

THIRTY-NINTH DAY

St. Paul, Minnesota, Tuesday, April 16, 1985

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

Prayer was offered by the Chaplain, Rev. Kenneth L. O'Hotto.

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 177.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 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. 472: A bill for an act relating to taxation; discontinuing enforcement of the unfair cigarette sales act; modifying certain procedures relating to taxpayer appeals; requiring apportionment of levies in specific situations; clarifying the calculation of property tax credits; clarifying the tax treatment of certain pipelines; modifying provisions relating to the payment of property taxes; allowing for sales of sample packs of cigarettes containing 25 ciga-

rettes; altering the eligibility for confessions of judgment; providing for the recording of state deeds; modifying the deed stamp tax procedure; clarifying the computation of gross earnings tax for taconite railroads; clarifying labor credit provisions; modifying the taconite production tax distribution; reducing occupation and royalty tax rates for certain ore; clarifying process of taconite aid guarantee phase out; requiring payment of current taxes before conveyance of registered land; allowing for memorializing of state deeds on certificates of title; amending Minnesota Statutes 1984, sections 270.06; 270.076, subdivision 2; 270.11, subdivision 7; 270.12, subdivision 3; 272.02, subdivision 1; 273.123, subdivision 5; 273.13, subdivision 4; 273.138, subdivision 5; 273.33, subdivisions 1 and 2; 279.01, subdivision 1; 279.37, subdivision 1; 282.01, subdivision 6; 282.014; 282.301; 282.33, subdivision 1; 282.36; 287.25; 294.22; 297.03, subdivision 10; 298.01, subdivision 1; 298.02, subdivision 1; 298.225; 298.28, subdivision 1; 299.01, subdivision 1; 299.012, subdivision 1; 473H.10, subdivision 3; 508.47, subdivision 4; 508.71, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 273; repealing Minnesota Statutes 1984, sections 298.01, subdivision 2; 299.01, subdivision 2; 325D.41; and 477A.04.

Senate File No. 472 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 1985

Mr. Moe, R.D. moved that S.F. No. 472 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 255, 401, 755, 779, 163, 580, 1198, 1388 and 1382.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 15, 1985

FIRST READING OF HOUSE BILLS

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

H.F. No. 255: A bill for an act relating to courts; practice and procedure in dram shop actions; amending Minnesota Statutes 1984, sections 340.95 and 340.951.

Referred to the Committee on Judiciary.

H.F. No. 401: A bill for an act relating to solid waste; repealing the exemption for certain solid waste disposal facilities from the certificate of need requirements; repealing Laws 1984, chapter 644, section 83.

Referred to the Committee on Agriculture and Natural Resources.

H.F. No. 755: A bill for an act relating to horseracing; authorizing the legislative auditor to perform certain audits; authorizing the commission to adopt certain medication rules; authorizing the attorney general to prosecute

certain felonies; amending Minnesota Statutes 1984, sections 240.02, by adding a subdivision; 240.24; and 240.26, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 678, now on General Orders.

H.F. No. 779: A bill for an act relating to taxation; changing certain income tax provisions relating to corporations; amending Minnesota Statutes 1984, sections 290.05, subdivision 1; 290.37, subdivision 1; 290.391; 290.42; and 290.931, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 822, now on General Orders.

H.F. No. 163: A resolution memorializing the President and Congress to design the 1985 farm bill to preserve the family farm system.

Referred to the Committee on Rules and Administration.

H.F. No. 580: A bill for an act relating to economic development; providing for the election of certain community development corporation directors; amending Minnesota Statutes 1984, section 116M.04, subdivision 6.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 1198: A bill for an act relating to local government; authorizing the creation of a youth coordinating board in the city of Minneapolis.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1152, now on General Orders.

H.F. No. 1388: A resolution memorializing the President, Congress, and the Secretary of Agriculture to require certain minimum levels of solids-not-fat in fluid milk marketed for direct human consumption.

Referred to the Committee on Agriculture and Natural Resources.

H.F. No. 1382: A bill for an act relating to courts; providing for transcript fees; amending Minnesota Statutes 1984, section 486.06.

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

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

H.F. No. 876: A bill for an act relating to hazardous waste; establishing a hazardous substance compensation trust account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B.

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

Delete everything after the enacting clause and insert:

“Section 1. [115B.051] [PROOF OF CAUSATION; LEGAL PRINCI-

PLES APPLICABLE.]

In any action brought under section 115B.05, or under any other law, to recover damages for death, personal injury, or disease arising out of the release of a hazardous substance:

(a) the enactment and subsequent repeal of section 115B.07, relating to proof of causation, shall not be construed in any way as a determination of legislative policy regarding the legal principles applicable to the proof of the causal connection between the release and the death, injury, or disease; and

(b) the legal principles applicable to the proof of causation shall be determined solely on the basis of applicable statutory and common law.

Sec. 2. [115B.25] [DEFINITIONS.]

Subdivision 1. [GENERAL.] The terms used in sections 3 to 14 have the definitions given them in section 115B.02 and this section.

Subd. 2. [BOARD.] "Board" means the hazardous substance injury compensation board established in section 4.

Subd. 3. [ELIGIBLE PROPERTY.] "Eligible property" means property damage that is eligible for compensation under section 6.

Subd. 4. [ELIGIBLE PERSONAL INJURY.] "Eligible personal injury" means personal injury that is eligible for compensation under section 6.

Subd. 5. [COMPENSABLE LOSS.] "Compensable loss" means a loss that is compensable under section 10.

Subd. 6. [FUND.] "Fund" means the hazardous substance injury compensation fund established in section 3.

Sec. 3. [115B.26] [HAZARDOUS SUBSTANCE INJURY COMPENSATION FUND.]

Subdivision 1. [ESTABLISHMENT.] A hazardous substance injury compensation fund is established as an account in the state treasury. The state treasurer shall credit to the fund account all amounts received by direct appropriation from the general fund as well as amounts received pursuant to sections 14 and 15. The state treasurer shall invest fund money pursuant to section 11A.25. Earnings, such as interest, dividends, and any other earnings arising from fund assets, must be credited to the fund.

Subd. 2. [APPROPRIATION.] The amount necessary to pay claims of compensation granted by the board under sections 3 to 14 is appropriated to the board from the hazardous substance injury compensation fund.

Subd. 3. [PAYMENT OF CLAIMS WHEN FUND INSUFFICIENT.] If the amount of the claims granted exceeds the amount in the fund, the board shall request a transfer from the general contingency fund to the hazardous substance injury compensation fund as provided in section 3.30. If no transfer is approved, the board shall pay the claims in the order granted only to the extent of the money remaining in the fund. The board may summarily pay the remaining claims after additional money is appropriated to or deposited in the fund.

Sec. 4. [115B.27] [HAZARDOUS SUBSTANCE INJURY COMPEN-

SATION BOARD.]

Subdivision 1. [ESTABLISHMENT OF BOARD.] The hazardous substance injury compensation board is established within the department of health. The board consists of three members appointed by the governor. One member must be a physician knowledgeable in toxicology; one member must be a member of the bar of this state; and one member must be a health professional knowledgeable in the area of hazardous substance injuries. The board shall annually elect a member to serve as chairman for a term of one year. Filling of vacancies on the board and removal of members are governed by section 15.0575.

Subd. 2. [MEMBERSHIP TERMS.] The initial members shall be appointed to terms as follows:

- (1) the first member appointed for six years;*
- (2) the second member appointed for four years;*
- (3) the third member appointed for two years.*

At the end of each member's term, the successor shall be appointed for six years and each successor thereafter shall be appointed for six years.

Subd. 3. [COMPENSATION AND EXPENSES.] The commissioner of employee relations shall establish the compensation or salary to be paid members of the board, based on the professional expertise and experience of the members and the workload of the board.

Sec. 5. [115B.28] [POWERS AND DUTIES OF THE BOARD.]

Subdivision 1. [DUTIES.] In addition to performing duties specified in sections 3 to 14 or in other law, the board shall:

(1) adopt rules, including emergency rules, as soon as practicable after all members are appointed, including rules governing practice and procedure before the board, the form and procedure for applications for compensation, and procedures for claims investigations;

(2) publicize the availability of compensation and application procedures on a statewide basis with special emphasis on geographical areas surrounding sites identified by the pollution control agency as having releases prior to July 1, 1983;

(3) collect, analyze, and make available to the public, in consultation with the department of health, the pollution control agency, the University of Minnesota medical and public health schools, and the medical community, data regarding injuries relating to exposure to hazardous substances; and

(4) prepare and transmit by December 31 of each year to the governor and the legislature an annual report to include (a) a summary of board activity under clause (3); (b) data determined by the board from actual cases, including but not limited to number of cases, actual compensation received by each claimant, types of cases, and types of injuries compensated, as they relate to types of hazardous substances as well as length of exposure; (c) all administrative costs associated with the business of the board; and (d) board recommendations for legislative changes, further study, or any other recommendation aimed at improving the system of compensation.

Subd. 2. [POWERS.] In addition to exercising any powers specified in sections 3 to 14 or in other law, the board may:

(1) in reviewing a claim, consider any information that the board determines is relevant to the claim;

(2) contract for consultant or other services necessary to carry out the board's duties under sections 3 to 14;

(3) grant reasonable partial compensation on an emergency basis pending the final decision on a claim, subject to the adoption of rules by the board, if the claim is one with respect to which an award will probably be made and undue hardship will result to the claimant if immediate payment is not made.

Subd. 3. [INVESTIGATION; OBTAINING INFORMATION.] The board may investigate any claim for compensation and for this purpose it may request from any person information regarding any matter, fact, or circumstance which is relevant to deciding the claim. In order to obtain this information the board, subject to any applicable privilege, may:

(a) request any person to produce documents, papers, books, or other tangible things in his possession, custody, or control;

(b) request the sworn testimony of any person as to any relevant fact or opinion;

(c) direct written questions to any person and request written answers and objections; and

(d) request a mental or physical examination or autopsy of the claimant.

The board shall give written notice of any request under this subdivision at least 15 days before the person is expected to comply with the request. If any person fails or refuses to comply with the request, the board may apply to a district court for an order to compel compliance with the request. The district court shall issue the order upon a showing of cause by the board, subject to applicable protective provisions of the rules of civil procedure.

Subd. 4. [ADMINISTRATIVE PERSONNEL AND SERVICES.] The commissioner of health shall provide for the administrative needs of the board as provided in this subdivision. The commissioner shall make available by separate budget to the board the staff services, funds for operation, and office space necessary to administer its functions. Upon request by the board, the commissioner shall hire or make available necessary employees and technical services. In order to perform its duties, the board may request information from the supervising officer of any state agency or state institution of higher education. The supervising officer shall comply with the board's request to the extent possible considering available agency or institution appropriations and may assign agency or institution employees to assist the board in performing its duties under sections 3 to 14.

Sec. 6. [115B.29] [ELIGIBLE INJURY AND PROPERTY DAMAGE.]

Subdivision 1. [ELIGIBLE PERSONAL INJURY.] (a) A personal injury is eligible for compensation from the fund if it is a medically verified injury, including a chronic or acute disease or death, which is related to exposure to a hazardous substance released from a site where the substance was deposited. An eligible personal injury includes but is not limited to cancer, genetic

mutations, behavioral abnormalities, physiological malfunctions, and physical deformations.

(b) A personal injury is not eligible for compensation from the fund if:

(1) the exposure took place outside the geographical boundaries of the state;

(2) the injury is one that is compensable under the workers compensation law, chapter 176;

(3) the injury arises out of the ordinary use of a consumer product; or

(4) it is the result of the release of a hazardous substance for which the injured or damaged party is a responsible person.

Subd. 2. [ELIGIBLE PROPERTY DAMAGE.] Damage to real property owned by the claimant is eligible for compensation from the fund if the damage results from the presence in or on the property of a hazardous substance released from a site where the substance was deposited. Damage to property is not eligible for compensation from the fund if it results from the release of a hazardous substance for which the claimant is a responsible person.

Subd. 3. [TIME FOR FILING CLAIM.] A claim is not eligible for compensation from the fund unless it is filed with the board within the time provided in this subdivision.

(a) A claim for compensation for personal injury must be filed within two years after the injury and its connection to exposure to a hazardous substance has been discovered.

(b) A claim for compensation for property damage must be filed within two years after the damage occurred.

Notwithstanding the provisions of this subdivision, claims for compensation that would otherwise be barred by the passage of time may be filed not later than January 1, 1988.

Sec. 7. [115B.30] [OTHER ACTIONS.]

Subdivision 1. [BY CLAIMANT.] Except as provided in subdivision 4, a claimant who receives compensation from the fund may bring a personal injury, wrongful death, or other action in court for damages not compensated by the fund. In any case where the final judgment does not exceed 25 percent of the amount previously recovered from the fund, the court may assess costs and fees, not including attorney fees, against the claimant. A decision by the board to grant or deny compensation is inadmissible as evidence in any court action brought by the claimant to recover for additional injury or damage, except that if a verdict or decision is rendered for the claimant, the court shall take judicial notice of any board decision granting compensation in determining whether or not fees must be assessed as provided in this subdivision, and in entering judgment shall reduce the total damages to the extent already compensated by the fund.

Subd. 2. [SUBROGATION BY STATE.] The state is subrogated to all the claimant's rights to recover losses compensated from the fund from other sources, including responsible persons as defined in section 115B.03. The state may bring a subrogation action in its own name or in the name of the

claimant. Money recovered by the state under this subdivision must be deposited in the fund.

Subd. 3. [JOINDER OF ACTIONS.] Nothing in subdivision 1 or 2 precludes joinder of actions brought by the state and a claimant or intervention in an action by any party.

Subd. 4. [SIMULTANEOUS CLAIM AND COURT ACTION PROHIBITED.] A claimant may not commence a court action to recover for any injury or damage for which the claimant seeks compensation from the fund during the time that a claim is pending before the board. A person may not file a claim with the board for compensation for any injury or damage for which the claimant seeks to recover in a pending court action. The time for filing a claim under section 6 or the statute of limitations for any civil action is suspended during the period of time that a claimant is precluded from filing a claim or commencing an action under this subdivision.

Sec. 8. [115B.31] [CLAIM FOR COMPENSATION.]

Subdivision 1. [FORM.] A claim for compensation from the fund must be filed with the board in the form required by the board. When a claim does not include all of the information required by subdivision 2 and applicable board rules, board staff shall notify a claimant of the absence of required information within 14 days of the filing of the claim. All required information must be received by the board not later than 60 days after the claimant received notice of its absence or the claim will be inactivated and may not be resubmitted for at least one year following the date of inactivation. The board may decide not to inactivate a claim under this subdivision if it finds serious extenuating circumstances.

Subd. 2. [REQUIRED INFORMATION.] A claimant must provide as part of the claim:

(1) a sworn verification by the claimant of the facts set forth in the claim to the best of the claimant's knowledge;

(2) evidence of the claimant's exposure to a named hazardous substance;

(3) evidence that the exposure experienced by the claimant causes or significantly contributes to injury of the type suffered by the claimant, except when the claim is based on an earlier decision of the board as provided in section 9, subdivision 3;

(4) evidence of the injury eligible for compensation suffered by the claimant and the compensable losses resulting from the injury;

(5) evidence of any property damage eligible for compensation and the amount of compensable losses resulting from the damage;

(6) information regarding any collateral sources of compensation; and

(7) other information required by the rules of the board.

Subd. 3. [DEATH CLAIMS.] In any case in which death is claimed as a compensable injury, the claim may be brought on behalf of the claimant by the individuals eligible for death benefits and by the claimant's estate for compensable medical expenses.

Sec. 9. [115B.32] [DETERMINATION OF CLAIM.]

Subdivision 1. [STANDARD FOR PERSONAL INJURY.] The board shall grant compensation to a claimant who shows that it is more likely than not that:

(1) the claimant suffers a medically verified injury that is eligible for compensation from the fund and that has resulted in a compensable loss;

(2) the claimant has been exposed to a hazardous substance in an amount and duration sufficient to cause or significantly contribute to injury of the type suffered by claimant; and

(3) the exposure of the claimant could reasonably have resulted from the release of the hazardous substance from an identified site where the substance was deposited.

Subd. 2. [STANDARD FOR PROPERTY DAMAGE.] The board shall grant compensation to a claimant who shows that it is more likely than not that:

(1) the claimant has suffered property damage that is eligible for compensation and that has resulted in compensable loss; and

(2) the presence of the hazardous substance in or on the property could reasonably have resulted from the release of the hazardous substance from an identified site where the substance was deposited.

Subd. 3. [EFFECT OF PRIOR DECISION; EXCEPTION.] (a) Except as provided in this subdivision, the board may not rely on an earlier decision granting or denying compensation as dispositive of any later claim.

(b) If the board finds that exposure to a particular hazardous substance in a particular amount, duration, and location causes or significantly contributes to an injury of the type suffered by a claimant, it may rely on that finding as dispositive of any future claim by another claimant who shows that it is more likely than not that he or she suffered the same type of injury and was exposed to the same hazardous substance in substantially the same amount, duration, and location.

Sec. 10. [115B.33] [COMPENSABLE LOSSES.]

Subdivision 1. [PERSONAL INJURY LOSSES.] Losses compensable by the fund for personal injury are limited to:

(a) medical expenses directly related to the claimant's injury;

(b) up to two-thirds of the claimant's lost wages not to exceed \$2,000 per month or \$24,000 per year;

(c) up to two-thirds of a self-employed claimant's lost income, not to exceed \$2,000 per month or \$24,000 per year;

(d) death benefits to dependents as follows:

(1) to a spouse with no dependent children, a sum equal to the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by 60 months;

(2) to a spouse with three or fewer dependent children, a sum equal to two-thirds of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by the number

of months remaining until the youngest dependent child attains the age of 18;

(3) to a spouse with four or more dependent children, a sum equal to three-fourths of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by the number of months remaining until the youngest dependent child attains the age of 18;

(4) to three or fewer dependent children when there is no surviving spouse, an amount as calculated in clause (2) but using one-half of the deceased claimant's lost wages or lost income as the base for the calculation;

(5) to four or more dependent children when there is no surviving spouse, an amount as calculated in clause (3) but using two-thirds of the deceased claimant's lost wages or lost income as the base for the calculation; and

(6) to any other individual who can show dependence on the deceased claimant, an amount equal to the amount of actual average monthly contribution made by the claimant to that individual prior to his or her inability to contribute or one-fourth of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, whichever is less, multiplied by 36 months. A person who cannot show actual dependence on the deceased claimant may not recover death benefits. For the purposes of all the provisions in clause (d), lost wages includes the value of lost household labor; and

(e) the value of household labor lost due to the claimant's injury or disease not to exceed \$2,000 per month or \$24,000 per year.

Subd. 2. [PROPERTY DAMAGE LOSSES.] Losses compensable by the fund for property damage are limited to the following loss caused by damage to the principal residence of the claimant: the reasonable cost of replacing or decontaminating the primary source of drinking water for the property to the extent actually expended by the claimant or assessed by a local taxing authority, if the department of health has determined that the water is contaminated or has included the property in a well advisory area and has certified that the replacement or decontamination of the source of drinking water effectively has or will eliminate the contamination, up to a maximum of \$25,000.

Sec. 11. [115B.34] [DETERMINATION OF CLAIMS.]

Subdivision 1. [ASSIGNMENT OF CLAIMS.] The chairman of the board shall assign each claim that has been accepted for filing to a member of the board.

Subd. 2. [PRELIMINARY DECISION.] The board member to whom the claim is assigned shall review all materials filed in support of the claim and may cause an investigation to be conducted into the validity of the claim. The board member may make a preliminary decision on the basis of the papers filed in support of the claim and the report of any investigation of it. The decision must be in writing and include the reasons for the decision.

Subd. 3. [CIRCULATION OF PRELIMINARY DECISION.] Copies of the preliminary decision made under subdivision 2 must be circulated to the other two board members as soon as practicable. On receipt of the preliminary decision, the other two members have 20 days to challenge it by written notice to the member who made the decision. If neither member challenges

the preliminary decision, a copy must be sent to the claimant who may challenge the decision by written notice to the board within 30 days of receipt of the decision. If no notice is received within the required time, the preliminary decision becomes a final decision of the board.

Subd. 4. [CHALLENGES.] If a board member or a claimant challenges a preliminary decision made pursuant to subdivision 2, the full board shall order the claimant to appear before the board. The appearance is not a contested case hearing under chapter 14. The claimant may produce further evidence to support the claim, including books, studies, reports, and any other written material and oral testimony of witnesses, including experts. The board members may ask questions of the claimant and any witnesses presented by the claimant. After the appearance, the board shall make a final decision on the claim as soon as practicable. The decision must be in writing and include the reasons for the decision. A copy of each final decision must be sent to the claimant, including, for a claim that is granted, an explanation of the form in which the claim will be paid.

Subd. 5. [RECORD.] Any appearance by a claimant or witnesses must be tape recorded but a formal record pursuant to chapter 14 is not required.

Subd. 6. [APPEAL.] A final decision of the board made pursuant to this section is conclusive on all matters decided. There is no right to judicial review of a final decision of the board.

Sec. 12. [115B.35] [AMOUNT AND FORM OF PAYMENT.]

If the board decides to grant compensation, it shall determine the net uncompensated loss payable to the claimant by computing the total amount of compensable losses payable to the claimant and subtracting the total amount of any compensation received by the claimant for the same injury or damage from other sources including, but not limited to, all forms of insurance and social security and any emergency award made by the board. The board shall pay compensation in the amount of the net uncompensated loss, provided that no claimant may receive more than \$250,000.

Compensation from the fund may be awarded in a lump sum or in installments at the discretion of the board.

Sec. 13. [115B.36] [ATTORNEY FEES.]

The board may by rule limit the fee charged by any attorney for representing a claimant before the board.

Sec. 14. [115B.37] [PARTIAL RECOUPMENT.]

At the end of each fiscal year, the board shall certify to the commissioner of revenue the amount expended from the fund to compensate persons injured by hazardous substances less amounts recovered under subrogation claims under section 7. The commissioner of revenue shall compute the rate of a surtax to be added to the hazardous waste generator tax in section 115B.22 which, collected over the next calendar year, will recoup 50 percent of the expenditures made from the fund during the previous fiscal year in excess of the subrogation claims recovered. The computation by the commissioner of the rate in this section shall not be considered a rule and shall not be subject to the administrative procedure act contained in chapter 14. The surtax is imposed effective January 1, 1987. Surtaxes collected under this section must

be deposited in the fund.

Sec. 15. [APPROPRIATION.]

Subdivision 1. [GENERAL.] \$2,000,000 is appropriated from the general fund to the hazardous substance injury compensation fund, to be available until expended.

Subd. 2. [ADMINISTRATIVE EXPENSES.] \$_____ is appropriated from the general fund to the commissioner of health to pay administrative costs of the hazardous substances injury compensation board, to be available until June 30, 1987. The complement of the department of health is increased by _____ positions which may be in the unclassified service.

Sec. 16. [REPEALER.]

Minnesota Statutes 1984, section 115B.07, is repealed."

Amend the title as follows:

Page 1, delete lines 2 to 5 and insert "relating to environment; creating a hazardous substance injury compensation fund; establishing a board to administer compensation; limiting compensable losses; prescribing claims procedures; allowing partial subrogation rights; providing for partial recoupment of expenditures from hazardous waste generators; removing statutory provision for causation for personal injury; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1984, section 115B.07."

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

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

S.F. No. 731: A bill for an act relating to courts; correcting references to the number of district court judges in law; providing for additional district court judgeships in the tenth judicial district; appropriating money; amending Minnesota Statutes 1984, section 2.722, subdivision 1.

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

Page 1, line 14, strike "two or more"

Page 2, delete lines 27 to 32 and insert "the supreme court for salaries and fringe benefits of the additional district court judges authorized under section 1."

Page 2, delete section 3

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

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

S.F. No. 895: A bill for an act relating to courts; providing for additional county court judgeships in the first judicial district; appropriating money; amending Minnesota Statutes 1984, section 487.01, subdivision 5.

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

as follows:

Page 3, delete lines 13 to 18 and insert "*supreme court for salaries and fringe benefits of the additional county court judges authorized under section 1.*"

Page 3, delete section 3

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

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

S.F. No. 862: A bill for an act relating to courts; providing conciliation court with jurisdiction to determine actions brought by educational institutions to recover student loans; amending Minnesota Statutes 1984, sections 487.30, by adding a subdivision; 488A.12, subdivision 3; and 488A.29, subdivision 3.

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

Page 1, line 25, delete "*of*" and insert "*sought in*" and delete "*loan sought to be recovered*" and insert "*action*"

Page 2, line 8, delete "*Nothwithstanding*" and insert "*Notwithstanding*"

Page 3, line 24, delete "*of*" and insert "*sought in*" and delete "*loan sought to be recovered*" and insert "*action*"

Page 3, line 33, delete "*Nothwithstanding*" and insert "*Notwithstanding*"

Page 5, line 12, delete "*of*" and insert "*sought in*" and delete "*loan sought to be recovered*" and insert "*action*"

Page 5, line 21, delete "*Nothwithstanding*" and insert "*Notwithstanding*"

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

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

H.F. No. 335: A bill for an act relating to corrections; removing certain information from the certified record for commitment of persons convicted of a felony or gross misdemeanor; amending Minnesota Statutes 1984, section 243.49.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

H.F. No. 274: A bill for an act relating to crimes; defining "*dangerous weapon*" to include flammable liquids; amending Minnesota Statutes 1984, section 609.02, subdivision 6.

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

as follows:

Page 1, line 12, delete the comma and strike "any"

Page 1, line 13, strike "which" and insert "that"

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

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

H.F. No. 565: A bill for an act relating to soil and water conservation; changing powers and duties of the state board; amending Minnesota Statutes 1984, section 40.03, subdivision 4.

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

Page 3, line 17, delete the new language

Page 3, delete line 18

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. 1374: A bill for an act relating to state parks; concession fees at Fort Snelling State Park.

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

Delete everything after the enacting clause and insert:

"Section 1. [FORT SNELLING LEASE RATE AND CANCELLATION.]

The commissioner of natural resources may not cancel the lease of areas of Fort Snelling state park under Minnesota Statutes, section 85.34, until December 31, 1990, if the lessee pays the lease rate provided in this section and abides by the other terms of the lease. The lease rate for the calendar year 1986 is \$3,500 and may be increased by the commissioner up to five percent each calendar year over the previous year until December 31, 1990. If the restoration under the lease is completed before December 31, 1990, the lease rate for the succeeding calendar year shall be as provided in the lease."

Delete the title and insert:

"A bill for an act relating to state parks; establishing lease rate for a certain part of Fort Snelling state park."

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. 791: A bill for an act relating to wild animals; altering provisions relating to taking and possession of certain animals; amending Minnesota Statutes 1984, sections 98.48, subdivision 5; 100.27, subdivisions 1, 3, and 4; and 100.29, subdivisions 15 and 25.

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

Page 3, line 14, delete everything before "*section*" and delete the comma

Page 3, line 15, delete "*which*"

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

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

S.F. No. 1037: A bill for an act relating to crimes; requiring notice of dishonor for issuing a worthless check to cite laws creating civil and criminal liability; amending Minnesota Statutes 1984, sections 332.50, subdivisions 2 and 3; and 609.535, subdivision 3.

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

Page 1, line 14, after "609.535" insert "*, and a description of the penalties contained in these sections,*"

Page 2, line 6, after "609.535" insert "*, and a description of the penalties contained in these sections,*"

Page 2, line 36, after "*to*" insert "*and a description of the penalties in*"

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

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

H.F. No. 511: A bill for an act relating to crimes; clarifying the elements of the crime of assault in the second degree; amending Minnesota Statutes 1984, section 609.222.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

H.F. No. 657: A bill for an act relating to dissemination of data; prohibiting public access to data identifying certain youthful victims of criminal sexual behavior; amending Minnesota Statutes 1984, section 609.3471.

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

Page 1, line 20, after "*to*" insert "*any other data contained in*" and delete "*actual*"

Page 1, line 21, delete "*or to*" and insert "*including*"

Page 1, delete section 2

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

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

H.F. No. 374: A bill for an act relating to crimes; providing that persons guilty of failing to comply with fire security measures are guilty of obstructing legal process; redefining arson in the second and third degrees and negligent fires; prescribing penalties; amending Minnesota Statutes 1984, sections 299F.08, by adding a subdivision; 609.562; 609.563; and 609.576; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Page 1, line 17, delete "*appropriate*"

Page 1, line 19, delete "*being*"

Page 1, line 25, delete "*above*" and after "*measures*" insert "*under this subdivision*"

Page 2, line 35, delete "*he*" and insert "*the person*"

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

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

S.F. No. 459: A bill for an act relating to probate; clarifying provisions relating to the award of costs in guardianship and conservatorship proceedings; providing for the payment of reasonable fees and expenses for certain guardians and conservators; amending Minnesota Statutes 1984, section 525.703.

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

Page 2, line 16, delete everything after the period

Page 2, line 17, delete everything before the second "*the*" and insert "*The court may not deny an award of fees solely because*"

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

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

H.F. No. 461: A bill for an act relating to courts; providing that Ramsey municipal court judges shall set salaries of conciliation court referees in Ramsey county; amending Minnesota Statutes 1984, section 488A.30, subdivision 1.

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

Page 2, line 10, delete "*Ramsey county*" and insert "*final enactment.*"

Page 2, delete line 11

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

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

H.F. No. 140: A bill for an act relating to financial institutions; providing for deposits by minors and deposits in multi-party accounts; regulating multi-party accounts; amending Minnesota Statutes 1984, sections 48.30; 52.13; 528.02, subdivisions 3, 6, 8, and 11; 528.04; 528.05; 528.06; 528.07; 528.08; 528.09; 528.10; 528.11; 528.13; and 528.15; proposing coding for new law in Minnesota Statutes, chapters 48, 51A, and 52; repealing Minnesota Statutes 1984, sections 51A.26; 51A.28; 528.02, subdivision 15; and 528.12.

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

Page 9, line 1, after the period, insert "A minor may be a party to a joint account."

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

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

S.F. No. 1077: A bill for an act relating to courts; providing for reimbursement of residents required to testify in another state in criminal cases; amending Minnesota Statutes 1984, section 634.06.

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 634.06, is amended to read:

634.06 [RESIDENTS REQUIRED TO TESTIFY IN ANOTHER STATE.]

If (a) Upon presentation of a certificate from a judge of a court of record in any state which by its laws has made provision for commanding that may require persons within that state to attend and testify in criminal actions or grand jury investigations in this state certifies under the seal of such court stating that (1) there is a criminal action pending in such the court, or that a grand jury investigation has commenced or is about to be commenced; that; (2) a person being within this state is a material witness in such the action; or grand jury investigation; and that his (3) the person's presence will be required for a specified number of days at the trial of such action; or at such grand jury investigation; upon presentation of such certificate to any; a judge of the district court of the county in which such where the person resides, or the county in which such where the person is found if not a resident of this state, such judge shall fix set a time and place for a hearing and shall notify the witness person of such the time and place.

(b) If at the hearing the judge determines that (1) the person is a material and necessary witness is material and necessary; either for the prosecution or the defense in such criminal action; or for the purpose of the grand jury inves-

igation; that; (2) it will not cause undue hardship to the witness person to be compelled to attend and testify in the action, or grand jury investigation, in the other state; and that (3) the laws of the state in which where the action is pending, or the grand jury investigation has commenced or is about to be commenced, person will testify and of any other state through which that the witness person may be required to pass through by ordinary course of travel will give to him provide protection from arrest and the service of civil and criminal process; he; the judge shall make an order, with a copy of the certificate attached, directing the witness person to attend and testify in the court where the action is pending, or the place where such grand jury has commenced or is about to be commenced, at a the time and place specified in the certificate.

(c) If the witness person, who is named in such order as above provided after being paid or tendered by some properly an authorized person the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the action is pending, or the place where such grand jury investigation has commenced or is about to be commenced, reasonable travel and lodging expenses and \$5 \$25 for each day that he the person is required to travel and attend as a witness, fails without good cause to attend and testify as directed by such the order, he shall be the person is guilty of constructive contempt of court, and shall be punished according to law."

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

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

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.

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

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

H.F. No. 835: A bill for an act relating to driver's licenses; allowing same time for expiration of driver's license for spouse of active duty member of armed forces; amending Minnesota Statutes 1984, section 171.27.

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

Page 2, line 9, before the period, insert "*provided that a spouse's license must be renewed if the spouse is residing within the state at the time the license expires or within 90 days after the spouse returns to Minnesota and resides within the state*"

Page 2, delete lines 10 to 12

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. 1198: A bill for an act relating to the environment; providing a PCB amnesty program; prohibiting installation of PCB products in public buildings; requiring PCB products to be removed from public buildings according to a schedule; providing for notification of fire departments of PCB products; providing for burning of PCB oil; appropriating money; amending Minnesota Statutes 1984, sections 116.36, subdivision 1, and by adding subdivisions; and 116.37, subdivisions 1, 2, 3, 4, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Page 2, line 9, before "PCB" insert "the"

Page 4, after line 10, insert:

"Sec. 11. Minnesota Statutes 1984, section 116.37, subdivision 5, is amended to read:

Subd. 5. [PENALTIES.] Violations of sections 116.36, 116.37, section 12, and 116D.045 shall be are subject to the provisions of section 115.071."

Page 4, delete lines 26 to 29

Page 4, line 30, delete "4." and insert "3."

Page 4, line 31, after "PCB" insert " , that can be repaired to contain less than one kilogram of PCB,"

Page 4, line 32, delete "The"

Page 4, delete line 33 and insert "PCB products that are removed and cannot be repaired to contain less than one kilogram of PCB may not be reinstalled."

Page 4, line 36, delete "specifications" and insert "standards"

Page 5, line 10, before the period, insert "and may prohibit the burning of PCB oil if the director determines that the facility cannot maintain United States Environmental Protection Agency standards"

Page 5, delete lines 12 to 20 and insert:

"\$_____ is appropriated from the general fund to the pollution control agency for administration of the PCB exemption program to be available until June 30, 1987."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after "oil;" insert "providing penalties;"

Page 1, line 10, after "4," insert "5,"

And when so amended the bill do pass and be re-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

H.F. No. 517 for comparison with companion Senate File, reports the fol-

lowing 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.
				517	519

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. 1235 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.
1235	1062				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1235 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1235 and insert the language after the enacting clause of S.F. No. 1062, the first engrossment; further, delete the title of H.F. No. 1235 and insert the title of S.F. No. 1062, the first engrossment.

And when so amended H.F. No. 1235 will be identical to S.F. No. 1062, and further recommends that H.F. No. 1235 be given its second reading and substituted for S.F. No. 1062, 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. 649 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.
649	670				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secre-

tary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

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

H.F. No. 1199 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.
1199	1167				

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. 907 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.
907	689				

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. 1226 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.
1226	1075				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1226 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1226 and insert the language after the enacting clause of S.F. No. 1075, the first engrossment; further, delete the title of H.F. No. 1226 and insert the title of S.F. No. 1075, the first engrossment.

And when so amended H.F. No. 1226 will be identical to S.F. No. 1075, and further recommends that H.F. No. 1226 be given its second reading and substituted for S.F. No. 1075, 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.

SECOND READING OF SENATE BILLS

S.F. Nos. 862, 1374, 791, 1037, 459 and 1077 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 335, 274, 565, 511, 657, 374, 461, 140, 951, 835, 517, 1235, 649, 1199, 907 and 1226 were read the second time.

MOTIONS AND RESOLUTIONS

Ms. Reichgott moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 1037. The motion prevailed.

Mr. DeCramer moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1454. The motion prevailed.

Mr. Ramstad moved that the name of Ms. Olson be added as a co-author to S.F. No. 1479. The motion prevailed.

Messrs. Frederickson and Renneke introduced—

Senate Resolution No. 70: A Senate resolution commending Verna Ziegenhagen of the Le Sueur Independent School District on 50 years of effective, devoted, and inspirational teaching.

Referred to the Committee on Rules and Administration.

Mr. Ramstad introduced—

Senate Resolution No. 71: A Senate resolution congratulating and thanking the Apollo Club Male Chorus.

Referred to the Committee on Rules and Administration.

Mr. Willet moved that S.F. No. 295, No. 2 on the Calendar, be stricken and placed at the top of General Orders. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Storm introduced—

S.F. No. 1492: A bill for an act relating to occupations and professions; regulating the licensing of salons for estheticians; amending Minnesota Statutes 1984, section 155A.08, subdivision 2.

Referred to the Committee on Economic Development and Commerce.

Mr. Purfeerst introduced—

S.F. No. 1493: A bill for an act relating to taxation; sales and use; permitting a deduction for the costs of collection and remittance; amending Minnesota Statutes 1984, section 297A.26, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Chmielewski, Bernhagen, Samuelson, Davis and Frederickson introduced—

S.F. No. 1494: A bill for an act relating to taxation; income; allowing a credit for electric heat storage furnaces; extending the residential energy credit; amending Minnesota Statutes 1984, section 290.06, subdivision 14.

Referred to the Committee on Energy and Housing.

MEMBERS EXCUSED

Mr. Hughes and Ms. Olson were excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:45 p.m., Wednesday, April 17, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate