterbasins or watercourses as provided in ~~section 106.021~~ *sections 2 and 3, subdivision 1*, shall be venued in the county where the water, watercourse or waterbasin is located, if the water, watercourse or waterbasin is located in one county, or in the judicial district where the majority of the water, watercourse or waterbasin is located, if the water, watercourse or waterbasin is located in more than one county.

Sec. 104. Minnesota Statutes 1984, section 105.74, is amended to read:

105.74 [ADDITIONAL DUTIES OF BOARD.]

In addition to duties elsewhere prescribed, the board has the function defined in sections 105.72 to 105.79 when the decision of the agency in a proceeding involves a question of water policy in one or more of the areas of water conservation, water pollution, preservation and management of wildlife, drainage, soil conservation, public recreation, forest management, and municipal planning under any of the following: Sections 84.57, 97.48, subdivision 13, 105.41, 105.42, 105.43, 105.44, 105.64, ~~106.021~~, ~~106.674~~ 2, 3, 115.04, 115.05, and chapter 110.

Sec. 105. Minnesota Statutes 1984, section 105.81, is amended to read:

105.81 [PETITION; BOND; INVESTIGATION; REPORT; HEARING;  
ORDER.]

For the purpose of conserving and making more adequate use of our water resources, any person, public or municipal corporation, governmental subdivision, the state or any of its departments or agencies, the commissioner of natural resources and the United States or any of its agencies, may petition the county board in the case of a system lying wholly within one county or the district court in the case of a drainage system affecting two or more counties for the installation of dams or other control works in said ditches to impound or divert waters for any beneficial use. Said petition shall contain the location of the installation, plans and specifications for the proposed structure, and a map of the areas likely to be affected by the impoundment or diversion. The petitioner shall agree to be responsible for the cost of installation and construction of the structure. Upon filing of the petition, the petitioners shall file a bond as provided in ~~sections 106.041 and 106.051~~ *22 and 23*. No bond shall be required if the petition is filed by the state, any of its departments or agencies, the commissioner of natural resources, the United States or any of its agencies, and cities. Said petition shall also be accompanied by a permit from the commissioner of natural resources as required in sections 105.41 and 105.42.

On receipt of the petition, bond, and permit, if required, the board or court shall appoint an engineer to investigate the effect of the proposed installation and file a report of his findings. Upon filing of the engineer's report, notice shall be given and a public hearing held as provided in ~~section 106.401~~ *33*. If

at this hearing it appears from the engineer's report and other evidence presented that such installation will be of a public or private benefit and that it will not impair the utility of the ditch or deprive affected land owners of the benefit thereof, the board or court shall issue a permit authorizing its installation. Before the petitioner shall install or construct any impoundment or diversion, he shall obtain such rights-of-way and flowage easements from all owners of land to be affected thereby.

The order of the court modifying the ditch system shall provide that all construction and subsequent maintenance and repairs of the ditch modification shall be done and performed by the petitioner without any cost to the owners of lands and properties previously within the drainage system.

Sec. 106. Minnesota Statutes 1984, section 111.09, subdivision 2, is amended to read:

Subd. 2. [CHIEF ENGINEER, ATTORNEY.] The board may employ a chief engineer and an attorney, and such other engineers and attorneys or agents or assistants as are needful and necessary and shall provide for their compensation. All such expenses shall be, as far as practicable, as a part of the costs of each improvement upon which such engineer and attorney perform services, and as far as applicable shall be governed by section ~~106.434~~ 76.

Sec. 107. Minnesota Statutes 1984, section 111.11, is amended to read:

#### 111.11 [ESTABLISHMENT OF DISTRICT; CLASSES.]

After the organization of the board of directors of any drainage and conservancy district organized under the provisions of sections 111.02 to 111.42 and upon filing with the clerk of the board a petition signed by not less than 25 freeholders of the district (but in no event shall more than 25 percent of the owners of the property affected be required), or by the board of county commissioners of any county, or the council of any city likely to be affected by the proposed improvement therein, asking for the construction within the limits of the conservancy district of any of the improvements authorized by the provisions of sections 111.02 to 111.42 relative to drainage, regulation, control, or conservation of the waters of any lake, pond, marsh, or body of water, river, stream, watercourse, ditch, or drain within the district which may cover the whole or any part of the improvement contemplated when the district was organized, therein describing the need of the proposed improvement, the extent thereof, and describing in general terms the bodies of water, streams, or watercourses proposed to be improved, or reservoirs or other improvements constructed; and, if the construction of a ditch or drain as a part of the proposed improvement contemplated, a description of the starting point, the general course and termination thereof shall be given therein, or if the contemplated improvements require that any ditch or drain established and constructed under any law of this state, or any portion thereof, be utilized for the protection of fires in areas subject to destruction or damage by fire or for irrigation, all as specified, a description of such ditch and drain, or the portions thereof so required, and a general description of such areas, protection whereof from fire is sought, or irrigation is sought, setting forth the reasons and necessity for such improvements and that the same, if constructed, will benefit public health and general welfare of the inhabitants in that vicinity, and the petition is to be accompanied by a bond signed by the

petitioners, or any number of them, or other parties in their behalf, in such sum as the board of directors of such district may specify and such as it shall approve, conditioned for payment of all costs or expenses in connection with such improvements in the event the petition, as therein set forth or subsequently modified, is not granted; it shall be the duty of the board of directors of the district to cause to be made, at the earliest possible date, by its engineer, all necessary surveys, maps, plats, profiles, and plans covering the proposed improvements so as to fully inform the board as to the merits and practicability of proposed improvements, and, in making the surveys, plats, profiles, and report, the engineer shall, so far as practicable, conform to the requirements of General Statutes 1923, Section 6678, and the board shall have authority to correct, change, or modify the proposed improvements, as outlined in the petition, and if the report of the engineer is favorable to the construction of the improvements, and is approved by the board of directors, the board shall, with the least possible delay, appoint three disinterested citizens of the state to act as viewers, and the viewers so selected shall, after subscribing an oath to faithfully and impartially perform their duties, proceed to personally inspect and examine all lands, highways, and other property likely to be affected by the improvements, or that may be used or taken for the construction or maintenance thereof and shall, in the performance of their duties so far as practicable comply with the provisions of sections ~~106-141 and 106-151~~ 42 to 45 and make and file with the clerk of the board with such plans and specifications a detailed statement showing the actual benefits and damages that will result to individuals, property, or corporations from the construction of the improvements, and a list of lands and other property, including highways and corporations, that will be actually benefited or damaged, and the amount thereof, and include lands, roads, corporations, and other property receiving actual benefits by way of drainage or control of flood waters, or by regulation, conservation, and application of waters for fire protection and irrigation, as hereinbefore authorized, and lands or water powers further down the valley and include all lands to which a drainage outlet is supplied by such improvement by way of increased facilities for drainage or control of flood waters or protection from fire or for irrigation, and all such property and corporations shall be assessable for the cost of the proposed improvement in proportion to the actual benefits received, as finally determined by the court; provided, the board of directors of the district may elect to levy no assessment under this section upon water powers, but collect for such improvement as otherwise provided in sections 111.02 to 111.42. General Statutes 1923, Sections 6681 and 6682, so far as applicable, shall apply to and govern the work of the viewers under sections 111.02 to 111.42. In any case where fire protection is part of the relief prayed for in the petition and the utilization of any existing ditch or drain, or any portion thereof, is alleged to be necessary thereto, the petition for such improvements, before being presented to the board of directors, shall be signed by not less than 50 percent of the resident freeholders (but in no event shall more than 25 signers be required) whose lands are affected by the ditch or drain, or portion thereof, to be utilized, and approved by resolution of the board of county commissioners of each county wherein the same is located.

Sec. 108. Minnesota Statutes 1984, section 111.13, is amended to read:

**111.13 [MODIFICATIONS, APPROVAL OR REJECTION.]**

At the time and place specified in the notice, the court shall hear all parties



interested for and against the granting of the petition and confirming the reports, and may order and direct the modification of the plans and specifications and the assessments of benefits and damages and amend or change the list of property reported as assessable for the construction and maintenance thereof, or may recommit the same to the engineer or viewers, or both, for changes. If upon full hearing the court shall find that the improvement will be conducive to the public health and promote the general welfare and cause the protection and reclamation of wet or overflowed lands or the control of flood waters in streams, channels, and reservoirs, or aid in the prevention of fires in the areas, or any purpose authorized by sections 111.02 to 111.42, in the drainage and conservancy district and that the benefits resulting therefrom will be greater than the costs of the construction and damages, and a sum equal to 15 percent of the cost of the construction, exclusive of damages, for maintenance, then the court shall make its findings accordingly and order and direct the construction of the improvement and confirm the report of the engineer and the findings and report of the board or the viewers with reference to benefits and damages and lands assessable, and may, by this order, authorize the board of the district to construct the whole or any part of the improvement petitioned for or to let contracts for the improvement ordered as a whole or for different parts thereof separately. All persons, parties, or corporations affected by the order shall have the right to appeal on questions of benefits and damages in the manner now provided for appeals in the case of judicial ditches, pursuant to provisions of ~~section 106.634~~ *sections 18 and 19*.

If any ditch or drain, or any portion thereof, mentioned in the petition and reports is proper to be utilized for any of the objects or purposes of sections 111.02 to 111.42, the court shall include in its findings all matters in respect thereto and in and by the order fix and limit the use and application of the same therefor, taking care not to destroy the ditch, or any part thereof, so used for the purposes for which it was established. Upon the entry of the order, the board of directors of the district shall have and exercise all the authority thereover theretofore vested in any public corporation or administrative body as to such ditch or drain, or portion thereof, and be charged with all the duties of any such public corporation or administrative body as to the upkeep, repair, and maintenance of any such ditch, or the part thereof taken under sections 111.02 to 111.42.

Sec. 109. Minnesota Statutes, 1984, section 111.30, is amended to read:

#### 111.30 [APPORTIONMENT OF COSTS.]

At the time set for hearing on the report and petition of the board of directors of any district and the report of the engineer asking for the establishment of any improvement under the provisions of sections 111.02 to 111.42, or at any time subsequent thereto, upon five days' notice, in writing, to the auditor of each county containing property affected by such improvement, the court shall apportion the amount of the total costs of the construction of the improvements among the counties affected in proportion to the benefits received and shall fix and determine the amount to be paid by each and, upon similar notice to the auditor, the judge of the district court may, at any time, modify his order as justice may require, or make additional orders covering additional expense. The word "expense", as used in this section, shall be construed to mean every item of cost of the improvement from its inception to

its completion and all fees and expenses paid or incurred, including all damages awarded; and, upon the filing of the order, or a certified copy thereof, with the auditor of each county affected, together with a list of all property in the county affected and a statement of all benefits and damages affecting the same, and such other information as the court, by order, may direct, it shall be the duty of the county board of each county to provide the necessary funds to meet the proportionate share of the cost of the improvement, as specified in the order, in the same manner as now provided in the case of judicial ditch proceedings, under section ~~406.411~~ 74. Immediately, or at the earliest date possible following the letting of contracts for the construction of the improvement by the board of directors of the district, it shall cause to be made and filed, with its clerk and with the auditor of each county affected, a statement showing the total cost of the improvement, including expenses as nearly as they can be ascertained, and the proportionate amount that the property within each county affected shall be required to pay on the basis fixed by the order of the court, together with a list of all property benefited within such county; and thereupon it shall become the duty of the auditor of each county to cause to be made and recorded the tabular statement and lien against the property benefited within the county the amount to be paid by the property in the county, in accordance with the provisions of sections ~~406.341, 406.351, and 406.361~~ 67 and 68; and it shall be the duty of the county commissioners of each county to provide funds to meet the proportionate share of the total cost of the improvement, as shown by the report of the board of the drainage and conservancy district and the order of the court, and the county board is authorized to exercise all rights and authority in so doing now granted to the board of county commissioners under the provisions of sections ~~406.341 and 406.411~~ 67, subdivisions 1 and 2; and 74 and other provisions relating to county and judicial ditch proceedings. It shall be the duty of the respective county auditors and county treasurers to levy and collect the amount shown in the tabular statement and lien, as provided in sections ~~406.371~~ 69 and ~~406.381~~ 70. All moneys received by the treasurer of any county from the sale of bonds, assessments, or otherwise for the benefit of the district shall be by him accounted for and paid over to the treasurer of the district.

Sec. 110. Minnesota Statutes 1984, section 111.31, is amended to read:

111.31 [ASSESSMENTS.]

Upon the filing by the board of directors of a drainage and conservancy district with the auditor of any county of a statement as provided in section 111.30, giving a list of the property and corporations benefited or damaged or otherwise affected by any proposed improvement, it shall be the duty of the auditor to assess the amount specified in such list against the lands and municipalities or other corporations as therein specified in accordance with the provisions of section ~~406.381~~ 70, he shall proceed to levy and collect the sums specified in the lists against the property and corporations in accordance with the provisions thereof and, in the event the sum so reported shall become a direct charge against the county, it may be paid by such county out of its road and bridge fund, or otherwise, as the county commissioners may direct, and may be paid in whole or in instalments as may be specified by the board of county commissioners of the county. No assessment shall be levied against any property or corporation benefited under the provisions of sections

111.02 to 111.42 in excess of the amounts of benefits received as fixed by the order of the court directing the construction of the improvement or subsequently determined on appeal.

Sec. 111. Minnesota Statutes 1984, section 111.36, is amended to read:

111.36 [NEGLECT OF AFFAIRS.]

The provisions of section ~~106.641~~ 16 relating to the obstruction or injury of work shall apply to any and all improvements made or authorized under the provisions of sections 111.02 to 111.42, and any other provision contained in the laws of this state relating to judicial or county ditches providing for punishment for damages committed to or interfering with such work shall apply to all improvements made under the provisions of sections 111.02 to 111.42.

Sec. 112. Minnesota Statutes 1984, section 111.78, is amended to read:

111.78 [LIENS TO BEAR INTEREST.]

The amount that each tract of land, public or private, shall be liable for on account of the construction of works authorized in sections 111.65 to 111.80 shall bear interest from the date of the filing of the auditor's statement in the office of the county recorder at the legal rate until paid.

Such liens may be paid to the county treasurer at any time after the recording of the auditor's statement in the office of the county recorder.

When payment of the full amount of the liens with interest shall at any time be made the county auditor, upon presentation of a receipt from the county treasurer to that effect, shall issue under his hand a certificate of such payment and the same when recorded in the office of the county recorder shall release and discharge the lien of record.

On or before November 15 next following the filing by the auditor of such statement, he shall enter on the tax lists of the county the amount of the lien against each tract of land, all of which shall be payable as directed by the court on such tract, which shall be subject to and be collected with like penalties as all other taxes.

The auditor of the county wherein the proceedings are held is hereby authorized, upon order of the court, to issue warrants of the county to pay the official costs of such proceedings and when the costs are assessed against the lands in more than one county such costs are to be determined and apportioned between the counties affected in proportion to the benefits assessed against the lands and property in such county. The issued warrants are to draw interest at the legal rate, subject to their payment as provided under section ~~106.451~~ 78.

Sec. 113. Minnesota Statutes 1984, section 112.431, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] (a) For the purpose of this section the terms defined in this subdivision have the meanings ascribed to them.

(b) "Drainage system" means a ditch as defined by section ~~106.011~~, subdivision ~~17~~ 1, subdivision 11.

(c) "Watershed district" means any watershed district established pursuant to the provisions of chapter 112, wholly or partially in a metropolitan

county.

(d) "Metropolitan county" means any one of the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott or Washington.

(e) "Metropolitan area" means the combined area of the metropolitan counties.

Sec. 114. Minnesota Statutes 1984, section 112.48, subdivision 1, is amended to read:

Subdivision 1. After the overall plan of the district has been prescribed by the board, as provided in section 112.46, a petition may be filed with the managers for any project within the district conforming in general with the plan. The petition must be signed:

(1) By not less than 25 percent of the resident freeholders, or by the owners of more than 25 percent of the land within the limits of the area proposed to be improved unless the project consists of the establishment of a drainage system as defined in ~~chapter 106~~ sections 1 to 92 or the improvement of an existing drainage system;

(2) By a majority of the resident owners of the land over which the proposed project passes or is located, or by the owners of at least 60 percent of the area of the land, if the project consists of the establishment of a drainage system as defined in ~~chapter 106~~ sections 1 to 92;

(3) By not less than 26 percent of the resident owners of the property affected by the proposed project or over which the proposed project passes or by the owners of not less than 26 percent of the area affected or over which the proposed project passes if the project consists of the improvement of an existing drainage system as defined in ~~chapter 106~~ sections 1 to 92;

(4) By a county board of any county affected; or

(5) By the governing body of any city lying wholly or partly within the area proposed to be improved; provided that if the proposed project affects lands exclusively within a city, the petition shall originate from the governing body of the city.

For the purpose of this subdivision, holders of easements for electric or telephone transmission or distribution lines are not considered freeholders or owners.

The petition shall contain the following:

(a) A description of the proposed project, and the purpose to be accomplished;

(b) A description of the lands over which the proposed project passes or is located;

(c) A general description of the part of the district which will be affected, if less than the entire district;

(d) The need and necessity for the proposed improvement;

(e) That the proposed project will be conducive to public health, convenience, and welfare;

(f) A statement that the petitioners will pay all costs and expenses which

may be incurred in case the proceedings are dismissed or for any reason no construction contract is let for the project.

Sec. 115. Minnesota Statutes 1984, section 112.50, is amended to read:

112.50 [APPRAISALS.]

Subdivision 1. Upon the filing of the engineer's report the managers shall, with the least possible delay, appoint three disinterested resident freeholders of the state to act as appraisers. These appraisers shall subscribe an oath to faithfully and impartially perform their duties, and with or without the engineer, shall determine the benefits or damages to all lands and properties affected by the proposed project or improvement, including lands owned by the state of Minnesota or any department thereof, highways, and other property likely to be affected by the proposed improvement or that may be used or taken for the construction or maintenance thereof. Benefits and damages to lands owned by the state of Minnesota or any department thereof held and used for the purposes described in ~~section 106.672~~ *sections 5 and 44, subdivision 1*, shall be determined subject to the provisions thereof, so far as applicable. Each appraiser may be paid on a per diem basis for every day necessarily engaged in the performance of his duties and for his actual and necessary expenses. The compensation shall be fixed by the managers, to be paid by the district and included in the cost of improvement. The managers of the watershed districts may in their discretion use the following procedure for the purpose of determining benefits and damages. Upon the filing of the engineer's report the managers with the assistance of the engineer shall determine the benefits or damages to all lands and properties affected by the proposed project or improvement, including lands owned by the state of Minnesota or any department thereof, highways, and other property likely to be affected by the proposed improvement or that may be used or taken from the construction or maintenance thereof. Benefits and damages to lands owned by the state of Minnesota or any department thereof held and used for the purposes described in ~~section 106.672~~ *sections 5 and 44, subdivision 1* shall be determined subject to the provisions thereof, so far as applicable. The managers shall also determine the amount to be paid and generally assessed by the watershed district for the basic water management portion of the improvement projects.

Sec. 116. Minnesota Statutes 1984, section 112.501, subdivision 1, is amended to read:

Subdivision 1. Where the proposed improvement, includes or prays for the construction or improvement of any ditch, stream, river, or watercourse, or any structures for the control or alleviation of damages from flood waters, the appraisers shall be governed by ~~section 106.151~~ *sections 43 to 45*.

Sec. 117. Minnesota Statutes 1984, section 112.541, is amended to read:

112.541 [PROCEDURE WHEN CONTRACT IS NOT LET.]

If after the receipt of the bids, no bids are received except for a price more than 30 percent in excess of the engineers estimate as contained in his report, or for a price in excess of the benefits, less damages and other costs, the managers shall follow the procedure described in ~~section 106.241~~ *57*.

Sec. 118. Minnesota Statutes 1984, section 112.59, is amended to read:

## 112.59 [CONTROL OF CONTRACTS.]

In all cases where contracts are let by the managers, they shall have full control of all matters pertaining thereto. If a contractor fails to complete the improvement within the time or in the manner specified in the contract, the managers may extend the time for completion or may refuse an extension of time or may cancel the contract and readvertise and relet the contract. They may require the surety for the contractor to complete the improvement or proceed to have the contract otherwise completed at the expense of the contractor and his surety. They may take such other action with reference thereto that the occasion may require in the interest of the district. The provisions of ~~chapter 106~~ sections 1 to 92, so far as pertinent, apply to and govern the relations between the engineer and the contractor, including the examination and report of the engineer and the amount and time of payment. The managers shall keep an accurate account of all expenses incurred, which shall include the compensation of the engineer and his assistants, the compensation and expenses of the appraisers as provided in section 112.50, the compensation of petitioners' attorney, the cost of petitioners' bond, the fees of all county officials necessitated by the improvement which shall be in addition to all fees otherwise allowed by law, and the time and expenses of all employees of the district, including the expenses of the managers while engaged in any improvement. The fees and expenses provided for herein shall be audited, allowed and paid upon the order of the managers and shall be charged to and be treated as a part of the cost of the improvement.

Sec. 119. Minnesota Statutes 1984, section 112.60, subdivision 1, is amended to read:

Subdivision 1. Upon the filing by the managers with the auditor of any county of a statement listing the property and corporations benefited or damaged or otherwise affected by any improvement as found by the appraisers and approved by the managers, he shall assess the amount specified in such list against the lands and municipalities or other corporations as therein specified in accordance with the pertinent provisions of ~~chapter 106~~ sections 1 to 92.

Sec. 120. Minnesota Statutes 1984, section 112.60, subdivision 2, is amended to read:

Subd. 2. Upon filing of the statement as provided in subdivision 1 the county board of each county affected shall provide funds to meet its proportionate share of the total cost of the improvements, as shown by the report and order of the managers of the district, and for such purposes is authorized to issue bonds of the county in such amount as may be necessary in the manner provided by section ~~106.411~~ 74. In the event an improvement is to be constructed under the provisions of section 112.69, the provisions of section ~~106.411~~ 74 requiring the county board to let a contract for construction before issuing bonds shall not be applicable to bonds issued to provide the funds required to be furnished by this section.

Sec. 121. Minnesota Statutes 1984, section 112.60, subdivision 3, is amended to read:

Subd. 3. The respective county auditors and county treasurers shall levy and collect the amount shown in the tabular statement and lien as provided in

sections ~~106.341~~ 67 to ~~106.401~~ 73. All moneys received by the treasurer of any county from the sale of bonds, assessments, or otherwise, for the benefit of the district shall be by him accounted for and paid over to the treasurer of the district.

Sec. 122. Minnesota Statutes 1984, section 112.64, subdivision 2, is amended to read:

Subd. 2. For the purpose of creating a maintenance fund for normal and routine maintenance of a project, the board of managers is authorized to apportion and assess the amount of the fund against all the parcels of land and municipal corporations previously assessed for benefits in proceedings for the construction of the project. The assessment shall be made pro rata according to benefits determined. No assessment for the benefit of the maintenance fund shall be made when the fund exceeds 20 percent of the original cost of construction of the project. Upon receiving the assessment order from the board of managers, the auditors of the counties affected shall file for record in the office of the county recorder for the county a tabular lien statement covering the assessment. The assessment shall be collected as provided in the order in the same manner as provided in section ~~106.471~~ 86. Before ordering the levy of an assessment for the benefit of the maintenance fund, the board of managers, in its discretion, may give notice of a hearing on the matter.

Sec. 123. Minnesota Statutes 1984, section 112.64, subdivision 3, is amended to read:

Subd. 3. If the engineer certifies to the board of managers, in his annual report or otherwise, that an improvement of the district is in such a state of disrepair that it cannot be restored by normal and routine maintenance to the same condition as when originally constructed or subsequently improved, or that a ditch or channel must be widened or deepened, or that any improvement of the district must be altered or improved, in order to attain the level of operating efficiency contemplated at the time of the original construction, the board of managers, before ordering any repairs other than normal and routine maintenance, shall order the engineer to prepare and submit to the board of managers technical and cost specifications on the work necessary to restore, or improve the improvement to the desired level of operating efficiency. Upon receiving the engineer's report, the board of managers shall set a date for hearing on the report and give notice of the hearing in the same manner as in the original proceeding on the construction of the improvement. If upon hearing the board of managers finds that the repair or improvement is in compliance with the provisions, is necessary to accomplish the purposes of this chapter, and that the cost of the repair or improvement will not exceed its benefits, they may order the repair or improvement and assess the cost against the benefited properties. The cost shall be apportioned and assessed pro rata upon all lands and property that were assessed for the construction of the improvement. No single levy for repair shall exceed the amount of benefits originally determined. The board of managers shall file a copy of the order for levy with the auditor of each county which contains affected properties. The auditor shall extend the levy against affected properties as in proceedings for the levy, assessment and collection of taxes levied in drainage proceedings conducted under ~~chapter 106~~ sections 1 to 92.

Sec. 124. Minnesota Statutes 1984, section 112.65, subdivision 1, is

amended to read:

Subdivision 1. The managers of a district shall take over when directed by the district court or county board any judicial or county drainage system within the district, together with the right to repair and maintain the same. Such transfer may be initiated by the district court or county board, or such transfer may be initiated by a petition from any person having an interest in the drainage system or by the managers. No such transfer shall be made until the district court or county board has held a hearing thereon. Due notice of the proposed transfer together with the time and place of hearing shall be given by two weeks published notice in a legal newspaper of general circulation in the area involved. All interested persons may appear and be heard. Following the hearing, the district court or county board shall make its order directing that the managers of a district take over the affected judicial or county drainage system, unless it appears that the take over would not be in the public welfare or public interest and would not serve the purpose of this chapter. When the transfer is directed all proceedings for repair and maintenance shall thereafter conform to the provisions of ~~chapter 106~~ *sections 1 to 92*.

Sec. 125. Minnesota Statutes 1984, section 161.28, subdivision 1, is amended to read:

Subdivision 1. [PETITION.] Upon the filing of a petition by the commissioner with the appropriate county auditor setting forth that it would be advantageous or desirable in the construction or maintenance of a trunk highway to make a minor alteration or change in a public drainage system directly affecting a trunk highway and that the alteration or change will not affect the functioning or efficiency of the public drainage system, the auditor shall fix a time and place for hearing and give notice of the hearing by publication, as defined in section ~~106.17~~ 46. Upon the filing of the petition the commissioner shall also file a plan showing in detail the alteration or change petitioned for. If upon the hearing it appears to the county board or joint county ditch authority that the alteration or change in the public drainage system will not affect or impair the efficiency of the drainage system, the board or authority shall make its order allowing the commissioner to make the alteration or change petitioned for. Upon the making of the order by the county board or the joint county ditch authority, the commissioner may proceed at the sole cost and expense of the state to make the alterations or changes as may be in the order allowed, damages, if any, for any additional lands necessary for the change or alteration being first duly paid or secured. Upon completion of the alteration or change the commissioner shall file with the appropriate auditor a map drawn to scale showing the change or alteration made and shall also file a profile of all lines of the alteration or change in the ditch showing graphically the elevation of the ground and gradient, whether open or tiled, the size of tile, and the bottom width and side slope of open ditch sections, and such other information as may appear necessary for understanding. Upon the completion of the alteration or change herein provided for, the ditch shall thereafter include such alteration or change as a part of it with the same force and effect as though it had been originally so constructed and established.

Sec. 126. Minnesota Statutes 1984, section 163.17, is amended to read:

163.17 [DRAINAGE SYSTEMS AFFECTING HIGHWAYS; ALTER-



ATIONS.]

Upon the filing of a resolution by the county board of any county with the county auditor, in the case of a public ditch system lying wholly within a county, or with the clerk of the district court having jurisdiction over said ditch in the case of a ditch system affecting two or more counties, therein setting forth that it would be advantageous or desirable in the construction or maintenance of a highway under the jurisdiction of the county to make a minor alteration or change in a public ditch system directly affecting the highway, and that the alteration or change will not affect the functioning or efficiency of the ditch system, it shall be the duty of the auditor, or the clerk with the approval of the judge, to fix a time and place for hearing thereon and to give notice of hearing by publication as defined by section 106.011 1, subdivision 2 21. Upon the filing of the resolution, the board shall also cause to be filed a plan showing in detail the alteration or change therein described. If upon the hearing it shall appear to the county board or district court that the alteration or change in the public ditch system will not affect or impair the efficiency of the ditch system, the board or court shall make its order authorizing the county to cause the alteration or change to be made. Upon the making of the order by the county board or the court, the county board may proceed at the sole cost and expense of the county to make the alterations or changes as may be in the order allowed; damages, if any, occasioned thereby being first duly paid or secured by the county. Upon completion of the alteration or change, the county board shall cause to be filed with the auditor or clerk, a map and profile drawn to scale showing thereon the change or alteration made. If the map and profile be filed with the clerk, duplicates thereof shall also be filed with the auditor of each county affected. Upon the completion of the alteration or change herein provided for, the ditch shall thereafter include the alteration or change as part thereof with the same force and effect as though it had been originally so constructed and established.

Sec. 127. Minnesota Statutes 1984, section 357.021, subdivision 2, is amended to read:

Subd. 2. [FEE AMOUNTS:] The fees to be charged and collected by the clerk of district court shall be as follows:

(1) In every civil action or proceeding in said court, the plaintiff, petitioner, or other moving party shall pay, when the first paper on his part is filed in said action, a fee of \$20, except that in an action for marriage dissolution, the fee is \$55.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper on his or their part is filed in said action, a fee of \$15.

The party requesting a trial by jury shall pay \$15.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 106 sections 1 to 92, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding \$5 and \$3.50 for an uncertified copy.

(3) Issuing a subpoena \$1 for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$5.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$5.

(6) Filing and entering a satisfaction of judgment, partial satisfaction or assignment of judgment, \$5.

(7) Certificate as to existence or non-existence of judgments docketed, \$1 for each name certified to and \$1 for each judgment certified to.

(8) Filing and indexing trade name; or recording notary commission; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians or optometrists, \$5.

(9) For the filing of each partial, final, or annual account in all trusteeships, \$10.

(10) All other services required by law for which no fee is provided such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

Sec. 128. Minnesota Statutes 1984, section 375.471, is amended to read:

375.471 [LAND CONSERVATION AND UTILIZATION; FEDERAL AID.]

The county boards of the several counties which have been designated as a resource conservation and development project area under 7 USCA, Sec. 1011(e) and acts amendatory thereof, may enter into agreements as necessary with the secretary of agriculture of the United States and other agencies of the federal government for the program of land conservation and land utilization authorized by 7 USCA, Sec. 1010 and acts amendatory thereof, to accept assistance for the program under 7 USCA, Sec. 1011 and acts amendatory thereof, to engage in works of improvement as necessary for the purpose of the acts and to cooperate with the secretary of agriculture and federal agencies so that residents of this state obtain the benefits and advantages available to them and intended by congress to be available by the acts. The county boards shall comply with the requirements of federal law and any rules and regulations promulgated under it and with appropriate state laws to accomplish the purposes intended by this section. If a proceeding is instituted by petition for an improvement under this section, it may be conducted by a board in the same manner provided for the establishment of a drainage system under ~~chapter 106~~ ~~sections 1 to 92~~. A majority of the landowners as defined in section ~~106.034~~ ~~21~~, subdivision 3, shall be required for a valid petition. They may also proceed under authority provided by other law.

Sec. 129. Minnesota Statutes 1984, section 471.345, subdivision 3, is amended to read:

Subd. 3. [CONTRACTS OVER \$15,000.] If the amount of the contract is

estimated to exceed \$15,000, sealed bids shall be solicited by public notice in the manner and subject to the requirements of the law governing contracts by the particular municipality or class thereof provided that with regard to repairs and maintenance of ditches, bids shall not be required if the estimated amount of the contract does not exceed the amount specified in section ~~406.471, subdivision 2~~ 81, subdivisions 4, 5, and 6.

Sec. 130. Minnesota Statutes 1984, section 473.877, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY.] Any agreement under section 471.59 to jointly or cooperatively manage or plan for the management of surface water in a watershed delineated pursuant to subdivision 2, as required by sections 473.875 to 473.883, may provide, in addition to other provisions authorized by section 471.59, for a joint board having:

(a) the authority to prepare, adopt, and implement a plan for the watershed meeting the requirements of section 473.878;

(b) the authority to review and approve local water management plans as provided in section 473.879;

(c) the authority of a watershed district under chapter 112 to regulate the use and development of land in the watershed when one or more of the following conditions exists: (1) the local government unit exercising planning and zoning authority over the land under sections 366.10 to 366.19, 394.21 to 394.37, or 462.351 to 462.364, does not have a local water management plan approved and adopted in accordance with the requirements of section 473.879 or has not adopted the implementation program described in the plan; (2) an application to the local government unit for a permit for the use and development of land requires an amendment to or variance from the adopted local water management plan or implementation program of the local unit; (3) the local government unit has authorized the organization to require permits for the use and development of land;

(d) the authority of a watershed district under section 112.65 to accept the transfer of drainage systems in the watershed, to repair, improve, and maintain the transferred drainage systems, and to construct all new drainage systems and improvements of existing drainage systems in the watershed, provided that projects may be carried out under the powers granted in chapter ~~106~~, 112, or 473 and sections 1 to 92 and that proceedings of the board with respect to the systems must be in conformance with the watershed plan adopted under section 473.878; and

(e) other powers necessary to exercise the authority under clauses (a) to (c), including the power to enter into contracts for the performance of functions with governmental units or persons.

Sec. 131. Minnesota Statutes 1984, section 473.878, subdivision 4, is amended to read:

Subd. 4. [CONTENTS.] The plan shall:

(a) Describe the existing physical environment, land use, and development in the area and the environment, land use, and development proposed in existing local and metropolitan comprehensive plans;

(b) Present information on the hydrologic system and its components, in-

cluding any drainage systems previously constructed under ~~chapter 106 sections 1 to 92~~, and existing and potential problems related thereto;

(c) State objectives and policies, including management principles, alternatives and modifications, water quality, and protection of natural characteristics;

(d) Set forth a management plan, including the hydrologic and water quality conditions that will be sought and significant opportunities for improvement;

(e) Describe the effect of the plan on existing drainage systems;

(f) Describe conflicts between the watershed plan and existing plans of local government units;

(g) Set forth an implementation program consistent with the management plan, which includes a capital improvement program and standards and schedules for amending the comprehensive plans and official controls of local government units in the watershed to bring about conformance with the watershed plan; and

(h) Set out a procedure for amending the plan.

#### Sec. 132. [EFFECT OF CHANGES IN THIS ACT.]

*The legislature intends this act to be a clarification and reorganization of the drainage law. The changes that have been made are not intended to alter the drainage law and shall not be construed by a court or other authority to alter the meaning of the law."*

Page 86, line 14, delete "and"

Page 86, line 15, after "106.673" insert "and 109.38"

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to drainage; recodifying the drainage law; amending Minnesota Statutes 1984, sections 40.072, subdivisions 3, 4, 5, 6, and 9; 40.073; 88.43, subdivision 2; 97.484; 97.50, subdivision 1; 105.42, subdivision 1; 105.471; 105.74; 105.81; 111.09, subdivision 2; 111.11; 111.13; 111.30; 111.31; 111.36; 111.78; 112.431, subdivision 2; 112.48, subdivision 1; 112.50; 112.501, subdivision 1; 112.541; 112.59; 112.60, subdivisions 1, 2, and 3; 112.64, subdivisions 2 and 3; 112.65, subdivision 1; 161.28, subdivision 1; 163.17; 357.021, subdivision 2; 375.471; 471.345, subdivision 3; 473.877, subdivision 1; and 473.878, subdivision 4; proposing coding for new law as Minnesota Statutes, chapter 106A; repealing Minnesota Statutes 1984, chapter 106 and section 109.38."

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

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

S.F. No. 981: A bill for an act relating to consumer protection; requiring certain information relating to loan and residential real estate closing costs to

be provided to buyers; governing the application of hazard insurance proceeds to a mortgage loan, and clarifying liability for failure to pay premiums; establishing rates for title and mortgage insurance; proposing coding for new law in Minnesota Statutes, chapters 68A, 70A, and 325G.

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

Page 2, line 14, after "owner" insert "as his primary residence. Transactions exempt from the Real Estate Settlement Procedures Act, 12, U.S.C. section 2601, et seq, and the regulations thereunder, are also exempt from this act"

Page 2, delete lines 34 to 36

Page 3, delete line 1 and insert "Subdivision 1. [SETTLEMENT STATEMENT.] A draft settlement statement must be made available to a buyer at the lender's or closer's offices at least three business days before the day of settlement, provided that the buyer may waive this requirement in writing any time before settlement. The party who chooses the settlement agent shall make the buyer aware of the location where the draft settlement statement will be available. The draft settlement statement must be so marked, and must be accompanied by a list which clearly indicates those costs, if any, which are subject to change. Any waiver must be in writing, on a separate sheet of paper. The lender must include the following statement, in a minimum 12 point type, on its good faith estimate of settlement costs: YOU HAVE THE RIGHT TO INSPECT A DRAFT SETTLEMENT STATEMENT AT LEAST THREE BUSINESS DAYS BEFORE THE DAY OF YOUR CLOSING. THE DRAFT SETTLEMENT STATEMENT WILL CONTAIN A GOOD FAITH ITEMIZATION OF FINAL CLOSING COSTS."

Page 3, line 5, after the period, insert "If there is more than one buyer, the information may be provided to one of them."

Page 3, delete lines 10 to 13

Renumber the paragraphs in sequence

Page 3, line 18, after "PURCHASE" insert "HAZARD OR TITLE"

Page 3, line 22, delete " , if applicable,"

Page 3, line 23, after "loan" insert "or the servicing of the loan" and delete "general"

Page 3, delete lines 24 and 25 and insert "statement that the sale or assignment does not change the terms of the loan contract or mortgage;"

Page 3, delete lines 26 to 29

Page 3, line 31, delete "a lender" and insert "an"

Page 3, line 32, delete "prepared" and before the period, insert "on the good faith estimate of settlement costs"

Page 3, line 33, delete "need" and insert "may" and delete "only"

Page 3, after line 33, insert:

"Subd. 4. [DISCLOSURE AT TIME OF APPLICATION.] Upon receipt

*of an application for a mortgage loan, or at any time prior to receipt, the lender must provide to the buyer an itemized list of the fees the buyer must pay at the time of application, and a statement of which fees will or will not be refunded if the application is withdrawn or denied. If there is more than one buyer, the information may be provided to one of them."*

Page 4, line 1, delete "9" and insert "10"

Page 4, line 6, after "for" insert "*establishing a noninterest bearing tax or insurance escrow account or for*"

Page 4, line 14, delete "*habitable*"

Page 4, line 14, after "condition" insert "*substantially the same as prior to the damage, and which would not impair the lender's security interest*"

Page 4, delete lines 17 and 18 and insert "*or from applying the proceeds to repair or restore the property to pay sums secured by the security instrument if the mortgagor abandons the property or does not answer within 30 days after written notice from the lender that the insurance carrier has offered to settle the claim.*"

Page 4, line 21, before the period, insert "*, provided that:*

*(1) no civil penalties, attorney's fees or investigation costs may be assessed against any person who made a good faith and reasonable effort to comply with this act;*

*(2) in any class action, the amount of attorney's fees and investigation costs assessed against any person for a violation of this act may not exceed \$10,000; and*

*(3) a violation of this act does not create a right of rescission and is not a defense to a foreclosure proceeding or an action for unlawful detainer"*

Amend the title as follows:

Page 1, line 6, delete "*, and clarifying liability for*"

Page 1, line 7, delete "*failure to pay premiums*"

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

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

S.F. No. 999: A bill for an act relating to improvement of the Duluth zoo; appropriating funds from the general fund for its improvement.

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

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

S.F. No. 821: A bill for an act relating to unclaimed property; extending coverage to corporate stock and other ownership interests; amending Minnesota Statutes 1984, sections 345.35; 345.43; and 345.47.

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

Page 3, line 23, delete "345.45" and insert "345.35"

Page 4, line 2; delete "Unless the commissioner"

Page 4, delete line 3

Page 4, line 4, delete "otherwise,"

Page 4, line 6, delete "If the"

Page 4, delete lines 7 to 11

Page 4, line 12, delete "made, whichever amount is greater."

Page 4, line 13, delete "after the expiration of this period"

Page 4, after line 21, insert:

"Sec. 4. [APPLICATION.]

*For purposes of determining whether stock or other intangible ownership interests in business associations are presumed abandoned, the seven-year period of abandonment includes any period of abandonment prior to the effective date of this act."*

Renumber the sections in sequence

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

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

S.F. No. 1007: A bill for an act relating to insurance; health and accident; requiring coverage for scalp hair prostheses in certain circumstances; amending Minnesota Statutes 1984, section 62E.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

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

S.F. No. 944: A bill for an act relating to the state university board; authorizing it to sell and maintain computers and related products; amending Minnesota Statutes 1984, section 136.24.

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

Page 1, line 16, delete "(a) In order to" and insert "The state university board may sell computers and related products to its staff and students to advance their instructional and research abilities. The board shall contract with a private vendor for service, maintenance, and support for computers and related products sold by the board."

Page 1, delete lines 17 to 24

Page 1, after line 24, insert:

"Sec. 2. [136.622] [COMPUTER SALES AND MAINTENANCE.]

*The state board for community colleges may sell computers and related products to its staff and students to advance their instructional and research abilities. The board shall contract with a private vendor for service, maintenance, and support for computers and related products sold by the board.*

Sec. 3. Minnesota Statutes 1984, section 136C.04, is amended by adding a subdivision to read:

*Subd. 18. [COMPUTER SALES AND MAINTENANCE.] The state board of vocational technical education may sell computers and related products to its staff and students to advance their instructional and research abilities. The board shall contract with a private vendor for service, maintenance, and support for computers and related products sold by the board."*

Page 2, line 1, delete "Section 1 is" and insert "Sections 1, 2, and 3 are"

Renumber the section in sequence

Delete the title and insert:

"A bill for an act relating to education; authorizing the sale of computers and related products by the state university board, state board for community colleges, and state board of vocational technical education; requiring contracts with private vendors for service, maintenance, and support; amending Minnesota Statutes 1984, sections 136.24; and 136C.04, by adding a subdivision; proposing coding for new law in Minnesota Statutes 1984, chapter 136."

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

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

S.F. No. 946: A bill for an act relating to higher education; allowing systems to spend appropriations for scholarships; authorizing the collection and setoff of debts to the state university system; authorizing state universities to make and enforce parking rules on their property; permitting payroll deductions in the state university system for a certain nonprofit university foundation; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 135A and 136.

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

Delete everything after the enacting clause and insert:

"Section 1. [135A.09] [ACADEMIC SCHOLARSHIPS.]

*The state university board, state board for community colleges, and state board of vocational technical education may use up to one percent of its direct appropriations for academic scholarships. The scholarships shall be awarded according to board guidelines that consider academic achievement and not financial need. A scholarship may not exceed the amount of tuition for a full-time resident student.*

Sec. 2. [136.311] [STATE UNIVERSITY PARKING RULES.]



*Subdivision 1. [AUTHORITY.] Notwithstanding section 169.966, the state university board may authorize a state university to adopt and enforce rules about parking on property owned or leased by the university. The rules may enable a university to assess and collect a fine and a towing fee for a violation of a rule. Money collected under this section by a state university is annually appropriated to the university for parking lot maintenance, improvement, and rule enforcement. A state university, with the approval of the state university board, shall establish procedures to resolve a dispute arising from enforcement of a rule. The provisions of chapter 14 shall not apply to this section.*

Sec. 3. Minnesota Statutes 1984, section 487.30, is amended by adding a subdivision to read:

*Subd. 3a. [JURISDICTION; STUDENT LOANS.] Notwithstanding the provisions of subdivision 1 or any rule of court to the contrary, the conciliation court has jurisdiction to determine a civil action commenced by a plaintiff educational institution, including but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of the county under the following conditions:*

*(a) the student loan or loans were originally awarded in the county in which the conciliation court is located;*

*(b) the loan or loans are overdue at the time the action is commenced;*

*(c) the amount of any single loan sought to be recovered does not exceed \$2,500;*

*(d) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and*

*(e) the notice states that the educational institution may commence a conciliation court action in the county where the loan was awarded to recover the amount of the loan.*

*Notwithstanding any law or rule of civil procedure to the contrary, a summons in any action commenced under this subdivision may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the overdue loan or loans to the summons before it is issued.*

Sec. 4. Minnesota Statutes 1984, section 488A.12, subdivision 3, is amended to read:

*Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try, and determine civil actions at law where the amount in controversy does not exceed the sum of \$1,250. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.*

*(b) Notwithstanding the provisions of paragraph (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a*

deposit on rental property located in whole or in part in Hennepin county, and the summons in the action may be served anywhere within the state of Minnesota.

(c) Notwithstanding the provisions of paragraph (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine a civil action commenced by a plaintiff, a resident of Hennepin county, to recover the amount of a dishonored check issued in the county, even though the defendant or defendants are not residents of Hennepin county, if the notice of nonpayment or dishonor described in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check may commence a conciliation court action in the county where the dishonored check was issued to recover the amount of the check. This clause does not apply to a check that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check to the summons before it is issued.

*(d) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine a civil action commenced by a plaintiff educational institution including, but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of Hennepin county under the following conditions:*

*(1) the student loan or loans were originally awarded in Hennepin county;*

*(2) the loan or loans are overdue at the time the action is commenced;*

*(3) the amount of any single loan sought to be recovered does not exceed \$2,500;*

*(4) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and*

*(5) the notice states that the educational institution may commence a conciliation court action in Hennepin county to recover the amount of the loan.*

*Notwithstanding any law or rule of civil procedure to the contrary, a summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the overdue loan or loans to the summons before it is issued.*

Sec. 5. Minnesota Statutes 1984, section 488A.29, subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1,250. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) Notwithstanding the provisions of paragraph (a) or any rule of court to

the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere in the state of Minnesota.

(c) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine a civil action commenced by a plaintiff, resident of Ramsey county, to recover the amount of a dishonored check issued in the county, even though the defendant or defendants are not residents of Ramsey county, if the notice of nonpayment or dishonor described in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check may commence a conciliation court action in the county where the dishonored check was issued to recover the amount of the check. This clause does not apply to a check that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check to the summons before it is issued.

(d) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine a civil action commenced by a plaintiff educational institution, including but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of Ramsey county under the following conditions:

- (1) the student loan or loans were originally awarded in Ramsey county;
- (2) the loan or loans are overdue at the time the action is commenced;
- (3) the amount of any single loan sought to be recovered does not exceed \$2,500;
- (4) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and
- (5) the notice states that the educational institution may commence a conciliation court action in Ramsey county to recover the amount of the loan.

Notwithstanding any law or rule of civil procedure to the contrary, a summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the overdue loan or loans to the summons before it is issued.

#### Sec. 6. [136.89] [STATE UNIVERSITY NONPROFIT FOUNDATION PAYROLL DEDUCTIONS.]

Subdivision 1. [REQUEST; WARRANT.] The commissioner of finance, upon the written request of an employee of a state university or the state university board, may deduct each payroll period from the salary or wages of the employee the amount requested for payment to a nonprofit university foundation meeting the requirements in subdivision 2. The commissioner

shall issue a warrant for the deducted amount to the nonprofit foundation.

*Subd. 2. [FOUNDATION APPLICATION; APPROVAL.] A nonprofit foundation that desires to receive contributions through payroll deductions shall apply to the state university board for approval to participate in the payroll deduction plan. The board may approve the application for participation if the foundation:*

*(1) is tax exempt under section 501(c)3 of the Internal Revenue Code of 1954, as amended;*

*(2) qualifies for tax deductible contributions under section 170 of the Internal Revenue Code of 1954, as amended;*

*(3) secures funding solely for distribution to that state university; and*

*(4) has been incorporated according to chapter 317 for at least one calendar year prior to the date it applies to the state university board for approval.*

*Subd. 3. [SOLICITATION.] Efforts to secure payroll deductions authorized in subdivision 1 shall not interfere with, require a modification of, nor be conducted during the period of a payroll deduction fund drive for employees authorized by section 309.501.*

#### Sec. 7. [EFFECTIVE DATE.]

*Section 1 is effective July 1, 1985."*

Delete the title and insert:

"A bill for an act relating to education; authorizing post-secondary boards to award scholarships based on academic achievement; providing conciliation court with jurisdiction to determine actions brought by educational institutions to recover student loans; authorizing state universities to adopt and enforce parking rules on their property; permitting payroll deductions for employees of state universities and the state university board for an eligible nonprofit university foundation; amending Minnesota Statutes 1984, sections 487.30, by adding a subdivision; 488A.12, subdivision 3; and 488A.29, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 135A and 136."

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

S.F. No. 1002: A bill for an act relating to the Minnesota historical society; requiring it to develop instructional materials on Minnesota history; appropriating money.

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

Page 1, line 15, delete "7" and insert "8"

Page 2, after line 12, insert:

"Sec. 5. [STUDY OF FOND DU LAC REGION.]

*The director shall study the feasibility of developing the tourist potential of the Fond du Lac region based on its historical character and report to the legislature by January 1, 1987."*

Page 2, line 32, delete "6" and insert "7"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing for a study of the tourist potential of the Fond du Lac region;"

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

S.F. No. 624: A bill for an act relating to human rights; adding the Roy Wilkins memorial to the list of state monuments; establishing a memorial to Roy Wilkins for placement in the Capitol complex; providing for a competition to select a designer; appropriating money; amending Minnesota Statutes 1984, section 138.585, by adding a subdivision.

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

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

S.F. No. 1192: A bill for an act relating to education; changing the name of and provisions about the Minnesota school for the deaf and the Minnesota braille and sight saving school; amending Minnesota Statutes 1984, sections 128A.01; 128A.02; 128A.03; and 128A.05.

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.] The legislature intends to continue the operation of the residential academies for the deaf, for the blind, and multiple handicapped. The academies shall provide a residential learning program for students with the following handicapping conditions: hearing impairment, visual impairment, and multiple handicaps. The learning program shall be a developmental program that provides instruction to address motor, cognitive, language, emotional, and social development in the classroom and dormitory. The learning program shall be designed to help students acquire knowledge, skills, and positive attitudes toward self and others that will enable them to solve problems, continue learning, and develop maximum potential for leading productive fulfilling lives.*

Sec. 2. Minnesota Statutes 1984, section 128A.01, is amended to read:

128A.01 [LOCATION.]

The Minnesota ~~school~~ *state academy* for the deaf and the Minnesota ~~braille and sight-saving school~~ *state academy* for the blind shall be continued at

Faribault, and shall be grouped and classed with the educational institutions of the state.

Sec. 3. Minnesota Statutes 1984, section 128A.02, is amended to read:

128A.02 [~~TRANSFER OF AUTHORITY~~ STATE BOARD DUTIES AND POWERS.]

Subdivision 1. The state board of education ~~shall be~~ is responsible for the control, management and administration of the Minnesota ~~school~~ state academy for the deaf and the Minnesota ~~braille and sight-saving school~~ state academy for the blind; ~~and all the property real or personal appertaining thereto.~~ At the request of the state board, the department of education shall be responsible for program leadership, program monitoring, and technical assistance at the academies. The department shall assist the state board in the preparation of reports.

Subd. 1a. For the purpose of the programs listed in this subdivision, the academies are a school district and may participate in the following:

- (1) basic skills program under section 121.495;
- (2) subject area in-service training under section 121.601;
- (3) instructional effectiveness plan and training under sections 121.608 and 121.609;
- (4) the Minnesota academic excellence act under section 121.612;
- (5) advanced academic credit under section 123.3513;
- (6) ECSUs under section 123.58;
- (7) in-service training programs under section 123.581;
- (8) the planning, evaluating, and reporting process under sections 123.741 to 123.7431;
- (9) gifted and talented aid under section 124.247;
- (10) limited English proficiency program aid under section 124.273;
- (11) chemical abuse aid and instruction under sections 124.246 and 126.031;
- (12) programs of excellence under sections 126.60 to 126.64;
- (13) the pupil fair dismissal act under sections 127.26 to 127.42; and
- (14) all grant programs under chapter 129B.

Participation in programs listed in this subdivision may not result in payment of aid or a grant to the academies and another school district for the same pupil.

Subd. 1b. By July 1, 1986, the academies shall comply with the uniform financial accounting and reporting system under sections 121.90 to 121.917, subject to variances developed by the advisory council and adopted by the state board.

Subd. 2. The state board ~~may~~ shall promulgate rules regarding the operation of both ~~schools~~ academies and the individuals in attendance, and shall

perform all duties necessary to provide the most beneficial and least restrictive program of education for each child handicapped by visual disability or hearing impairment.

*Subd. 2a. The state board shall develop a two-year plan for the academies and update it annually. The plan shall include at least the following:*

- (1) interagency cooperation;*
- (2) financial accounting;*
- (3) cost efficiencies;*
- (4) staff development;*
- (5) program and curriculum development;*
- (6) use of technical assistance from the department;*
- (7) criteria for program and staff evaluation;*
- (8) pupil performance evaluation;*
- (9) follow-up study of graduates;*
- (10) implementation of the requirements of chapter 128A;*
- (11) communication procedures with districts of pupils attending the academies; and*
- (12) coordination between the instructional and residential programs.*

*The state board shall submit the plan and recommendations for improvement to the education committees of the legislature by January 15 of each odd-numbered year.*

*Subd. 3. The state board may employ central administrative staffs and other personnel as necessary to provide and support programs and services in each school academy. The board may place the position of the residential school administrator in the unclassified service if the position meets the criteria established in section 43A.08, subdivision 1a. Professional supervisory staff shall serve in the unclassified service. These schools academies shall be deemed to be public schools for the purposes of sections 125.03 and 125.04, and all teachers as defined in those sections who are employed at these schools academies shall be subject to the standards of the board of teaching and the state board of education; provided that any teacher who does not meet these standards as of July 1, 1977 shall be required to meet these standards by September 15, 1980 in order to continue in employment. Professional supervisory staff shall have appropriate post-secondary credits from a teacher education program for teachers of the deaf or blind and have experience in working with handicapped pupils.*

*Subd. 3a. All staff employed by the academy for the deaf are required to have sign language communication skills. Staff employed by the academy for the blind must be knowledgeable in Braille communication.*

*Subd. 4. The state board may enter into contracts with other public and private agencies and institutions to provide residential and building maintenance services if it determines that these services could thus be provided in a more efficient and less expensive manner. The state board may also enter*

into contracts with public and private agencies and institutions, school districts or combinations thereof, and educational cooperative service units to provide supplementary educational instruction and services, *including assessments and counseling.*

Subd. 5. The state board of education may by agreement with teacher preparing institutions or accredited institutions of higher education arrange for practical experience in the Minnesota ~~school~~ *academy* for the deaf and the Minnesota ~~braille and sight-saving school~~ *academy for the blind* for practice or student teachers, or for other students engaged in fields of study which prepare professionals to provide special services to handicapped children in school programs, who have completed not less than two years of an approved program in their respective fields. These student trainees shall be provided with appropriate supervision by a teacher licensed by the board of teaching or by a professional licensed or registered in the appropriate field of special services and shall be deemed employees of ~~the school for the deaf or the braille and sight-saving school~~ *either academy*, as applicable, for purposes of workers' compensation.

*Subd. 5a. The state board is encouraged to develop, in cooperation with the Faribault area vocational technical institute and the Austin community college, or any other public post-secondary institution, courses of instruction to train individuals for employment as dormitory staff.*

*The state board shall develop a statement of necessary qualifications and skills for dormitory staff.*

Subd. 6. The rules of the state board pursuant to this section shall establish procedures for admission to, *including short-term admission*, and discharge from the ~~schools~~ *academies*, for decisions on a child's program at the schools and for evaluation of the progress of children enrolled in the ~~schools~~ *academies*. *Discharge procedures must include reasonable notice to the district of residence.* These procedures shall guarantee children and their parents appropriate procedural safeguards, including a review of the placement determination made pursuant to sections 120.17 and 128A.05, and the right to participate in educational program decisions. Notwithstanding the provisions of section 14.02, proceedings concerning admission to and discharge from the schools, a child's program at the schools and a child's progress at the schools shall not be deemed to be contested cases subject to sections 14.01 to 14.70 but shall be governed instead by the rules of the state board pursuant to this section.

Sec. 4. Minnesota Statutes 1984, section 128A.03, is amended to read:

#### 128A.03 [ADVISORY COUNCIL.]

Subdivision 1. The state board of education ~~may~~ *shall* appoint an advisory task force on the Minnesota ~~School~~ *state academy* for the Deaf and ~~an advisory task force on the Minnesota braille and sight-saving School~~ *state academy for the blind* to advise the board on policies pertaining to the control, management, and administration of these schools.

Subd. 2. ~~If created~~ The members shall be representative of the various geographic regions of the state, shall include parents or guardians of visually disabled or hearing impaired children, shall include a staff representative of the applicable school, and shall include two representatives from groups



representing the interests of visually disabled or hearing impaired individuals, as applicable. All members shall have knowledge, experience and interest in the problems of visually disabled or hearing impaired children.

Subd. 3. The task forces shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

Sec. 5. Minnesota Statutes 1984, section 128A.05, is amended to read:

128A.05 [ATTENDANCE.]

Subdivision 1. Any individual who is ~~between four and 21 years of age and who is deaf or hard of hearing impaired shall be~~ is entitled to attend the ~~school academy~~ for the deaf if it is determined pursuant to the provisions of section 120.17, ~~and that the nature or severity of the hearing impairment is such that education in regular or special education classes provided for by the school district of residence cannot be achieved satisfactorily and that attendance at the school would be the least restrictive alternative for that individual. A deaf or hearing impaired child also may be admitted to acquire socialization skills. Short-term admission for skills development is also permitted.~~ Nothing in this subdivision shall be construed as a limitation on the attendance at this school of children who have other handicaps in addition to being deaf or ~~hard of hearing impaired~~.

Subd. 2. Any individual who is ~~between four and 21 years of age and who is blind visually impaired, blind-deaf, or partially seeing multiple handicapped shall be~~ is entitled to attend the ~~braille and sight-saving school academy for the blind~~ if it is determined pursuant to the provisions of section 120.17, ~~and that the nature or severity of the visual impairment is such that education in regular or special education classes provided for by the school district of residence cannot be achieved satisfactorily and that attendance at the school academy would be the least restrictive alternative for that individual. A visually impaired child may be admitted to acquire socialization skills. Short term admission for skills development is also permitted.~~ Nothing in this subdivision shall be construed as a limitation on the attendance at this ~~school academy~~ of children who have other handicaps in addition to being blind or ~~partially seeing visually impaired~~.

Subd. 3. Attendance at the ~~school academy~~ for the deaf and the ~~braille and sight-saving schools academy for the blind shall be~~ is subject to the compulsory attendance provisions of section 120.10 except that attendance may be excused pursuant to that section by the commissioner of education or his designee. Any person failing to comply with the provisions of section 120.10 ~~shall be~~ is subject to the provisions of section 120.12. The superintendent of the applicable school shall exercise the duties imposed by section 120.12. Attendance at the ~~school academy~~ for the deaf or the ~~braille and sight-saving school academy for the blind~~ shall fulfill the mandatory requirements of section 120.17. ~~The academies are subject to sections 127.26 to 127.39.~~

Sec. 6. [UFARS VARIANCES.]

*The advisory council on uniform financial accounting and reporting standards shall develop variances to the standards to account for the unique financial status of the academies. The development of the variances shall be reported to the state board by December 31, 1985.*

Sec. 7. [REPORT.]

*By February 15, 1986, the state board shall submit a progress report to the education committees of the legislature on the status of the academies in meeting statutory provisions relating to the academies.*

Sec. 8. [EFFECTIVE DATE.]

*Section 3, subdivision 3, is effective July 1, 1985."*

Amend the title as follows:

Page 1, line 4, after the semicolon insert "authorizing participation in certain state programs; requiring development of a two-year plan; declassifying professional supervisory staff;"

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. 87: A bill for an act relating to agriculture; changing requirements for state livestock weighing services; removing the limitation on certain fees; amending Minnesota Statutes 1984, sections 17A.10, subdivision 2; and 17A.11.

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

Pages 1 and 2, delete section 1

Page 2, line 15, strike "The fee assessed must be the same, and"

Page 2, strike line 16

Page 2, line 17, strike "facilities."

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 2 and 3, delete "changing requirements for state livestock weighing services;"

Page 1, line 4, after "fees" insert "for state livestock weighing services"

Page 1, line 5, delete "sections 17A.10, subdivision 2; and" and insert "section"

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. 664: A bill for an act relating to natural resources; revising the boundaries of certain state forests; creating a new state forest; amending Minnesota Statutes 1984, section 89.021, subdivisions 18, 28, 33, and by adding a subdivision.

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

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

H.F. No. 537 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.
537	552				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 537 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 537 and insert the language after the enacting clause of S.F. No. 552, the first engrossment; further, delete the title of H.F. No. 537 and insert the title of S.F. No. 552, the first engrossment.

And when so amended H.F. No. 537 will be identical to S.F. No. 552, and further recommends that H.F. No. 537 be given its second reading and substituted for S.F. No. 552, 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. 604 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.
604	540				

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. 535 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.
535	589				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 535 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 535 and insert the language after the enacting clause of S.F. No. 589, the first engrossment; further, delete the title of H.F. No. 535 and insert the title of S.F. No. 589, the first engrossment.

And when so amended H.F. No. 535 will be identical to S.F. No. 589, and further recommends that H.F. No. 535 be given its second reading and substituted for S.F. No. 589, 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. 850 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.
850	673				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 850 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 850 and insert the language after the enacting clause of S.F. No. 673, the first engrossment; further, delete the title of H.F. No. 850 and insert the title of S.F. No. 673, the first engrossment.

And when so amended H.F. No. 850 will be identical to S.F. No. 673, and further recommends that H.F. No. 850 be given its second reading and substituted for S.F. No. 673, 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. 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:

#### WASTE MANAGEMENT BOARD Ernest Lund

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. Moe, R.D. from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35:

S.F. Nos. 1252 and 1351 reports the same back with the recommendation

that the bills be re-referred as follows:

S.F. No. 1252 to the Committee on Transportation.

S.F. No. 1351 to the Committee on Local and Urban Government.

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. 1092: A bill for an act relating to human services; establishing a new administration system for certain programs; providing for distribution of system costs; establishing a county services revolving account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Reports the same back with the recommendation that the report from the Committee on Health and Human Services, shown in the Journal for March 28, 1985, be amended to read: "the bill do pass and be re-referred to the Committee on Finance." 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. 945: A bill for an act relating to post-secondary education; authorizing the setting of salaries of chief executives; reenacting authority for the state university board to set salaries of executives other than the chancellor; amending Minnesota Statutes 1984, section 135A.07, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 136; repealing Minnesota Statutes 1984, section 135A.07, subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Education, shown in the Journal for March 28, 1985, be amended to read: "the bill be amended and when so amended the bill do pass and be re-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 under Rule 35, together with the committee report thereon,

S.F. No. 912: A bill for an act relating to human services; providing state hospital revolving fund for chemical dependency; creating a consolidated fund for payment of chemical dependency treatment; appropriating money to counties for treatment; providing for client eligibility, vendor eligibility, and state collections; providing for American Indian special funding; removing chemical dependency treatment from medical assistance, general assistance medical care, and general assistance funding; amending Minnesota Statutes 1984, sections 246.04; 246.18; 246.23; 246.50, by adding a subdivision; 246.51, subdivision 1; 246.54; 256B.02, subdivision 8; 256B.70; and 256D.03, subdivision 4; proposing coding for new law in Minnesota Stat-

utes, chapter 246; and proposing coding for new law as Minnesota Statutes, chapter 254B.

Reports the same back with the recommendation that the report from the Committee on Health and Human Services, shown in the Journal for March 28, 1985, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass and be referred to the Committee on Finance." 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. 438: A bill for an act relating to local government; excluding firefighters and peace officers from a political subdivisions job evaluation system; amending Minnesota Statutes 1984, sections 471.994; and 471.998, subdivision 1.

Reports the same back with the recommendation that the report from the Committee on Employment, shown in the Journal for March 28, 1985, 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. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 1169: A bill for an act relating to metropolitan government; metropolitan transit; establishing requirements relating to membership on the regional transit board; funding the local transit subsidy program; providing for the distribution of local transit assistance funds in the metropolitan area by the regional transit board; extending unclassified coverage to certain employees; giving the transit board condemnation authority; expanding the transit commission to five members and providing per diem compensation for its chair; making various changes in contract transit programs; authorizing issuance of bonds by the board; giving the board authority over regular route fares; appropriating money; amending Minnesota Statutes 1984, sections 15.0591, subdivision 2; 174.32, subdivisions 1 and 2; 352D.02, subdivision 1; 473.373, subdivision 4; 473.375, subdivision 4; 473.384, subdivision 6; 473.386, subdivision 2; 473.39, by adding a subdivision; 473.404, subdivisions 2, 3, and 7; and 473.408, by adding a subdivision.

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

Page 3, after line 14, insert:

"Sec. 4. Minnesota Statutes 1984, section 174.32, subdivision 3, is amended to read:

Subd. 3. [ELIGIBLE RECIPIENTS.] A legislatively established public transit commission; a public authority organized and existing under chapter

398A; a county or statutory or home rule charter city operating, intending to operate, or providing financial assistance to a transit service; a rail authority; or a private operator of public transit is eligible for assistance under the program. *The National Railroad Passenger Corporation, known as Amtrak, is not eligible for assistance under the program.*"

Page 4, line 17, delete "a"

Page 4, delete line 18

Page 4, line 19, delete "commission,"

Pages 7 and 8, delete sections 10 and 11 and insert:

"Sec. 11. [473.395] [METROPOLITAN TAXICAB COMMISSION.]

*Subdivision 1. [CREATION.] The metropolitan taxicab commission is created.*

*Subd. 2. [MEMBERSHIP.] The commission shall consist of seven members appointed by the regional transit board. Membership of the taxicab commission must be representative of the interests of the riding public, the business community in the metropolitan area, the taxicab industry in the metropolitan area, and the local units of government in the metropolitan area. No more than two members may at any time be officials or employees of a municipality or other governmental entity. Appointments to the commission are not subject to the advice and consent of the senate.*

*Subd. 3. [TERMS.] With the exception of the initial terms of four members, the term of each member shall be three years. The initial terms of members shall commence on August 1, 1985. Three members shall be appointed to an initial term of three years. Two members shall be appointed to an initial term of two years. Two members shall be appointed to an initial term of one year. Members shall serve until a qualified successor is appointed.*

*Subd. 4. [OFFICERS.] The chair of the board shall name the initial chair of the commission. The initial chair shall serve until January 1987. Thereafter, the commission shall annually elect a chair, and other officers it deems necessary, from its members. The annual election of officers shall occur during the month of January of each year. All meetings of the commission are at the call of the chair. The chair shall preside at all meetings of the commission and may perform other duties assigned by the commission or by law.*

*Subd. 5. [REMOVAL; VACANCIES.] Members may be removed by the regional transit board only for cause in the manner specified in chapter 351. If the office of a member becomes vacant under the conditions specified in chapter 351, the vacancy must be filled in the same manner in which appointment to that office was made.*

*Subd. 6. [COMPENSATION.] Each commission member must be compensated as provided in section 473.141, subdivision 7.*

*Subd. 7. [ADMINISTRATION.] The chair of the commission may appoint a chief administrator to serve at the chair's pleasure subject to the approval of the commission. The chief administrator shall attend all commission meetings but shall not vote. The chief administrator shall hire all employees of the commission. All persons employed by the chief administrator must be public*

*employees. Compensation and other conditions of employment for employees shall not be governed by any rule applicable to state employees in the classified service unless the commission so provides.*

**Sec. 12. [473.3951] [DEFINITIONS.]**

*Subdivision 1. [SCOPE.] The terms used in sections 10 to 25 have the meanings given them in this section.*

*Subd. 2. [BOARD.] "Board" means the regional transit board.*

*Subd. 3. [COMMISSION.] "Commission" means the metropolitan taxicab commission.*

*Subd. 4. [METROPOLITAN AREA.] "Metropolitan area" means the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.*

*Subd. 5. [LIMOUSINE.] "Limousine" means a plainly painted, unmarked motor vehicle which carries passengers for hire, is driven by a uniformed chauffeur, is subject to call only from its garage or central place of business, and charges its customers a flat rate by the trip or by the hour, day, or longer period of time which is greater than the taxicab rate for a comparable trip.*

*Subd. 6. [PERSON.] "Person" means an individual, partnership, firm, association, or corporation.*

*Subd. 7. [TAXICAB.] "Taxicab" means a passenger automobile that transports persons and their luggage for hire. Taxicab does not include a limousine, hotel van, or livery.*

**Sec. 13. [473.3952] [POWERS; RULES.]**

*The commission has the power to:*

- (1) establish equipment standards for taxicabs;*
- (2) establish safety and service standards, including standards and procedures for vehicle inspection;*
- (3) set rates for fares in the metropolitan area;*
- (4) issue, reissue, suspend, modify, or revoke licenses;*
- (5) set and collect license applications, issuance or reissuance fees, and renewal fees;*
- (6) establish a taxicab driver training program;*
- (7) establish procedures for the assignment or transfer of licenses; and*
- (8) adopt rules of procedure for commission business.*

*The commission may adopt equipment, safety, and service standards, including taxicab inspection standards, and set rates for fares and license application, issuance, and reissuance fees only after notice and opportunity for hearing.*

*Chapter 14 will apply to the commission's exercise of its rulemaking authority. In exercising its powers, the commission shall give due consideration to the economic impact of any proposed action on taxicabs operating in*



*the metropolitan area before the effective date of this section.*

**Sec. 14. [473.3953] [LICENSE REQUIRED; RULES.]**

*After January 1, 1987, no person may operate a taxicab within the metropolitan area without a license issued by the commission. The commission shall adopt rules by May 1, 1986, for the application for licenses; for the issuance, reissuance, suspension, modification, or revocation of licenses; and for the amount of license application, issuance, or reissuance fees.*

**Sec. 15. [473.3954] [LICENSE SUSPENSION, REVOCATION; HEARING REQUIREMENTS.]**

*The commission may suspend or revoke a license only after notice and hearing under chapter 14. Every decision and order of the commission regarding suspension or revocation of licenses must be in writing, based on the record, and include findings of fact and conclusions on all material issues. A copy of the decision and order must be served upon each party to the hearing by first class mail. The decision and order of the commission may be appealed to the board.*

**Sec. 16. [473.3955] [APPEAL PROCEDURE.]**

*Appeal from the commission's decision and order may be instituted within 30 days by petition served upon the commission and the board. The board shall adopt procedures for review of appeals, by May 1, 1986. The board's review is confined to the record.*

**Sec. 17. [473.3956] [IDENTIFICATION.]**

*The commission shall assign a license number to each operator that has been issued a license. The license number must be prominently displayed on both sides of vehicles used by the taxicab operator under the authority of the license. The commission shall annually furnish the operator with an identification card for each vehicle to be operated under the license. The identification card must be carried at all times in the vehicle to which it has been assigned.*

**Sec. 18. [473.3957] [INSURANCE.]**

*The operator of a taxicab shall secure and file with the commission evidence of public liability and indemnity insurance in the amount and in the form prescribed by the commission covering injuries and damages to persons and property arising from the operation of the taxicab. Insurance issued to comply with this section must provide the commission with written notice of cancellation or nonrenewal of the policy.*

**Sec. 19. [473.3958] [RULES FOR SAFETY AND SERVICE.]**

*The commission shall adopt rules governing taxicab operation, by March 1, 1986. The rules may include standards for vehicle safety, qualification of drivers, installation of safety devices, condition of vehicles, vehicle inspections, display of rates, maximum hours of service for drivers, and other rules necessary to administer and enforce these standards.*

**Sec. 20. [473.3959] [INSPECTION.]**

*The commission shall annually inspect or contract for inspection of each vehicle operated or proposed to be operated under a taxicab license.*

## Sec. 21. [473.396] [DRIVER TRAINING.]

*The commission shall establish a program by January 1, 1986, for training metropolitan area taxicab drivers. The training must include instruction in safe driving techniques, first aid, and other emergency techniques. The successful completion of the training program may be required by the commission as a condition of obtaining a taxicab license.*

## Sec. 22. [473.3961] [FEES.]

*The fees collected by the commission for license applications or for the issuance or reissuance of licenses may be used to pay for the administrative and legal costs of the commission.*

## Sec. 23. [473.3962] [ENFORCEMENT.]

*Sections 12 and 16 to 20 may be enforced by the commission by any one or any combination of the following: license suspension or revocation, civil action to compel performance, injunction, or other appropriate action.*

## Sec. 24. [473.3963] [COOPERATION AGREEMENTS.]

*The commission may enter into agreements with local governmental authorities or the regional transit board to exercise all or some of the powers of the commission.*

## Sec. 25. [473.3964] [RELATIONSHIP TO BOARD.]

*Subdivision 1. [REVIEW.] Rules, standards, or procedures proposed by the commission under section 12, 13, 18, 19, or 20 must be reviewed by the board for consistency with the policy and goals set forth in section 473.371 before adoption by the commission.*

*Subd. 2. [BUDGET.] The commission shall propose an annual budget to the board on November 1, 1986, and August 1 of each year thereafter. The board's budget and financial plan required by section 473.38 must include the commission's budget.*

## Sec. 26. [473.3965] [LOCAL REGULATION.]

*Local regulation of taxicabs and taxicab operators remains in effect until January 1, 1987. Ordinances adopted before the effective date of this section remain in effect until January 1, 1987, except that no new licenses may be issued to a taxicab operator by a municipality and no municipality may limit reciprocity after the effective date of this section. This section does not preclude replacement of taxicabs licensed before the effective date of this section. After January 1, 1987, a city or county in the metropolitan area or the metropolitan airports commission may continue to regulate traffic matters, including taxicab stands."*

Page 8, after line 12, insert:

"Sec. 28. Minnesota Statutes 1984, section 473.405, subdivision 12, is amended to read:

Subd. 12. [MANAGEMENT CONTRACTS.] Notwithstanding any of the other provisions of sections 473.401 to 473.451, the commission may, in lieu of directly operating any public transit system or any part thereof, enter into contracts for management services. The contracts may provide for compen-

sation, incentive fees, the employment of personnel, the services provided, and other terms and conditions that the commission deems proper.

The commission may not permit a contract manager to supervise or manage internal audit activities. Internal audit activity must be supervised and managed directly by the commission. The commission shall advertise for bids and select contracts for management services through competitive bidding. The term of the contract may not be longer than two years. The contract must include clear operating objectives, stating the service policies and goals of the commission in terms of the movement of various passenger groups, and performance criteria, by means of which success in achieving the operating objectives can be measured. ~~Employees of a contract manager may serve only in the operations division.~~ The commission shall consider and determine the feasibility and desirability of having all its transit management services provided internally by employees of the commission.

The employees of any public transit system operated pursuant to the provisions of this subdivision for the purpose of resolving any dispute arising under any existing or new collective bargaining agreement relating to the terms or conditions of their employment, may either engage in a concerted refusal to work or to invoke the processes of final and binding arbitration as provided by chapter 572, subject to any applicable provisions of the agreement not inconsistent with law."

Page 8, after line 28, insert:

"Sec. 30. [LEGISLATIVE REPORT.]

*By January 1, 1988, the regional transit board shall report to the legislature on the status of implementation of the metropolitan taxicab licensing program and the economic effects of the program on the taxicab industry. The report may include recommendations for legislative action, if appropriate.*

Sec. 31. [APPROPRIATION.]

*\$\_\_\_\_\_ is appropriated from the general fund to the regional transit board for transfer to the metropolitan taxicab commission to administer sections 10 to 25 and 30 to be available until June 30, 1987. The commission is authorized three complement positions."*

Page 10, line 14, delete "12" and insert "26"

Page 10, delete line 17, and insert:

*"Sections 1 to 9, 26 to 29, 32, and 33 are effective July 1, 1985. Sections 10 to 25, 30, and 31 are effective the day following final enactment."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, before "extending" insert "limiting the use of transit assistance funds;"

Page 1, line 9, after the semicolon, insert "creating the metropolitan taxicab commission;"

Page 1, delete line 10

Page 1, line 11, delete "its" and insert "the"

Page 1, line 11, after "chair" insert "of the commission"

Page 1, line 14, after the semicolon insert "regulating management contracts;"

Page 1, line 17, delete "and" and insert a comma and after "2" insert "and 3"

Page 1, line 20, delete "subdivisions 2, 3, and" and insert "subdivision"

Page 1, line 20, after "7;" insert "473.405, subdivision 12;"

Page 1, line 21, after "subdivision" insert "; proposing coding for new law in Minnesota Statutes, chapter 473"

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

### SECOND READING OF SENATE BILLS

S.F. Nos. 1000, 1279, 86, 658, 880, 45, 981, 821, 1007, 944, 87 and 664 were read the second time.

### SECOND READING OF HOUSE BILLS

H.F. Nos. 537, 604, 535 and 850 were read the second time.

### MOTIONS AND RESOLUTIONS

Mr. Knaak moved that his name be stricken as a co-author to S.F. No. 645. The motion prevailed.

Mr. Merriam moved that the name of Mr. Novak be added as a co-author to S.F. No. 1097. The motion prevailed.

Mr. Vega moved that the names of Messrs. Kroening, Waldorf and Mrs. Lantry be added as co-authors to S.F. No. 1352. The motion prevailed.

Mr. Solon moved that the name of Mr. Johnson, D.J. be added as a co-author to S.F. No. 1360. The motion prevailed.

Mr. Solon moved that the name of Mr. Johnson, D.J. be added as a co-author to S.F. No. 1361. The motion prevailed.

Mr. Frederick introduced—

Senate Resolution No. 66: A Senate resolution congratulating the KoMets girls basketball team from Kasson-Mantorville High School for winning third place in the 1985 Class A Girls State High School Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. Wegscheid introduced—

Senate Resolution No. 67: A Senate resolution congratulating the Vernon and Olive Hupf family of rural Dakota county upon being selected Farm Family of the Year.

Referred to the Committee on Rules and Administration.

Mr. Moe, R.D. introduced—

Senate Concurrent Resolution No. 14: A Senate concurrent resolution relating to adjournment for more than three days.

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

1. Upon its adjournment on Thursday, April 4, 1985, the Senate may set its next day of meeting for Tuesday, April 9, 1985.

2. Pursuant to the Minnesota Constitution, Article IV, Section 12, the House of Representatives consents to the adjournment of the Senate for more than three days.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Novak introduced—

S.F. No. 1367: A bill for an act relating to metropolitan government; requiring the metropolitan mosquito control district to establish a research program to evaluate the effects of its control program on other fauna; amending Minnesota Statutes 1984, section 473.704, by adding a subdivision.

Referred to the Committee on Local and Urban Government.

Mr. Sieloff introduced—

S.F. No. 1368: A bill for an act relating to taxation; property; exempting certain property used to store aircraft; amending Minnesota Statutes 1984, section 272.02, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Sieloff introduced—

S.F. No. 1369: A bill for an act relating to retirement; authorizing transfer of certain coordinated plan service credit of a public employees retirement association member to the basic plan.

Referred to the Committee on Governmental Operations.

Mr. Sieloff introduced—

S.F. No. 1370: A bill for an act relating to retirement; authorizing retired St. Paul health bureau employees to rescind previously elected options and elect coverage under the public employees retirement association.

Referred to the Committee on Governmental Operations.

Mr. Sieloff introduced—

S.F. No. 1371: A bill for an act relating to courts; providing for transcript

fees in the second judicial district; amending Minnesota Statutes 1984, section 486.06; proposing coding for new law in Minnesota Statutes, chapter 486.

Referred to the Committee on Judiciary.

Mr. Schmitz introduced—

S.F. No. 1372: A bill for an act relating to real property; providing for federal public land survey monument records; amending Minnesota Statutes 1984, section 381.12, by adding a subdivision.

Referred to the Committee on Local and Urban Government.

Ms. Reichgott introduced—

S.F. No. 1373: A bill for an act relating to retirement; teachers; participation in variable annuity division; amending Minnesota Statutes 1984, section 354.62, subdivision 2; repealing Minnesota Statutes 1984, section 354.621.

Referred to the Committee on Governmental Operations.

Mr. Freeman introduced—

S.F. No. 1374: A bill for an act relating to state parks; concession fees at Fort Snelling State Park.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Chmielewski introduced—

S.F. No. 1375: A bill for an act relating to real property; allowing closed bids to be made by Fond du Lac governing body on tax-forfeited lands within the Fond du Lac reservation; proposing coding for new law in Minnesota Statutes, chapter 282.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. McQuaid introduced—

S.F. No. 1376: A bill for an act relating to education; authorizing the conveyance of certain lands from the state to independent school district No. 270; providing for the release of certain conditions and reservations contained in prior deeds.

Referred to the Committee on Education.

Mr. Johnson, D.J. introduced—

S.F. No. 1377: A bill for an act relating to taxation; exempting electricity sold for residential use from the sales tax; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Mehrkens, Belanger, Benson, Bernhagen and Laidig introduced—

S.F. No. 1378: A bill for an act relating to taxation; providing for the computation of interest on tax overpayments; amending Minnesota Statutes 1984, sections 270A.07, subdivision 5; 271.12; 290.50, subdivision 1; 290.92, subdivisions 11 and 13; 290.93, subdivision 9; 290.936; 290A.07, subdivisions 2a and 3; 291.18; 294.09, subdivision 1; 297A.35, subdivision 1; 298.09, subdivision 4; and 299.05; proposing coding for new law in Minnesota Statutes, chapter 270.

Referred to the Committee on Taxes and Tax Laws.

Mr. Schmitz introduced—

S.F. No. 1379: A bill for an act relating to transportation; county state-aid highway fund; repealing the 24-foot restriction in the calculation of money needs; changing the definitions of urban and rural counties; providing for apportionments in calendar years 1986 and 1987; amending Minnesota Statutes 1984, section 162.07, subdivisions 2, 3, and 4; proposing coding for new law in Minnesota Statutes, chapter 162.

Referred to the Committee on Transportation.

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

S.F. No. 1380: A bill for an act relating to game and fish; changing the opening date for the angling season; amending Minnesota Statutes 1984, section 101.41, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

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

S.F. No. 1381: A bill for an act relating to retirement; highway patrol formula; amending Minnesota Statutes 1984, section 352B.08, subdivision 2.

Referred to the Committee on Governmental Operations.

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

S.F. No. 1382: A bill for an act relating to retirement; authorizing reimbursement of retired members of the state patrol retirement fund for the cost of medicare supplemental insurance; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 352B.

Referred to the Committee on Governmental Operations.

Messrs. Merriam and Freeman introduced—

S.F. No. 1383: A bill for an act relating to natural resources; requiring the state to acquire public access to a lake.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Isackson, Benson and Storm introduced—

S.F. No. 1384: A bill for an act relating to health; limiting recovery on

medical malpractice claims; creating a patient's compensation fund; creating a residual malpractice insurance authority; establishing medical review panels; proposing coding for new law as Minnesota Statutes, chapter 147A.

Referred to the Committee on Health and Human Services.

Mr. Johnson, D.E. introduced—

S.F. No. 1385: A bill for an act relating to energy; providing for the terms of payment for district heating and qualified energy improvement loans; amending Minnesota Statutes 1984, section 116J.36, subdivision 6.

Referred to the Committee on Energy and Housing.

Mr. Lessard introduced—

S.F. No. 1386: A bill for an act relating to game and fish; imposing a natural resources surcharge upon fines for game and fish violations; allocating the proceeds; amending Minnesota Statutes 1984, sections 97.49, by adding subdivisions; and 97.81, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Reichgott introduced—

S.F. No. 1387: A bill for an act relating to automobile insurance; requiring specific proof of insurance in motor vehicle registration; amending Minnesota Statutes 1984, section 65B.68, subdivision 2.

Referred to the Committee on Transportation.

Ms. Reichgott introduced—

S.F. No. 1388: A bill for an act relating to courts; clarifying the jurisdiction of the court of appeals to issue writs; amending Minnesota Statutes 1984, section 480A.06, subdivision 6.

Referred to the Committee on Judiciary.

Mr. DeCramer introduced—

S.F. No. 1389: A bill for an act relating to human services; requiring the state to pay interest on late payments to counties for certain human services programs; amending Minnesota Statutes 1984, section 256.01, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Mr. Bertram introduced—

S.F. No. 1390: A bill for an act relating to occupations and professions; barbers; providing for compensation of board members for the performance of their examination duties; amending Minnesota Statutes 1984, section 154.22.

Referred to the Committee on Economic Development and Commerce.

Mr. Bertram introduced—

S.F. No. 1391: A bill for an act relating to veterans; appropriating money



for use by the Military Order of the Purple Heart in assisting veterans to make claims against the United States government.

Referred to the Committee on Veterans and General Legislation.

Ms. Peterson, D.C.; Messrs. Solon and Chmielewski introduced—

S.F. No. 1392: A bill for an act relating to economic development; creating a state grant program for area labor-management committees; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Employment.

Mr. Storm introduced—

S.F. No. 1393: A bill for an act relating to independent school district No. 273, Edina, and independent school district No. 274, Hopkins, both in Hennepin county; providing for the transfer of territory from independent school district No. 274 to independent school district No. 273.

Referred to the Committee on Education.

Messrs. Pogemiller, Luther, Spear, Willet and Moe, R.D. introduced—

S.F. No. 1394: A bill for an act relating to the legislature; establishing a legislative public affairs broadcasting network; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Rules and Administration.

Mrs. Lantry introduced—

S.F. No. 1395: A bill for an act relating to health; authorizing inclusion of physical fitness therapies in grant programs for the mentally ill; amending Minnesota Statutes 1984, sections 245.73, by adding a subdivision; and 256E.12, subdivision 1.

Referred to the Committee on Health and Human Services.

### ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:45 p.m.; Wednesday, April 3, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate